



City of Oakland

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

Meeting Minutes - DRAFT

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

Tuesday, October 20, 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.

5

MEETING OF THE
OAKLAND CITY COUNCIL
NOV 10 2020

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/81565310897> 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: 815 6531 0897

If asked for a participant ID or code, press #.

COMMENT:

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 1:32 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.

169 speakers spoke during public comment

A motion was moved, seconded and carried to extend the meeting past 6:30 p.m.

2 CONSENT CALENDAR (CC) ITEMS:

The Council Committee made a motion to withdraw items 2.16 and 2.21 from Consent portion of the agenda and move them to the Non-Consent portion of the agenda

Approval of the Consent Agenda

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

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

NO VOTE: 0

- 2.1** Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired Immunodeficiency Syndrome ("AIDS") Epidemic
20-0715

Attachments: [View Report](#)

[88322 CMS](#)

This City Resolution was Adopted.

- 2.2** Subject: Declaration Of Medical Cannabis Health Emergency
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland
20-0716

Attachments: [View Legislation](#)

[88323 CMS](#)

This City Resolution was Adopted.

- 2.3** Subject: Declaration Of A Local Emergency On Homelessness
From: Council President Kaplan
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's
Declaration Of A Local Emergency Due To The Existence Of The City's Homelessness
Crisis
20-0717

Attachments: [View Report](#)

[88324 CMS](#)

This City Resolution was Adopted.

- 2.4** Subject: DOJ Coronavirus Emergency Funding 2020 Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee
To Accept And Appropriate The Fiscal Year (FY) 2020 U.S Department Of Justice
"Coronavirus Emergency Supplemental Fund" Grant In The Amount Of One Million Three
Hundred Thirty Thousand Five Hundred Eighty-Two Dollars (\$1,330,582), To Purchase:
1) Community Resource Safety Vehicles (CRVS); 2) A Decontamination Trailer; And 3)
Personal Protective Equipment (PPE) And Sanitation Supplies During The Grant Period
Of January 20, 2020 Through January 31, 2022
20-0637

Attachments: [View Report](#)

[View Legislation](#)

[88325 CMS](#)

This City Resolution was Adopted.

- 2.5** Subject: BAAQMD Inclusion Of Oakland Representation
From: Council President Kaplan
Recommendation: Adopt A Resolution Seeking Appointment Of A City Of Oakland
Councilmember To Represent The City Of Oakland, A Community Heavily Impacted By
Air Pollution, On The Board Of The Bay Area Air Quality Management District (BAAQMD)
20-0667

Attachments: [View Memo](#)

[View Legislation](#)

[88326 CMS](#)

This City Resolution was Adopted.

2.6 The Item Regarding "On-Call Horizontal Concrete Shaving Professional Service Agreement" Was Removed From This Agenda By The October 15, 2020 Rules And Legislation Committee

2.7 Subject: 2020 As-Needed Pavement Rehabilitation Services
From: Transportation Department
Recommendation: Adopt A Resolution Awarding A Construction Contract To 1) Gallagher & Burk, The Lowest Responsive And Responsible Bidder, And Waiving Advertising And Competitive Bidding And Authorizing The City Administrator To Negotiate And Award Construction Contracts To 2) McGuire & Hester 3) Teichert Construction And 4) O.C. Jones & Sons, The Second, Third, And Fourth Lowest Responsive And Responsible Bidders, Provided That All Meet The Contractor's Bid Schedule Of The Lowest Bid Of Gallagher & Burk, For As-Needed Pavement Rehabilitation Services In Accord With The Project Plans And Specifications And The Lowest Bid In An Amount Not To Exceed Twelve Million, Six Hundred And Eighty-Six Thousand, Two Hundred Dollars (\$12,686,200.00); Each
20-0701

Attachments: [View Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Legislation](#)
[88327 CMS](#)

This City Resolution was Adopted.

2.8 Subject: 2020 Tobacco Law Enforcement Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into An Agreement With The California Department Of Public Health (CADOPH) To Clarify "Stop Tobacco Access To Kids Enforcement (Stake)" Grant Program Requirements, And Accept And Appropriate One Hundred Eighty Thousand Dollars (\$180,000) For A Three-Year CADOPH Stake Grant; And Authorizing The General-Purpose Services Fund To Contribute Twenty-Seven Thousand Nine Hundred Dollars (\$27, 900) To Cover The Associated Central Services Overhead Costs
20-0697

Attachments: [View Report](#)
[View Legislation](#)
[88328 CMS](#)

This City Resolution was Adopted.

- 2.9** Subject: 2020 Mills Act Contracts Recommendations
From: Planning And Building Department
Recommendation: Adopt A Resolution, As Recommended By The Landmarks Preservation Advisory Board Pursuant To Ordinance No. 12987 C.M.S., (1) Approving Ten (10) Mills Act Contracts, Between The City Of Oakland And The Properties At 676 Longridge Road, 322 Broadway, 1186 Trestle Glen Road, 926 Rosemount Road, 2804 Adeline Street, 724 Campbell Street, 326-28 Henry Street, 5738 Picardy Drive, 669-71 24th Street/674 23rd Street, And 369 Macarthur Boulevard, To Provide Property Tax Reductions In Exchange For Owners' Agreement To Repair And Maintain Historic Properties In Accordance With Submitted Work Programs; And (2) Approving Total City Tax Revenue Reduction Estimated To Be Above \$25,000 Per Year
20-0696

Attachments: [View Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Attachment C](#)
[View Legislation](#)
[88329 CMS](#)

This City Resolution was Adopted.

- 2.10** Subject: FY2020-21 Cultural Funding Grants-Round One
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Awarding Cultural Services Grants To Twenty-Six (26) Oakland-Based Nonprofit Organizations Providing Arts And Cultural Services In Oakland For Fiscal Year 2020-21 (Round One), In A Total Amount Not To Exceed \$643,299
20-0695

Attachments: [View Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Attachment C](#)
[View Legislation](#)
[88330 CMS](#)

This City Resolution was Adopted.

2.11 Subject: Apply For CalHome 2020 Grant, Appropriate CalHome Revenue
From: Housing & Community Development Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator Or His Or Her Designee To Apply For, Accept And Appropriate Grant Funds From The California Department Of Housing And Community Development Calhome 2020 Notice Of Funding Availability In An Amount Not To Exceed \$5 Million; And

20-0693

Attachments: [View Report](#)
[View Attachment A](#)
[View Legislation](#)
[88331 CMS](#)

This City Resolution was Adopted.

2) A Resolution Authorizing The Periodic Reappropriation Of CalHome Program Repayment Revenues To Make New CalHome Program Loans Under The CalHome Program For A Period Of Fiveyears Without Returning To Council

20-0694

Attachments: [View Legislation](#)
[88332 CMS](#)

This City Resolution was Adopted.

2.12 Subject: SAVE Workforce Development Timeframe Extension
From: Human Services Department
Recommendation: Adopt A Resolution To: 1. Amend Resolution No. 87834 C.M.S. To Extend The Grant Award Term End Date To S.A.V.E Center For Community Change And Empowerment (S.A.V.E.) To June 30, 2021; And 2. Increase The Grant Award Amount To S.A.V.E. If Additional General Purpose Funding Becomes Available For The Same Purpose Within The Extended Grant Term, Without Returning To Council
20-0621

Attachments: [View Report](#)
[View Legislation](#)
[88333 CMS](#)

This City Resolution be Adopted.

- 2.13** Subject: City Of Oakland V. Monsanto Company, Pharmacia Corp., Solutia Inc.
From: Office Of The City Attorney's
Recommendation: Adopt A Resolution Ratifying The City Attorney's Action To Compromise And Settle The Case Of City Of Oakland V. Monsanto Company, Solutia Inc., Pharmacia Corporation And Does 1-100, United States District Court Case No. 15-CV-05152-EJD, City Attorney File No. X04184, For Payment To The City Of Oakland In The Amount Of Seven Million Two Hundred Twenty-Two Thousand Four Hundred Twenty-Four Dollars And No Cents (\$7,222,424.00) Arising From Environmental Contamination By Polychlorinated Biphenyls ("PCBS") (Public Works Department- Public Nuisance)
20-0704

Attachments: [View Report](#)
[View Legislation](#)
[88334 CMS](#)

This City Resolution was Adopted.

- 2.14** Subject: Rent Adjustment Ordinance Amendment To Alleviate Rent Program Backlog
From: Housing And Community Development
Recommendation: Adopt An Ordinance Amending The Rent Adjustment Ordinance (O.M.C. 8.22.010 Et Seq.) To Create Efficiency And Reduce Appeal Times By (1) Authorizing A Single Appeal Officer To Hear Select Appeals; (2) Establishing More Stringent Attendance Requirements For Board Members; (3) Limiting Oral Argument Time On Appeals; And (4) Requiring Parties To Serve Petitions
20-0606

Attachments: [View Report](#)
[View Ordinance](#)
[View Supplemental Legislation - 9/25/2020](#)
[13618 CMS](#)

This Ordinance was Approved for Final Passage.

- 2.15** Subject: Establishing the Measure KK Oversight Public Committee
From: Finance Department
Recommendation: Adopt An Ordinance Establishing Pursuant To City Of Oakland Charter Section 601 The Affordable Housing & Infrastructure (Measure KK) Public Oversight Committee And Prescribing The Functions, Duties, Powers, And Terms Of Its Members
20-0647

Attachments: [View Report](#)
[View Legislation](#)
[View Supplemental Report - 10/02/2020](#)
[13619 CMS](#)

This Ordinance was Approved for Final Passage.

- 2.17** Subject: Suspending Sanctions Against Cuba To Address The Covid 19
From: President Pro Tempore Kalb
Recommendation: Adopt A Resolution Supporting Medical And Scientific Collaboration Between The City Of Oakland And The Country Of Cuba To Address The Covid-19 Pandemic And Urging The United States Congress To Remove Restrictions On Collaboration By Suspending Economic And Travel Sanctions Against Cuba
20-0712

Attachments: [View Legislation](#)
[View Supplemental Legislation - 10/16/2020](#)
[88335 CMS](#)

This City Resolution was Adopted.

- 2.18** Subject: Opposition To Proposition 22
From: Council President Kaplan
Recommendation: Adopt A Resolution In Opposition Of Proposition 22, A Ballot Measure To Exempt App-Based Transportation And Delivery Companies From Providing Employee Benefits To Certain Drivers
20-0719

Attachments: [View Report](#)
[View Legislation](#)
[88336 CMS](#)

This City Resolution was Adopted.

- 2.19** Subject: The City Of Oakland And Prologis CCIG Oakland Global Settlement
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Ordinance No. 13131, That Among Other Things, Authorized The Lease Of Property At Oakland Army Base For Billboards Under The Oakland Army Base Billboard Franchise And Lease Agreement Dated October 23, 2012 ("Master Agreement") Between The City Of Oakland ("City") And Prologis CCIG Oakland Global, LLC ("Master Tenant"), To: (1) Authorize The Settlement Of A Dispute Regarding The Methodology For Calculating Certain Percentage Rent By Splitting The Difference Between The City's And Master Tenant's Positions, Commencing As Of October 1, 2020 And Continuing Through The End Of The Master Agreement Term ("Settlement"); And (2) Approve And Authorize The City Administrator To Execute A First Amendment To The Master Agreement And Such Other Documents Necessary To Effectuate The Settlement
20-0721

Attachments: [View Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Attachment C](#)
[View Legislation](#)
[View Exhibit A - Lease Amendment](#)
[View Exhibit B - Settlement Agreement](#)

This matter was Approved On Introduction and Scheduled for Final Passage to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, due back on 11/10/2020

- 2.20** Subject: Brady Murphy V. City Of Oakland, Et Al.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Brady Murphy V. City Of Oakland, Torres Rowena R, Crowd Fund Investment Group And Does 1 Through 20, Inclusive, Alameda County Superior Court Case No. RG18908476, City Attorney's File No. 31493, In The Amount Of Forty Thousand Dollars And Zero Cents (\$40,000.00) (Public Works - Dangerous Condition)
20-0713

Attachments: [View Report](#)
[View Legislation](#)
[88337 CMS](#)

This City Resolution was Adopted.

S2.22 Subject: Resolution Congratulating And Honoring Renee Sykes
From: Councilmember Thao And The City Administrator
Recommendation: Adopt A Resolution Congratulating And Honoring Renee Sykes On
Her Retirement And Years Of Exemplary Service To The City Of Oakland
20-0729

Attachments: [View Report](#)
[88337 CMS](#)

The Mayor and Vice Mayor Reid requested to be added as Co-Sponsors

This City Resolution was Adopted.

S2.23 Subject: October 2020 Domestic Violence Awareness Month
From: President Pro Tem Kalb, Councilmember Thao And McElhaney
Recommendation: Adopt A Resolution Proclaiming October 2020 Domestic Violence
Awareness Month In The City Of Oakland
20-0732

Attachments: [View Report](#)
[88339 CMS](#)

This City Resolution was Adopted.

**3 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING
REQUIREMENTS:**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

S2.21 Subject: Police Commission Appointments
From: Office Of The Mayor
Recommendation:
[OLD TITLE]

Adopt A Resolution Confirming The Mayor's Appointment Of James Jackson To Serve On The Oakland Police Commission As Commissioner, And Brian Hauck To Serve On The Police Commission As Alternate Commissioner

[NEW TITLE]

Adopt A Resolution Confirming The Mayor's Appointment Of James Jackson To Serve On The Oakland Police Commission As Commissioner; On The December 1, 2020 City Council Agenda On Consent
20-0677

Attachments: [View Report](#)
[View James Jackson Application](#)
[View Brian Hauck Application](#)
[View Legislation](#)
[View Supplemental Resume: Jackson 10/2/2020](#)
[View Supplemental Resume: Hauck 10/2/2020](#)
[View Supplemental Memo - 10/09/2020](#)

A motion was made by Rebecca Kaplan, seconded by Noel Gallo, that this matter be Withdrawn with No New Date. The motion carried by the following vote:

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

NO VOTE: 0

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

A motion was made by Larry Reid, seconded by Sheng Thao, 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

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF SEPTEMBER 29,
2020 AND OCTOBER 6, 2020
20-0718

Attachments: [View Report - 9/29/2020](#)

[View Report - 10/6/2020](#)

A motion was made by Larry Reid, seconded by Sheng Thao, that this matter be
Approved. The motion carried by the following vote:

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

Absent: 1 - McElhanev

NO VOTE: 0

6 Subject: COVID-19 Emergency Response
From: Oakland Fire Department
Recommendation: Receive An Informational Report From The Oakland Fire
Department's Emergency Management Services Division On The Emergency Response
And The Creation Of Clean Air Buildings For Use Of The Community During The
COVID-19 Shelter In Place Emergency
20-0608

Attachments: [View Report](#)

[View Supplemental Report - 9/11/2020](#)

[View Supplemental Report -10/16/2020](#)

A motion was made by Nikki Bas, seconded by Rebecca Kaplan, that this matter
be Received and Filed. The motion carried by the following vote:

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

NO VOTE: 0

7 Subject: Gun Violence Top Law Enforcement Priority
From: Council President Kaplan
Recommendation: Adopt A Resolution Declaring Gun Violence Prevention To Be The
Top Law Enforcement Priority For The City Of Oakland Through The Decrease Of Illegal
Guns And Gun Violence By Effective Means Such As The Increase Of Gun And Shell
Casing Tracing, Improved Response To Notifications Of Shootings, Prioritization Of
Actions To Stop And Respond To Gun Crime And Provision Of An Informational Report
On Gun Response, Including Response Times To Notifications Of Shootings And Armed
Robberies
20-0670

Attachments: [View Memo](#)
[View Report](#)
[View Legislation](#)
[View Supplemental Report -10/16/2020](#)
[View Supplemental Report - Kaplan 10/16/2020](#)
[View Supplemental Memo - Taylor 10/16/2020](#)
[88340 CMS](#)

A motion was made by Dan Kalb, seconded by Nikki Bas, 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

2.16 Subject: Sidewalk Repair Ordinance Enforcement Suspension
From: Vice Mayor Reid
Recommendation: Adopt An Ordinance Approving A 90-Day Suspension Of
Enforcement Of Oakland Sidewalk Repair Ordinance No. 13549 C.M.S And Request For
Two (2) Reports
20-0709

Attachments: [View Report](#)

[View Legislation](#)

[View Legislation - Notice & Digest](#)

[View Supplemental Legislation - 11/6/2020](#)

[View Supplemental Legislation - Notice & Digest 11/6/2020](#)

[View Supplemental Legislation -11/6/2020](#)

[View Supplemental Notice & Digest -11/6/2020](#)

Council Committee approved recommendations as amended to include the following:

1. Section 1 Page 2, strike 90 add 60

2. Section 2 Page 2, strike 75 add 50

noting the effective date to be November 10, 2020 upon the affirmative vote of at least 6 Councilmember.

A motion was made by Larry Reid, seconded by Sheng Thao, that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 11/10/2020. The motion carried by the following vote:

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

NO VOTE: 0

- 8 Subject: 2020 Supplemental Encampment Management Policy
 From: The Life Enrichment Committee
 Recommendation: Adopt A Resolution Adopting The Administration's Proposed
 Encampment Management Policy, To Be Implemented Upon Adoption By The
 Administration [TITLE CHANGE]
 20-0239

Attachments: [View Report](#)

[View Attachment A](#)

[View Attachment B](#)

[View Report - Taylor](#)

[View Attachment B - Taylor](#)

[View Supplemental Report - 9/11/2020](#)

[View Supplemental Report - Attachment A 9/11/2020](#)

[View Supplemental Report - Attachment B 9/11/2020](#)

[View Supplemental Report - Attachment C 9/11/2020](#)

[View Supplemental Report - Attachment D 9/11/2020](#)

[View Supplemental Legislation - 9/11/2020](#)

[View Supplemental Report - Exhibit A 9/11/2020](#)

[View Supplemental Legislation - 9/18/2020](#)

[View Supplemental Report - Exhibit A 9/18/2020](#)

[View Supplemental Letter 10/8/2020](#)

[View Supplemental Report - Bas 10/16/2020](#)

[View Supplemental Report - FULL SUPPORT 10/16/20/2020](#)

[View Supplemental Report - Support for the Oakland Homeless
Encampment Management 10/16/2020](#)

[View Supplemental Report - Support 10/16/2020](#)

[View Supplemental Report - We Support The New Encampment
Management Policy 10/16/2020](#)

[View Supplemental Report - Writing In Support 10/16/2020](#)

[View Supplemental Report - Writing In Support Of Encampment
Management Policy 10/16/2020](#)

[View Supplemental Staff Report - 10/16/2020](#)

[View Supplemental Attachment A - 10/16/2020](#)

[View Supplemental Attachment B - 10/16/2020](#)

[View Supplemental Attachment C - 10/16/2020](#)

[View Supplemental Attachment D - 10/16/2020](#)

[View Supplemental Attachment E - 10/16/2020](#)

[View Supplemental Attachment F - 10/16/2020](#)

[View Supplemental Attachment G - 10/16/2020](#)

[View Supplemental Attachment H - 10/16/2020](#)

[View Supplemental Attachment I - 10/16/2020](#)

[View Supplemental Attachment J - 10/16/2020](#)

[View Supplemental Attachment K - 10/16/2020](#)

[View Supplemental Legislation - 10/16/2020](#)

[View Supplemental Exhibit A -10/16/2020](#)

88341 CMS

Councilmember McElhaney made a motion seconded by Councilmember Taylor to approve the finding on item 8 for the following reasons: That there is a need to take immediate action and that the need to take action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;

Council Committee approved recommendations as amended to include the following:

FROM COUNCILMEMBER MCELHANEY:

- 1. Directing The City Administration to immediately work to establish part of the currently unused acreage of the Army Base Site as a place to be for homeless residents living in high sensitivity areas of District 3. Accommodating both RVs and people living in tents on an emergency basis until negotiations with future tenants are completed.*
- 2. Directing The City Administration to identify comparable areas across all seven districts to host encampments. Where public spaces are not available, the City may work with private organizations, such as churches to use their site for camping.*
- 3. Prioritize the encampment on Martin Luther King Jr. Way heading north from Grant Avenue for immediate services. Disallow camping along the west side of that stretch of Martin Luther King Jr. Way and in the bike lane on both sides of the street.*

FROM PRESIDENT PRO TEMPORE KALB & COUNCILMEMBER THAO:

- 4. 1st Page 2nd WHEREAS adding to the end of the paragraph: with over half of these encampments considered of significant size.*
- 5. 1st Page after the 5th WHEREAS adding: WHEREAS this encampment management policy is related to the second prong of the City's three-prong to addressing our homelessness crisis, which includes: (1) prevention incorporating our keep Oakland House programs, (2) crisis management and response, and (3) long-term housing for our unhoused residents;and*
- 6. 2nd Page 3rd WHEREAS, adding to the end of the paragraph: except that it is understood that during the current COVID-19 emergency, increased risk of exposure to the virus shall be a vital consideration as part of implementation of this Policy*
- 7. 2nd Page 1st FURTHER RESOLVED after the word provide add: an implementation update to the Council's Life Enrichment Committee within four months after Council adoption followed by, and after City Council add:and the public.*
- 8. 2nd Page after the 1st FURTHER RESOLVED add 2 new FURTHER RESOLVED CLAUSES:*

FURTHER RESOLVED: That the Homeless Advisory Commission shall review the policy and implementation plan, and provide recommendations to the Life Enrichment Committee within four months after Council adoption and annually thereafter;

and

FURTHER RESOLVED: That, in accordance with the City Charter, the City Administrator or their designee shall be responsible for overall implementation of this policy and for directing coordination among city departments, and shall engage the new Homeless Advisory Commission for input and advice on implementation of this policy; and

REVISIONS TO EXHIBIT A

9. Page 3 under High-Sensitivity Areas add to first sentence after parks: particularly those with playground structures or tot lots and at the beginning of the 3rd sentence add Parks with playground structures or tot lots, or that host City-sponsored programs or classes for children, shall be the City's highest priority high-sensitivity areas and to the 4th sentence after allow add smaller.

10. Page 4, 1st bullet after the word sidewalk add: (at least on one side of the street); 3rd bullet after the word of add: an elementary, middle or pre-; after the word school add: or child care center, and 100 feet from a high school.; 6th bullet add: Within 50 feet of a retail; after the word business add: and 50 feet from the main entrance and any emergency exits from all other businesses, including places of worship.; 7th bullet after the word a add: city park or other public land that has a children's; after the word playground add: play structure,; after the word lot add: or recreation center in which children participate in city-sponsored programs/classes* (*Other public parks that contain ball fields, basketball courts or tennis courts shall be discouraged as encampments, but not initially considered high-sensitivity locations.).

11. Page 4 under B. Low-Sensitivity Areas at the end of the 3rd bullet add: consistent with goal of limiting encampments to one side of the street

FROM COUNCILMEMBER BAS:

12. Adding: **FURTHER RESOLVED:** That the Homeless Audit findings shall be incorporated into the informational report to the Life Enrichment Committee four months after Council adoption of the policy;

13 Adding: **FURTHER RESOLVED:** That any recommendations from the Reimagining Public Safety Task Force regarding police response or involvement in homeless issues and police alternatives related to homeless issues shall be considered for incorporation into the policy and for adoption in the FY 2021 - 2023 budget process;

REVISIONS TO EXHIBIT A

14 Adding to Policy, IV. Compliance: Launch at least one co-governed encampment pilot on public land within the next four months, working

collaboratively with the unhoused community to design the program, advocates, housed and business neighbors and the Councilmember of the district.

A motion was made by Lynette McElhaney, 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

- 9 Subject: California Waste Solutions Exclusive Negotiating Agreement
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Execute An Amendment To The Exclusive Negotiating Agreement (ENA) With California Waste Solutions (CWS), Extending The ENA For A Period Of Three Months, With One Administrative Option For An Additional Three-Month Extension, Subject To Payment Of A Non-Refundable Extension Fee Of \$20,000, To Allow The Parties To Complete The Negotiation Of A Development And Disposition Agreement For The Relocation Of CWS'S Existing West Oakland Recycling Uses To A Portion Of The North Gateway Parcels Located At The Former Oakland Army Base
20-0668

Attachments: [View Report](#)
[View Legislation](#)
[88342 CMS](#)

A motion was made by Noel Gallo, seconded by Lynette McElhaney, 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

- 10 Subject: 3455 And 3461 Champion Street DDA Amendment
From: Economic And Workforce Development Department
Recommendation: Adopt An Ordinance To Authorize A First Amendment To The Disposition And Development Agreement Between The City Of Oakland And Champion Street, LLC, For The Property Located At 3455 And 3461 Champion Street, To (1) Modify The Project Schedule To Extend (A) The Outside Date For Completion Of Construction To June 30, 2021, And (B) The Outside Date The Restaurant Will Open To July 30, 2021, And (2) To Make The Determination That The Action Is Exempt From The California Environmental Quality Act (CEQA)
[NEW TITLE]
20-0547

Attachments: [View Report](#)

[View Legislation](#)

[View Supplemental Report -10/9/2020](#)

[View Supplemental Attachment A -10/9/2020](#)

[View Supplemental Legislation -10/9/2020](#)

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 Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 11/10/2020. The motion carried by the following vote:

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

NO VOTE: 0

- 11 Subject: Modify The Oakland Parks And Recreation Advisory Commission
From: Oakland Public Works Department
Recommendation: Adopt An Ordinance Amending And Restating Ordinance Nos. 11731
And 8065 C.M.S To Update The Duties Of The Parks And Recreation Advisory
Commission To Include Oversight Of The 2020 City Of Oakland Parks And Recreation
Preservation, Litter Reduction, And Homelessness Support Act (Measure Q), And To
Modify The Membership, Appointment, And Meeting Procedures Of The Commission
20-0532

Attachments: [View Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Attachment C](#)
[View Legislation](#)

A motion was made by Dan Kalb, seconded by Lynette McElhaney, that this matter be Approved On Introduction and Scheduled for Final Passage to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 11/10/2020. The motion carried by the following vote:

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

NO VOTE: 0

- 12 Subject: CARES Act Funds
From: Council President Kaplan
Recommendation: Receive An Informational Report On Coronavirus Aid, Relief, And
Economic Security (CARES) Act Relief Fund Expenditures
20-0616

Attachments: [View Report](#)
[View Attachment A](#)
[View Supplemental Report - 9/25/2020](#)
[View Supplemental Attachment A - 9/25/2020](#)
[View Supplemental Report - 10/2/2020](#)
[View Supplemental Attachment A -10/9/2020](#)
[View Supplemental Attachment A Revised -10/16/2020](#)
[View Supplemental Report - Kaplan 10/16/2020](#)

Council Chair requested to take items 12 and 13 together.

A motion was made by Larry Reid, seconded by Rebecca Kaplan, that this matter be Received and Filed. The motion carried by the following vote:

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

NO VOTE: 0

- 13 Subject: CARES Act Resloution
From: Council President Kaplan
Recommendation: Adopt A Resolution Amending Resolution No. 88174 C.M.S., Which Adopted The 2020-21 Mid-Cycle Budget Amendments, To Reallocate Covid Relief Funds For Additional Or Alternative Programs And Activities To Respond To The Covid-19 Public Health Emergency
20-0683

Attachments: [View Legislation](#)
[View Exhibit 5](#)
[View Legislation - Supplemental](#)
[View Exhibit 5 - Supplemental](#)
[88343 CMS](#)

Council Committee approved recommendations as amended to include the following that the first \$300, 000 of the CARES Act Funds will go to support The Jobs Work Force Program.

This City Resolution be Adopted as Amended.

- Subject: Budget Amendment And Appropriation
From: Council President Kaplan
Recommendation: Adopt A Resolution Amending The Budget To Acknowledge And Appropriate Liquidated Damages And Penalty Revenue Collected By The City From Contractors' Failure To Comply With The Terms Of The City's Jobs Policy Regarding Hiring And Employment In The Construction Trades On The Oakland Army Base
20-0747

Council President Kaplan made a scheduling motion, seconded by Vice Mayor Reid to hear the following at the November 10, 2020 City Council Meeting: Adopt A Resolution Amending the Budget To Acknowledge And Appropriate Liquidated Damages And Penalty Revenue Collected By The City From Contractors' Failure To Comply With The Terms Of The City's Jobs Policy Regarding Hiring and Employment in the Construction Trades on the Oakland Army Base.

A motion was made by Rebecca Kaplan, seconded by Larry Reid, that this matter be Scheduled to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 11/10/2020. The motion carried by the following vote:

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

NO VOTE: 0

14 1) Pursuant To Rule 28 Of Resolution 88266 C.M.S., The Item Regarding "Banning Carotid Restraint And All Forms Of Asphyxia As Recommended By The Oakland Police Department" Was Removed From This Agenda.

2) Adopt A Resolution Adopting Oakland Police Department Special Order 9205, Banning Of The Carotid Restraint And All Forms Of Asphyxia, As Jointly Recommended By The Oakland Police Department And The Oakland Police Commission [TITLE CHANGE]
20-0663

Attachments: [View Report - Police Commission](#)

[View Supplemental Legislation - Police Commission 10/02/2020](#)

[View Supplemental Report - OPD 10/16/2020](#)

[View Supplemental Report - OPD 10/16/2020](#)

[View Supplemental Legislation - OPD 10/16/2020](#)

[View Supplemental Report - Police Commission 10/16/2020](#)

[View Supplemental Legislation - 10/16/2020](#)

[88344 CMS](#)

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

Excused: 1- Reid

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

NO VOTE: 0

15 Subject: Bay Area Community Services (BACS) Scattered Small Sites Project
From: Housing And Community Development Department
Recommendation: Adopt A Resolution Amending Resolution No. 88284, Which Authorized The City Administrator To Apply For, As A Local Agency Partner, Up To \$10 Million Of Funds From The California Department Of Housing And Community Development Under The HomeKey Program (HomeKey Funds), Accepted And Appropriated Up To \$10 Million In HomeKey Funds For Acquisition Of Scattered Small Sites By Bay Area Community Services (BACS) For Permanent Affordable Housing, And Awarded A Grant Agreement To BACS In An Amount Not To Exceed \$10 Million To Acquire Scattered Small Sites For Permanent Affordable Housing, To: (1) Accept And Appropriate An Additional \$200,000 In HomeKey Funds, As A Local Agency Partner, For The Operation Of The Permanent Affordable Housing At The Scattered Small Sites; And (2) Award A Grant Agreement To BACS In An Increased Amount Not To Exceed \$10.2 Million To Both Acquire And Operate Scattered Small Sites As Permanent Affordable Housing
20-0714

Attachments: [View Report](#)
[View Attachment A](#)
[View Legislation](#)
[88345 CMS](#)

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

Excused: 1 - Reid

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

NO VOTE: 0

S16 Subject: Terminate OPD Participation In Joint Terror Task Force
From: Council President Kaplan
Recommendation: Adopt A Resolution Terminating The Oakland Police Department's
Participation In The Joint Terror Task Force
20-0691

Attachments: [View Report - Kaplan](#)
[View Annual Report - OPD](#)
[View Legislation](#)
[View Supplemental Report - Kaplan 10/9/2020](#)
[View Supplemental Report - Bas 10/16/2020](#)
[View Supplemental Report - 10/16/2020](#)
[88346 CMS](#)

A motion was made by Nikki Bas, seconded by Lynette McElhaney, that this matter be Adopted. The motion carried by the following vote:

Excused: 1 - Reid

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

NO VOTE: 0

COUNCILMEMBER ACKNOWLEDGEMENTS/ANNOUNCEMENTS

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

4 speakers spoke during open forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting Shall Conclude No Then 5 Hours., 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 Joe Morgan, Torian Hughes, LoEshe Lacey, DaMar Tucker and Randy Riddle at 12:16 a.m.

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5

MEETING OF THE
OAKLAND CITY COUNCIL