



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, February 21, 2023

1:30 PM

Virtual Tele- Conference Via Zoom

Please See The Agenda To Participate In The Meeting

The Oakland Redevelopment Successor Agency and City Council convened at 2:08 P.M., with Council President Fortunato Bas presiding as Chairperson

The Roll Call was modified to note Councilmember Gallo present at 2:09 p.m.

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):

**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**

The que opened at 2:18 pm and closed at 2:33 p.m.

21 individuals spoke during Public Comment

2 CONSENT CALENDAR (CC) ITEMS:

Approval of the Consent Agenda

A motion was made by Kaplan, seconded by Kalb, 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
[23-0080](#)

Attachments: [View Legislation](#)
[89593 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
[23-0081](#)

Attachments: [View Legislation](#)
[89594 CMS](#)

This City Resolution was Adopted.

- 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
[23-0082](#)

Attachments: [View Legislation](#)
[89595 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
[23-0083](#)

Attachments: [View Legislation](#)

[89596 CMS](#)

This City Resolution was Adopted.

- 2.5** Subject: Resolution Celebrating Gloria Bruce
From: Councilmember Dan Kalb And Council President Nikki Fortunato Bas
Recommendation: Adopt A Resolution Acknowledging And Thanking Gloria Bruce For Her Extraordinary Work And Leadership On Affordable Housing In Oakland And The East Bay As East Bay Housing Organization (EBHO) Executive Director
[23-0075](#)

Attachments: [View Legislation](#)

[89597 CMS](#)

This City Resolution was Adopted.

- 2.6** Subject: Renee Kessler Miller V. City of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Renee Kessler Miller V. City Of Oakland, And Does 1 To 100, Inclusive, Alameda County Superior Court Case No. 21CV002203, City Attorney File No. 34755, In The Amount Of Thirty Thousand Dollars And Zero Cents (\$30,000.00) (Department Of Transportation - Dangerous Condition Of Public Property)
[23-0077](#)

Attachments: [View Report](#)

[View Legislation](#)

[89598 CMS](#)

This City Resolution was Adopted.

- 2.7** Subject: Ma Carmen Bautista V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Ma Carmen Bautista V. City Of Oakland, Mark Crawford And Does 1 To 10 Inclusive, Alameda County Superior Court Case No. RG21099088, City Attorney File No. 33908, In The Amount Of One Hundred And Eighty Thousand Dollars And No Cents (\$180,000.00) (Public Works Department - Negligence) [23-0078](#)

Attachments: [View Report](#)
[View Legislation](#)
[89599 CMS](#)

This City Resolution was Adopted.

- 2.8** Subject: FY2022-23 Master Fee Schedule
From: Finance Department
Recommendation: Adopt An Ordinance Amending Ordinance No. 13698 C.M.S. (Which Adopted The Fiscal Year 2022-23 Master Fee Schedule), As Amended, To Establish, Modify And Delete Fees And Penalties Assessed By The City Of Oakland [22-0914](#)

Attachments: [View Report](#)
[View Legislation and Exhibits](#)
[View Supplemental Legislation 1/26/2023](#)
[View Supplemental Report - 2/3/2023](#)
[View Supplemental Legislation - 2/16/2023](#)
[13726 CMS](#)

This Ordinance was Approved for Final Passage.

- 2.9** Subject: Renew And Continue A Declaration Of A Local Emergency Due To COVID-19
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To COVID-19 [23-0087](#)

Attachments: [View Report](#)
[View Legislation](#)
[89600 CMS](#)

This City Resolution was Adopted.

- 2.11** Subject: Correcting The Name Of Unity Council To The Spanish Speaking Unity Council Of Alameda County, Inc
From: Council President Fortunato Bas
Recommendation: Adopt A Resolution Amending Resolution No. 89376 C.M.S., Which Among Other Things Granted One Hundred Ten Thousand Five Hundred Dollars (\$110,500) To The Unity Council As Fiscal Sponsor For The Oakland Vietnamese Chamber Of Commerce, In Order To Correct The Name Of Unity Council To The Spanish Speaking Unity Council Of Alameda County, Inc
[23-0093](#)

Attachments: [View Legislation](#)
[89601 CMS](#)

This City Resolution was Adopted.

- S2.12** Subject: Roadtrip Nation Professional Services Agreement
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Of The City Council Authorizing The City Administrator To (1) Enter Into A Professional Services Agreement With Roadtrip Nation In An Amount Not To Exceed One Hundred Twenty-Five Thousand Dollars (\$125,000) Total To Develop And Launch A Career Exploration And Storytelling Digital Community Hub Designed To Support Oakland's Youth And Young Adults Seeking Job Opportunities Through November 30, 2028; And (2) Waiving The Formal Request For Proposal/Qualifications Process For The Professional Services Agreement
[23-0029](#)

Attachments: [View Report](#)
[View Legislation](#)
[89602 CMS](#)

This City Resolution was Adopted.

S2.13 Subject: Apply For CalHome 2023 Grant
From: Housing And Community Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Apply For, Accept And Appropriate CALHome Grant Funds In An Amount Not To Exceed \$5 Million From The California Department Of Housing And Community Development 2023 Homeownership Super Notice Of Funding Availability And (2) Execute A Standard Agreement And Any Amendments Thereto In Connection With The California Department Of Housing And Community Development 2023 Homeownership Super Notice Of Funding Availability
[23-0045](#)

Attachments: [View Report](#)
[View Legislation](#)
[89603 CMS](#)

This City Resolution was Adopted.

S2.14 Subject: California Plumbing Code: Appendix M Adoption
From: Councilmember Kaplan
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code To Add Section 15.04.3.5065 To Adopt Appendix M Of The 2022 California Plumbing Code, California Code Of Regulations, Title 24, Part 5, Peak Water Demand Calculator; And Adopting Appropriate California Environmental Quality Act Findings
[23-0076](#)

Attachments: [View Report](#)
[View Appendix M - CPC](#)
[View Legislation](#)

This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 3/7/2023

S2.15 Subject: Amend ABC Security Inc. Contract To Increase Spending Authority
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: (1)
Increase The Contract With ABC Security Services Inc. In An Amount Of Five Hundred
Thousand Dollars Per Month (\$500,000) On A Month-To-Month Basis, For Up To Eight
(8) Months In A Total Amount Not To Exceed Four Million, (4,000,000) Until Request For
Proposal Number 269336 Is Awarded; And (2) Waive The Competitive Request For
Proposal/Qualification Selection Requirement
[23-0107](#)

Attachments: [View Report](#)
[View Legislation](#)
[89604 CMS](#)

Councilmember Kaplan made a motion seconded by Council President Fortunato Bas to approve the urgency finding on item S2.15 for the following reason: 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 is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting.

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

A motion was made by Councilmember Kaplan, seconded by Councilmember Kalb to approve the item as amended. The motion passed with a vote of 8 Ayes;; The Resolution was adopted with the following amendments:

- Of the Title of the legislation, replacing Of with Not To Exceed*
- In the first Whereas Clause, replacing C.S.M with C.M.S.*
- In the second Whereas Clause, adding on October 18, 2022, per*
- Of the third Whereas Clause to read, WHEREAS, the current contract does not expire until October 23, 2023, but does not have adequate spending authority left to extend the contract; and*
- Adding a Whereas Clause to read, WHEREAS, the Oakland Public Works Department (OPW), Bureau of Maintenance and Internal Services (BMIS), Facilities Services Division is responsible for the security of all City facilities; and*
- In the sixth Whereas Clause, replacing an, with a*
- In the seventh Whereas Clause, adding for up to eight months in a total not to exceed contract amount of
\$4,000,000.00*
- On Page 2, adding the following Whereas Clauses to read,*

WHEREAS, Oakland Municipal Code section 2.04.051.A requires the City Administrator to conduct a request for proposals/qualifications (RFP/Q) process for professional services contracts in excess of \$25,000 and Oakland Municipal Code section 2.04.051.B allows Council to waive the RFP/Q requirement upon a finding by the Council that it is in the best interests of the City to do so; and

WHEREAS, it is in the best interests of the City for the Council to waive the RFP/Q requirement for this contract because the City wishes to prevent any delay and interruption of vitally needed security services to City Hall and municipal buildings; and

WHEREAS, the City Council finds that the professional services in this proposed contract are of a professional and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and

- On Page 2, striking the second Resolved Clause; adding Further Resolved Clauses to read,

FURTHER RESOLVED: That pursuant to OMC 2.04.051.B the City Council hereby finds that it is in the best interests of the City to waive the RFP/Q requirement for this contract in order to prevent any delay and interruption of vitally needed security services to municipal buildings and properties and thus so waives this requirement; and be it

FURTHER RESOLVED: That ABC Security Service, Inc. shall comply with all City contracting and compliance program requirements that apply to this contract, including Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation and which compliance shall be verified by the Department of Workplace and Employment Standards; and be it

A motion was made by Rebecca Kaplan, seconded by Dan Kalb, 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

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 [23-0109](#)

Attachments: [FEBRUARY 16, 2023 CLOSED SESSION REPORTED OUT - California Capital Insurance Company v. City of Oakland, et al](#)
[FEBRUARY 16, 2023 CLOSED SESSION REPORTED OUT - The People of the State of California, et al. v. Purdue Pharma L.P., et al.](#)

A motion was made by Rebecca Kaplan, seconded by Kevin Jenkins, that this matter be Accepted. The motion carried by the following vote:

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

NO VOTE: 0

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF JANUARY 31, 2023,
FEBRUARY 3, 2023, AND FEBRUARY 7, 2023
[23-0084](#)

Attachments: [January 31, 2023 Draft Minutes](#)
[February 3, 2023 Draft Minutes](#)
[February 7, 2023 Draft Minutes](#)

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

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

NO VOTE: 0

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

2.10 Subject: Emergency Health & Safety Program Modifications / Coliseum Connections
Emergency Funding
From: Housing and Community Development Department
Recommendations: Adopt A Resolution (1) Amending Resolution Nos. 86126 C.M.S.,
And 86366 C.M.S., Which Authorized An Affordable Housing Multifamily Emergency
Repair Program, To Allocate An Additional \$750,000 From The Affordable Housing Trust
Fund Former Redevelopment Funds To The Program, And Waiving Requirements For
And Provisions Of The City's Local And Small Local Business Enterprise (L/SLBE)
Program, Local Employment Program, And Oakland Apprenticeship Program When
Affordable Housing Units Are Uninhabitable And The Urgency Of These Repairs Makes
Compliance With These Requirements Infeasible; (2) Authorizing An Additional
Emergency Repair Loan From Coliseum Redevelopment Bond Funds In The Amount Of
\$300,000 For Emergency Repairs And Associated Costs With Emergency Flooding To
The Coliseum Connections Project Located At 801 71st Avenue; And (3) Making
California Environmental Quality Act Exemption Findings
[23-0091](#)

Attachments: [View Report and Attachment A](#)
[View Legislation](#)
[89605 CMS](#)

*A motion was made by Councilmember Kaplan, seconded by Councilmember
Jenkins to approve the resolution as amended. The motion passed with a vote of 8
Ayes. The Council approved the resolution with the following amendments:*

Of the Legislation adding the following,

and be it

***FURTHER RESOLVED:** That property owner must comply with the City of Oakland's
Code Compliance Relocation Program, Section 15.60 of the Oakland Municipal
Code, which requires property owners to pay relocation benefits to residential
tenants.*

**A motion was made by Rebecca Kaplan, seconded by Kevin Jenkins, 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

S6 Subject: Status of City Hall Reopening
From: Office Of The City Administrator
Recommendation: Accept An Oral Report On The Status Of Oakland City Hall Reopening
[23-0106](#)

**A motion was made by Treva Reid, seconded by Carroll Fife, 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

S7 Subject: Informational Report On The Implementation Of The New Progressive
Business Tax
From: Council President Fortunato Bas
Recommendation: Receive An Informational Report From The City Administrator/Finance
Department On The Implementation Of The New Progressive Business Tax
[23-0020](#)

Attachments: [View Report](#)
[View Supplemental Report - 2/10/2023](#)
[View Supplemental Attachment A - 2/10/2023](#)

A motion was made by Carroll Fife, seconded by Nikki Fortunato Bas, 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

OPEN FORUM / CITIZEN COMMENTS

The que opened at 5:30 pm and closed at 5:35 p.m.

11 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
Richard Valle, Jen Angels and Zu Thao at 5:53 p.m.*

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meetings please contact the Office of the City Clerk. When possible, please notify the
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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.