

# City of Oakland

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



CITY OF OAKLAND

## **Meeting Agenda - DRAFT**

**Tuesday, February 7, 2023**

**1:30 PM**

**Please See The Agenda To Participate In The Meeting**

**Virtual Tele- Conference Via Zoom**

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

***Pursuant to California Government Code Section 54953(e), the City Council has found that an imminent risk to the health of attendees due to the COVID-19 pandemic continues to exist. Therefore, all City Councilmembers will participate in the meeting via phone/video conference without notice of their teleconference locations***

#### 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/87194214554> 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 or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) Meeting ID: 871 9421 4554

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 submit any written comments via email To [Cityclerk@oaklandca.gov](mailto:Cityclerk@oaklandca.gov)• 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 the Agenda Management Unit at [cityclerk@oaklandca.gov](mailto:cityclerk@oaklandca.gov)

- Office of the City Clerk

## ROLL CALL / CITY COUNCIL

*COUNCILMEMBERS: Councilmember Carroll Fife, District 3; Councilmember Noel Gallo, District 5; Councilmember Kevin Jenkins, District 6; Councilmember Dan Kalb, District 1; Councilmember Rebecca Kaplan, At Large; Councilmember Janani Ramachandran, District 4; Councilmember Treva Reid, District 7; Council President Nikki Fortunato Bas, District 2*

## ACTIONS ON SPECIAL ORDERS OF THE DAY

(Ceremonial Presentations, Reports/Presentations From The Mayor,  
Council Acknowledgements/Announcements):

## MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS

(Requests To: Reschedule Items From Consent To Non-Consent  
To The Next Council Agenda, Speak On Consent Calendar, Register Votes,  
Change Order Of Items, Reconsiderations, Pull Items Held In Committee):

**1 PUBLIC COMMENT: COMMENTS ON ALL ITEMS EXCEPT PUBLIC HEARINGS WILL  
BE TAKEN AT THIS TIME. COMMENTS FOR ITEMS NOT ON THE AGENDA WILL BE  
TAKEN DURING OPEN FORUM**

## **2 CONSENT CALENDAR (CC) ITEMS:**

**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  
[23-0032](#)

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

**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  
[23-0033](#)

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

**2.3** Subject: Declaration Of A Local Emergency On Homelessness  
From: Councilmember 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  
[23-0034](#)

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

**2.4** Subject: Teleconference Meetings Of The City Council  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's  
Determination That Conducting In-Person Meetings Of The City Council And Its  
Committees Would Present Imminent Risks To Attendees' Health, And Electing To  
Continue Conducting Meetings Using Teleconferencing In Accordance With California  
Government Code Section 54953(E), A Provision Of AB 361  
[23-0035](#)

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

**2.5** Subject: In Celebration Of Black History And Heritage Month  
From: Councilmember Fife  
Recommendation: Adopt A Resolution In Celebration Of Black History Month In February  
2023 By Honoring Black Change-Makers In The City Of Oakland Working Towards A  
Transformative Future That Seeks To Dismantle Oppressive Systems And Advance True  
Liberation, Safety, And Opportunities In Our Community  
[22-1003](#)

**Legislative History**

12/15/22	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
	<i>As A Ceremonial.</i>	

- 2.6** Subject: Approve OPD's Policies In Accordance With California Government Code § 7070 Et Seq. (AKA“AB 481”) And OMC Chapter 9.6  
From: Oakland Police Department  
Recommendation: Adopt An Ordinance Approving Controlled Equipment Use Policies For The Oakland Police Department To Acquire And Use The Following Types Of “Militarized” Equipment In Conformance With Government Code Section 7070 And Oakland Municipal Code Chapter 9.65: (1) Departmental Rifles; (2) Chemical Agents; (3) Unmanned Aerial Systems; (4) Noise-Flash Diversion Devices (Flash Bangs); (5) Riot Helmets; (6) Specialty Impact Munitions; (7) Armored Vehicles; (8) Chemical Agents; And (9) Remote Controlled Ground Systems (Robots) And Pole Cameras  
[22-0776](#)

**Attachments:**

[View Report](#)

[View Attachment A - DGO K-7 Military Equipment Policy](#)

[View Attachment B - DGO K-06 Rifles](#)

[View Attachment C - Patrol Rifle Impact Report](#)

[View Attachment D - TB III-H Specialty Impact Munitions](#)

[View Attachment E - SIM Impact Report](#)

[View Attachment F - TB III-P.04 - Armored Vehicles Mil Equip](#)

[View Attachment G - Armored Vehicles Impact Report](#)

[View Attachment H - TB III-G 16 Crowd control](#)

[View Attachment I - Riot Helmets Impact Report](#)

[View Attachment J - TB V-F.02 Chemical Agents 2022](#)

[View Attachment K - Chem Agent Impact Report](#)

[View Attachment L - DGO I25 Unmanned aerial systems](#)

[View Attachment M - UAS Drone Controlled Equipment Impact Report](#)

[View Attachment N - DGO I26 Robots](#)

[View Attachment O - Robots and Pole Cameras Controlled Equipment Impact R](#)

[View Attachment P - TB III-P.05 - Noise Flash Diversion Devices](#)

[View Attachment Q - Flash Bang Impact Report](#)

[View Legislation](#)

[View Exhibit A - DGO K-7 Military Equipment Policy](#)

[View Exhibit B - DGO K-06 Rifles](#)

[View Exhibit C - TB III-H Specialty Impact Munitions](#)

[View Exhibit D - TB III-P.04 - Armored Vehicles Mil Equip](#)

[View Exhibit E - TB III-G 16 Crowd control](#)

[View Exhibit F - TB V-F.02 Chemical Agents](#)

[View Exhibit G - DGO I25 Unmanned aerial systems](#)

[View Exhibit H - TB III-P.05 - Noise Flash Diversion Devices](#)

[View Exhibit I - DGO I26 Robots](#)

[View Revised Legislation 12/1/2022](#)

[View Supplemental Report 12/1/2022](#)

*ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE.*

*INTRODUCTION (First Reading) WAS PASSED ON JANUARY 17, 2023; 8 AYES.*

**Legislative History**

9/29/22

\*Rules & Legislation  
Committee

Withdrawn with No New Date

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10/6/22	*Rules & Legislation Committee  <i>On Non-Consent</i>  <i>A title change was read into record</i>	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
10/18/22	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council <i>On Non-Consent</i>	* Withdrawn and Rescheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
11/1/22	* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council  <i>A motion was made by Councilmember Gallo, seconded by Councilmember Taylor to adopt the item.</i>  <i>A substitute motion was made by Councilmember Kalb, seconded by Council President Bas to continue this item to the December 6, 2022 City Council Meeting and a request for the Police Commission to review proposed amendments from the community before December 6, 2022. The motion passed with the following vote: 4 Ayes: Kalb, Kaplan, Thao, Bas; 2 NO: Gallo, Taylor; 2 Excused: Fife, Reid</i>  <i>As a direct result of the substitute motion, the original motion failed.</i>	Continued to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
12/6/22	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council	Continued to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
12/15/22	*Rules & Legislation Committee  <i>This item was withdrawn from the December 20, 2022 City Council agenda and rescheduled to the January 17, 2023 City Council Agenda on Non Consent at the December 15, 2022 Rules And Legislation Committee.</i>	Rescheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

1/17/23 \* Concurrent Meeting of the  
Oakland Redevelopment  
Successor Agency and the  
City Council Approved As Amended On Introduction and  
Scheduled for Final Passage to the \*  
Concurrent Meeting of the Oakland  
Redevelopment Successor Agency and the  
City Council

*A motion was made Council President Fortunato Bas, seconded by  
Councilmember Gallo to approve the ordinance as amended on introduction.  
The Motion passed with a vote of 8 Ayes. The Ordinance was approved and  
scheduled for Final Passage on February 7, 2023, with the following  
amendments:*

*Of the Legislation, from the Title striking, DEPARTMENTAL RIFLES;  
CHEMICAL AGENTS; SPECIALTY IMPACT MUNITIONS; and REMOTE  
CONTROLLED GROUND SYSTEMS (ROBOTS) AND POLE CAMERAS*

*On Page 3, of SECTION 2. striking, Department General Order K-7: Military  
Equipment Funding, Acquisition and Use Policy (Exhibit A);  
Department General Order K-6: Department Rifles (Exhibit B);  
Training Bulletin III-H: Specialty Impact Munitions (Exhibit C);  
Training Bulletin V-F.2: Chemical agents (Exhibit F);*

*On Page 3, striking SECTION 3.*

**2.7** Subject: Oakland Hydrogen Hub  
From: Councilmember Kaplan And President Pro Tempore Kalb  
Recommendation: Adopt A Resolution: 1) Supporting The Alliance For Renewable Clean  
Hydrogen Energy Systems (Arches) And Its Mission To Accelerate Hydrogen's  
Contribution To Decarbonizing The Economy In California; 2) Highlighting Oakland's  
Leadership In Hydrogen Adoption And Requesting That Oakland Be Considered As A  
Location For A Potential Statewide Clean Hydrogen Hub To Accelerate Hydrogen's  
Contribution To Decarbonizing The Economy; 3) Declaring The City's Intent To Enter Into  
A Memorandum Of Commitment (MOC) (Attached Hereto As Exhibit A) To Join Arches;  
And 4) Authorizing The City Administrator To Execute The MOC And To Negotiate And  
Execute A More Formal Agreement With Arches H2 LLC On The City's Behalf  
[22-0988](#)

**Attachments:** [View Report](#)  
[View Legislation](#)  
[View Exhibit A](#)

**Legislative History**

12/15/22 \*Rules & Legislation Committee Withdrawn with No New Date  
*This item was withdrawn from the December 20, 2022 City Council agenda  
with no new date at the December 15, 2022 Rules And Legislation Committee.*



1/19/23      \*Rules & Legislation      Scheduled to the \* Concurrent Meeting of  
Committee      the Oakland Redevelopment Successor  
Agency and the City Council  
*Scheduled to Consent and President Pro Tempore Kalb was added as  
Co-Author*

*Rule 24 was noted - Reason for bypassing committee*

- 2.8**      Subject:      Carolyn Levy 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 Carolyn Levy V. City Of Oakland, And Does 1-100  
Inclusive, Alameda Superior Court Case No. RG18913570, City Attorney File No. 32579,  
In The Amount Of Two Hundred Thousand Dollars And No Cents (\$200,000.00)  
(Department Of Transportation - Dangerous Condition Of Public Property)  
[23-0022](#)

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

*Pursuant to Rule 28 D. of Resolution 89432 C.M.S., this item was added to this agenda.*

**Legislative History**

1/19/23      \*Rules & Legislation      Scheduled to the \* Concurrent Meeting of  
Committee      the Oakland Redevelopment Successor  
Agency and the City Council  
*Scheduled to Consent*

- 2.9**      Subject:      Hoa Nguyen, Et Al. V. Lilia Vargasdoralla, 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 Hoa Nguyen; Michelle Nguyen; John Nguyen, By  
And Through His Father And Guardian, Hoa Nguyen; And Ellie Nguyen, By And Through  
Her Mother And Guardian, Trang Nguyen V. Lilia Vargasdoralla; Oakland Unified School  
District; City Of Oakland, State Of California, And Does 1 Through 100, Inclusive,  
Alameda County Superior Court Case No. RG20079412, City Attorney's File No. 34068,  
In The Amount Of One Hundred Seventy Thousand Dollars And Zero Cents (\$170,000.00)  
(Department Of Transportation - Dangerous Condition Of Public Property)  
[23-0048](#)

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

*Pursuant to Rule 28 D. of Resolution 89432 C.M.S., this item was added to this agenda*

**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**
- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF JANUARY 9, JANUARY 11, JANUARY 12, JANUARY 17, JANUARY 27 AND JANUARY 31, 2023  
[23-0036](#)

**ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:**

- 6 Subject: Professional Services Contract For Racial Impact Study  
From: Councilmember Fife  
Recommendation: Adopt A Resolution Awarding A Professional Services Contract To BluSummers, LLC To Conduct A Racial Impact Analysis For An Amount Not To Exceed \$150,000 Utilizing The Funds Allocated For That Purpose In The Fiscal Year 2022-23 Mid-Cycle Budget, Pursuant To Resolution No. 89283 C.M.S., To Study The On-Going Effects Of Public Policy Decisions And Actions Such As Redlining, Displacement Through Eminent Domain, Urban Renewal, And Gentrification On The Black Community In Oakland And To Assess Ways To Redress The Harms Caused Through A “Black New Deal”; Waiving The Competitive Request For Proposal/Qualifications (RFP/Q) Process Pursuant To Oakland Municipal Code Section 2.04.051.B; And Waiving The Local/Small Local Business Enterprise (L/SLBE) Program Requirements  
[22-0985](#)

**Attachments:**      [View Agenda Report](#)  
                                 [View Legislation](#)  
                                 [View Attachment A](#)

**Legislative History**

12/20/22	* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Withdrawn and Rescheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
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- 7 Subject: Resolution Amending And Restating The Council's Rules Of Procedure  
From: Council President Fortunato Bas  
Recommendation: Adopt A Resolution Amending And Restating The Council's Rules Of Procedure In Their Entirety To, Among Other Things: 1) Rescind The Council's Temporary Rules Of Procedure For The Conduct Of Meetings During The State Of Emergency Related To The Covid-19 Pandemic; 2) Change The Times For Commencing And Ending Regular Council Meetings To Minimize Late-Night Meetings And Increase Public Access And Participation; 3) Help Ensure That New Items Have Been Properly Vetted Before They Are Submitted For Scheduling, To Increase Efficiency; 4) Utilize Gender-Inclusive Language In Accordance With The City's Values And Policy; And 5) Make Non-Substantive, Technical Edits To Make The Council's Rules Of Procedure Easier To Navigate And Understand

[22-1001](#)

**Attachments:**

[View Report](#)

[View Legislation](#)

[View Redline Legislation](#)

[View Attachment A](#)

[View Attachment B](#)

[View Attachment C](#)

**Legislative History**

12/15/22	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee
1/19/23	*Rules & Legislation Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

*The Committee approved the recommendation of staff as amended, and requested the item be forwarded to the February 7, 2023 City Council Agenda on Non-Consent as follows:*

*Rule 23: Rules and Legislation Committee Jurisdiction - Adding The Committee May Assign City Proposed Bailed Measures To A Subject Matter Committee As An Informational Report For Vetting and Input But Retains The Authority To Determine Whether Or Not To Forward Such Propositions To The Council*

*Rule 26. A.:Procedue for Placing Items on A Agenda - Striking the word Should and adding the words Shall Make Every Effort To Thoroughly Investigate Policy Issues Prior to Submitting Proposals To Committee Or The Council For Action.*

*Rule 29: Tie Breaking Votes By The Mayor - Adding language to further define legal requirements of recusal and not being present*

*Adding: effective date of March 1, 2023 and provide more clarity on the electronic speaker card process*

**OPEN FORUM / CITIZEN COMMENTS**

**ADJOURNMENT OF COUNCIL SESSION**

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

**Americans With Disabilities Act**

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**Office of the City Clerk - Agenda Management Unit**

**Phone: (510) 238-6406**

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**THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR OVER THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO ENSURE THE SAFETY OF THOSE ATTENDING MEETINGS.**

**MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30 A.M. TO 5:00 P.M.**