



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, January 17, 2023

1:30 PM

Virtual Tele- Conference Via Zoom

Please See The Agenda To Participate In The Meeting

The Oakland Development Successor Agency/City Council convened at 1:32 p.m, with Council President Fortunato Bas presiding as Chairperson.

ROLL CALL / CITY COUNCIL

Present 8 - Carroll Fife, Noel Gallo, Dan Kalb, Rebecca Kaplan, Janani Ramachandran, Treva Reid, Nikki Fortunato Bas, and Kevin Jenkins

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):**

*A Motion Was Made By Councilmember Ramachandran, Seconded By Council
President Bas To Move Item #2.9. 'OPD Policies For I-27 And I-28' To The
Non-Consent Calendar*

The Non-Consent Calendar Was Modified To Hear Items In The Following Order:

*#6. 'East 12 Street Remainder';
#S9. 'OPD Department Policies';
#7. 'OPD's AB 481 And OMC Chapter 9.6';
#2.9. "OPD Policies For I-27 And I-28";
#8. 'OPD Settlement Agreement'; and
#S10. 'Ratification Of Local Emergency'*

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

The call of the queue opened at 2:15 p.m. and closed at 2:30 p.m.

28 individuals spoke during Public Comment

2 CONSENT CALENDAR (CC) ITEMS:

Approval of the Consent Agenda

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

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Ramachandran, Reid, Fortunato Bas, and Jenkins

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
[22-1016](#)

Attachments: [View Legislation](#)
[View Supplemental Legislation - 1/13/2023](#)
[89548 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
[22-1017](#)

Attachments: [View Legislation](#)
[View Supplemental Legislation - 1/13/2023](#)
[89549 CMS](#)

This City Resolution was Adopted.

- 2.3** Subject: Declaration Of A Local Emergency On Homelessness
From: Vice Mayor 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
[22-1018](#)

Attachments: [View Legislation](#)
[View Supplemental Legislation - 1/13/2023](#)
[89550 CMS](#)

This City Resolution was Adopted.

- 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
[22-1019](#)

Attachments: [View Legislation](#)
[View Supplemental Legislation - 1/13/2023](#)
[89551 CMS](#)

This City Resolution was Adopted.

- 2.5** Subject: Resolution Honoring Karen Boyd
From: Councilmember Reid
Recommendation: Adopt A Resolution Honoring Karen Boyd For Over 26 Years Of Exemplary Service And Congratulating Her On A Well-Deserved Retirement From The City Of Oakland
[22-1006](#)

Sponsors: Reid

Attachments: [View Legislation](#)

This City Resolution was Adopted.

- 2.6** Subject: Aircraft Rescue Fire Fighting Services At The Oakland International Airport
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend The Memorandum Of Understanding Regarding Fire Protection And Aircraft Rescue Firefighting Services (ARFF) Between The City Of Oakland And The Port Of Oakland, To Extend The Term For Twelve Months To Allow The Oakland Fire Department To Continue To Provide Such Services At The Oakland International Airport
[22-0997](#)

Attachments: [View Report](#)
[View Legislation](#)
[89553 CMS](#)

This City Resolution was Adopted.

- 2.7** Subject: Major Encroachment Permit At 581 5th Street
From: Department Of Transportation
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Resneck Ventures, LLC, To Allow Portions Of Three Outward Swinging Doors And Building Elements To Encroach Into The Public Right Of Way Adjacent To 581 5th Street, Major Encroachment Permit ENMJ22052; And Adopting Appropriate California Environmental Quality Act Findings
[22-0999](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Exhibit B](#)
[89554 CMS](#)

This City Resolution was Adopted.

- 2.8** Subject: Wildfire Sensors Pilot Program
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With The U.S. Department Of Homeland Security To Allow The Oakland Fire Department To Participate In A Twenty-Four Month Pilot Program To Utilize Air Quality Sensor-Based Real-Time Wildfire Monitoring System Technology ("Wildfire Sensors") In Oakland's High Fire Hazard Severity Zone
[22-1002](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Attachment A](#)
[89555 CMS](#)

This City Resolution was Adopted.

2.10 Subject: Longfellow Corner Disposition & Development Agreement (DDA)
Authorization And Conveyance Of City-Owned Property
From: Housing & Community Development Department
Recommendation: Adopt An Ordinance (A) Authorizing The City Administrator To
Negotiate And Execute A Disposition And Development Agreement With Longfellow
Corner, L.P. ("Developer") For The Development Of An Affordable Housing Project On
City Property Located At 3823-3829 Martin Luther King Jr. Way And Adjacent
Developer-Owned Property Located At 3801-3807; (B) Approving The Proposed
Conveyance Of The City-Owned Property To Developer For \$99; And (C) Adopting
Findings Under The California Environmental Quality Act
[22-0980](#)

Sponsors: Housing And Community Development Department

Attachments: [View Report And Attachment](#)

[View Legislation](#)

[13721 CMS](#)

This Ordinance was Approved for Final Passage.

2.11 Subject: Modernizing Commercial Loading
From: Transportation Department
Recommendation: Adopt An Ordinance Amending Ordinance No. 13654 C.M.S
(Which Adopted The Fiscal Year 2022-23 Master Fee Schedule), As Amended, To
Establish Fees For Commercial Vehicle Loading Zone Permits And Adopting
Appropriate California Environmental Quality Act Findings
[22-0770](#)

Attachments: [View Report](#)

[View Legislation](#)

[View Exhibit A 12/8/2022](#)

[View Supplemental Notice and Digest - 1/11/2023](#)

[13722 CMS](#)

This Ordinance was Approved for Final Passage.

- 2.12** Subject: League Of California Cities New Mayors And Council Members Academy
Form: Councilmember Fortunato Bas
Recommendation: Adopt A Resolution Authorizing Reimbursement For Necessary Costs Not To Exceed \$1,400 Each From The Council Contingency Fund For Council Members Carroll Fife And Treva Reid To Travel To Sacramento For Attendance At The League Of California Cities New Mayors And Council Members Academy From January 18, 2023 Through January 20, 2023
[23-0005](#)

Attachments: [View Legislation](#)
[89556 CMS](#)

This City Resolution was Adopted.

- 2.13** Subject: Lead Abatement JPA Appointment
From: Councilmember Fortunato Bas
Recommendation: Adopt A Resolution Re-Appointing Councilmember Noel Gallo To The Board Of Director Of The Alameda County Lead Poisoning Prevention Program Joint Powers Authority And Director William Gilchrist As The Official Alternate For Councilmember Gallo For Terms Commencing January 1, 2023 And Ending December 31, 2024
[23-0006](#)

Attachments: [View Legislation](#)
[View Supplemental Legislation - 1/12/2023](#)
[89557 CMS](#)

This City Resolution was Adopted.

- 2.14** Subject: Appointments For The Oakland-Alameda County Coliseum Authority Board
Form: Councilmember Fortunato Bas
Recommendation: Adopt A Resolution Appointing Members To The Oakland-Alameda County Coliseum Authority Board Of Commissioners As Follows-Appointing Councilmember Kevin Jenkins For The Term Beginning January 15th, 2023, And Ending January 14th, 2025, To The Seat Previously Held By Councilmember Treva Reid And Reappointing Councilmember Rebeca Kaplan For The Term Beginning January 15th, 2023, And Ending January 14th, 2025
[TITLE CHANGE]
[23-0007](#)

Attachments: [View Legislation](#)
[View Supplemental Legislation - 1/12/2023](#)
[89558 CMS](#)

This City Resolution was Adopted.

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 December 20, 2022, City Council Meeting [22-1020](#)

Attachments: [View Report](#)

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

Abstained: 2 - Ramachandran, and Jenkins

Aye: 6 - Fife, Gallo, Kalb, Kaplan, Reid, and Fortunato Bas

NO VOTE: 0

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

**6 Subject: East 12th Street Remainder Parcel 1 LDDA & Ground Lease
From: Economic And Workforce Development Department
Recommendation: Adopt An Ordinance: (1) Authorizing The City Administrator To Negotiate And Execute A Lease Disposition And Development Agreement Between The City Of Oakland ("City") And East 12th Street Housing, Lp ("Developer"), For Development Of 91 Units Of Affordable Housing On A Portion Of The 12th Street Remainder ("Parcel 1"), Located At East 12th Street And 2nd Avenue, With A Term Of Two Years With A One-Year Extension; (2) Authorizing The City Administrator To Negotiate And Execute A 99-Year Ground Lease Between The City And Developer With \$1 Per Year Base Rent Plus Rent Based On The Appraised \$4,000,000 Fair Market Value Of Parcel 1; (3) Making A Surplus Land Act Exemption Determination; And (4) Adopting California Environmental Quality Act Findings [22-1004](#)**

Sponsors: Economic & Workforce Development Department

Attachments: [View Report](#)

[View Attachment A](#)

[View Attachment B](#)

[View Legislation](#)

[13724 CMS](#)

A motion was made by Nikki Fortunato Bas, seconded by Rebecca Kaplan, 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 2/7/2023. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Ramachandran, Reid, Fortunato Bas, and Jenkins

NO VOTE: 0

S9 Subject: Directing The Oakland Police Commission To Propose Changes To Oakland Police Department Policies
From: Council President Fortunato Bas
Recommendation: Adopt A Resolution Directing The Oakland Police Commission To Propose Changes To The Following Oakland Police Department Policies: (1) Departmental General Order K-7 On Military Equipment Funding, Acquisition, And Use Policy; (2) Departmental General Order K-6 On Department Rifles; (3) Departmental General Order I-26 On Robots (Remote Controlled Ground Systems) For Submission To The City Council Pursuant To Section 604(B)(4) Of The Oakland City Charter
[23-0021](#)

Attachments: [View Report](#)
[View Legislation](#)
[89559 CMS](#)

Council President Fortunato Bas made a motion, seconded by Councilmember Kaplan to approve the urgency finding on item S9 (23-0021) for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action (1) is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting; and (2) relates to state legislation.

The Motion passed by 8 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and Fortunato Bas

A motion was made Council President Fortunato Bas, seconded by Councilmember Fife to adopt the resolution as amended. The motion passed with a vote of 8 Ayes. The Resolution was approved with the following amendments:

Page 1, from the 4th WHEREAS Clause, striking "presence of minors, elderly, medically compromised, people with physical, mental or intellectual disabilities, people with limited English proficiency, or other vulnerable people", which variable "should be given special consideration due to the potential for trauma"; and that prohibits deployment of armored vehicles for "Recruitment, public relations, or promotional activities; Crowd control; or Routine patrol operations"; and

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

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Ramachandran, Reid, Fortunato Bas, and Jenkins

NO VOTE: 0

- 7 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 Report](#)

[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](#)

[View Amended Legislation 1/26/2023](#)

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.

A motion was made by Nikki Fortunato Bas, seconded by Noel Gallo, 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 2/7/2023. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Ramachandran, Reid, Fortunato Bas, and Jenkins

NO VOTE: 0

- 2.9** Subject: OPD Policies For I-27 (LRAD) And I-28 (Mobile Command Centers)
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) The Long Range Acoustic Device; And (2) Mobile Command Centers
[TITLE CHANGE]
[22-0885](#)

Attachments: [View Agenda Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Legislation](#)
[View Exhibit A](#)
[View Exhibit B](#)
[13723 CMS](#)

A motion was made by Councilmember Gallo, seconded by Councilmember Ramachandran to approve the ordinance for Final Passage. The motion passed with a vote of 8 Ayes

A motion was made by Noel Gallo, seconded by Janani Ramachandran, that this matter be Approved for Final Passage. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Ramachandran, Reid, Fortunato Bas, and Jenkins

NO VOTE: 0

- 8** Subject: Oakland Police Department Negotiated Settlement Agreement Status Update
From: Oakland Police Department
Recommendation: Receive An Informational Report From Oakland Police Department (OPD) On OPD's Progress Toward Compliance With The Negotiated Settlement Agreement (NSA) In The Case Of Delphine Allen, Et Al., V. City Of Oakland, Et Al.
[22-0838](#)

Attachments: [View Report](#)
[View Attachment A](#)
[View Supplemental Report - 1/4/2023](#)

A motion was made by Noel Gallo, seconded by Kevin Jenkins, that this matter be Received and Filed. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Ramachandran, Reid, Fortunato Bas, and Jenkins

NO VOTE: 0

- S10** Subject: Ratification Of Local Emergency
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Confirming And Ratifying The Existence Of A Local Emergency Within The Territorial Limits Of The City Of Oakland Proclaimed By The City Administrator On January 11, 2023 Pursuant To Oakland Municipal Code Chapter 8.50 And Government Code Section 8630 Due To Flooding, Wind Damage, And Other Health And Safety Impacts Caused By Torrential Rainstorms
[23-0023](#)

Attachments: [View Legislation](#)
[89560 CMS](#)

Councilmember Kaplan made a motion, seconded by Councilmember Gallo to approve the urgency finding on item S9 (23-0023) for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action (1) is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting; and (2) relates to state legislation.

The Motion passed by a vote of 8 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and Fortunato Bas

A motion was made Councilmember Kaplan, seconded by Councilmember Gallo to approve the resolution. The Motion passed with a vote of 8 Ayes.

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

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Ramachandran, Reid, Fortunato Bas, and Jenkins

NO VOTE: 0

OPEN FORUM / CITIZEN COMMENTS

The call of the queue opened at 6:06 p.m. and closed at 6:11 p.m.

12 individuals 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, the Council adjourned the meeting in memory of Dilma Spruill, Nathaniel 'Nate' Williams, Mark Weinstein and Beverley 'Big Mama' Darensburg at 6:30 p.m.

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 5 days prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

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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.