

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 Minutes - FINAL

Monday, July 11, 2022

12:00 PM

Please See The Agenda To Participate In The Meeting

Virtual Tele- Conference Via Zoom

**Special Concurrent Meeting of the Oakland
Redevelopment Successor Agency/City Council**

The Oakland City Council Committee convened at 12:07 p.m., with Council President Fortunato Bas presiding as Chairperson.

The Roll Call was modified to note Councilmember Reid- present at 2:59 P.M.

ROLL CALL / CITY COUNCIL

Excused 1 - Rebecca Kaplan

Present 7 - Sheng Thao, Loren Taylor, Nikki Fortunato Bas, Noel Gallo, Dan Kalb, Carroll Fife, and Treva Reid

MODIFICATIONS TO THE AGENDA

Council President Bas requested to make modifications to the order of the agenda by hear housing related items first followed by ballot measure items in the following order:

#8 "Affordable Housing Infrastructure Bond"

#3 "Just Cause For Eviction Ordinance"

#4 "Emerald New Deal"

#7 "A Measure to Establish Public Financing For Oakland Elections"

#5 "Establishing Term Limits"

#6 "Good Governance Charter Reform Ballot Measure"

#9 "Amending Oakland Municipal Code Section 3.08.180"

#10 "Consolidation Of Oakland's November 8, 2022 General Municipal Election"

#2 "Amendment to The FY 22-23 Mid Cycle Adopted Policy Budget"

**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 que opened at 12:15 p.m. and closed at 12:30 p.m.

98 individuals spoke during Public Comment.

URGENCY FINDING

A motion was made by Councilmember Kalb, seconded by Council Present Bas to approve a motion finding that it is urgent for Council to be able to consider substantive amendments that are within the scope of the July 11, 2022 Special City Council agenda with regard to the following items, in order to avoid a substantial adverse impact. Those items are the following proposed ballot measures for the November 8, 2022 General Municipal Election:

Item No. 3 "Amendments to the Just Cause Ordinance"

Item No. 4 "Emerald New Deal"

Item No. 5 "Term Limits for Councilmembers"

Item No. 6 "Good Governance Charter Reform"

Item No. 7. "Establishing Public Financing for Oakland Elections"

Item No. 8 "Affordable Housing Infrastructure Bond Measure"

The motion passed with the following vote: (6) Ayes: Bas, Fife, Gallo, Kalb, Taylor, Reid; (1) NO - Thao; (1) Excused - Kaplan

8 Subject: Place An Affordable Housing Infrastructure Bond On The November 2022 Ballot
From: Finance Department
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 8, 2022, General Municipal Election, A Proposed Ordinance To Authorize Issuance Of \$850 Million In General Obligation Bonds To Fund Affordable Housing And Housing Preservation Projects, Transportation Projects, And Various City Infrastructure; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication, And Take Any And All Actions Necessary Under Law To Submit This Measure To The Voters At The November 8, 2022 General Municipal Election
[22-0567](#)

Attachments: [View Report w Attachments](#)
[View Legislation](#)
[View Supplemental Legislation - 7/7/2022](#)
[89314 CMS REVISED 7/15/2022](#)

A motion was made by Council President Bas, seconded by Councilmember Fife to adopt the item as amended with the following additional amendments:

From the "Supplemental Legislation - 7/7/2022"; On Page 5; under Section A: 2. Transportation Projects - (a) Street paving and reconstruction, adding the following language "which must implement City of Oakland pedestrian and bicycle safety plans wherever and whenever street paving and reconstruction is performed with priority to be given to high injury network streets and elsewhere whenever reasonably feasible as determined by the City, as mandated by the City of Oakland's Complete Streets Policy."

On page 6, section 3(a) for allocation to Fire Facilities removing "\$30 million" and replacing "\$40 million" and Other City Facilities: removing "\$90 million" and replacing "\$80 million".

On page 7, Section (D) striking "," and adding "including but not limited to compliance with the City of Oakland's SLBE/LBE ordinance." to the existing language.

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:

Excused: 1 - Kaplan

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

NO VOTE: 0

- 3** Subject: Submit Amendments To The Just Cause For Eviction Ordinance To The November 8, 2022 General Election
From: Councilmembers Kalb And Fife
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 8, 2022, General Municipal Election, An Ordinance To Amend Oakland Municipal Code Section 8.22.300 Et Seq. (Just Cause For Eviction Ordinance) To: (1) Extend Eviction Protections To Tenants In Vehicular Residential Facilities And Newly Constructed Rental Units, Except Accessory Dwelling Units During The First Ten Years; (2) Remove Failure To Execute A Lease Extension As Grounds For Eviction; (3) Prohibit No-Fault Evictions Of Educators And Children During The School Year; And (4) Make Other Clarifying Amendments; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication, And Take Any And All Actions Necessary Under Law To Prepare For And Conduct The November 8, 2022, General Municipal Election
[22-0542](#)

Attachments: [View Report](#)
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[View Supplemental Legislation 7/7/22](#)
[View Supplemental Report 7/722](#)
[89315 CMS](#)

A motion was made by Councilmember Kalb, seconded by Councilmember Fife to adopt the resolution with the following additional amendments:

From the "Supplemental Legislation 7/7/22", On Page 6, Of Section 5 [8.22.650] Subsection Section H:

Striking "Detached accessory Accessory dwelling units, as defined by California government code Section 6582.2, constructed on or after January 1, 2012. This exemption shall only apply for ten years after such unit is first offered for rent to any tenant or first receives a certificate of occupancy, whichever comes first".

Adding "A rental unit or rental units contained in a building that was newly constructed and received a certificate of occupancy within the past 10 years".

The motion passed with a vote of 7 Ayes: 1 Excused: Kaplan

An amendment to the main motion was made by Councilmember Gallo, seconded by Taylor to change the new ADU's (Accessory Dwelling Units) from 10 years to 15 years.

The motion failed with a vote of 3 Ayes: Gallo, Taylor, Reid; 4 No: Bas, Fife, Kalb, Thao; 1 Excused: Kaplan

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

Excused: 1 - Kaplan

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

NO VOTE: 0

- 4 Subject: Emerald New Deal Healing And Reparations Fund
From: Councilmembers Taylor, Reid And Gallo
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 8, 2022 General Municipal Election An Amendment To The Oakland City Charter To Add Article XVII To: (1) Establish The "Emerald New Deal Fund" For Cannabis Business Tax Revenue To Be Used For Services And Programs To Address Racially Inequitable Impacts Of The War On Drugs On Individuals, Families, And Communities In The City Of Oakland; And (2) Reestablish The Cannabis Regulatory Commission, As The "End-Harm Cannabis Regulatory Commission," With Revised Membership And Responsibilities, Including To Advise The Council On Expenditure Of The Emerald New Deal Fund; And Directing The City Clerk To Take All Actions Necessary Under Law To Submit This Item To The Voters At The November 8, 2022 General Election

[22-0382](#)

Attachments: [View Report](#)

[View Presentation](#)

[View Attachment Q&A](#)

[View Legislation](#)

[View Supplement Report - 6/23/22](#)

[View Supplement Legislation - 6/23/22](#)

[View Supplemental Legislation - 6/27/2022](#)

[View Supplemental Report - 6/29/2022](#)

[View Supplemental Legislation - 7/7/2022](#)

Councilmember Gallo motioned, Councilmember Taylor seconded to adopt the resolution with the following additional amendments:

From the "Supplemental Legislation - 7/7/2022"

On Page 3, in the sixth Whereas, striking "Reparations" adding "Restitution".

On Page 4, in the Title at the bottom of the page, striking "Reparations" adding "Restitution".

On Page 5, of Section 1700. Title; striking "Reparations" adding "Restitution". In Section 1701. Finding and Declarations - Subsection A; striking "Reparations" adding "Restitution" and adding "a portion of". In Subsection F, striking "Reparations" adding "Restitution"

On Page 8, In Section 1704. Special Fund - Emerald New Deal Fund; In the second sentence, adding "forty percent (40%) of".

On Page 9, In Section 1705. Use of Revenue; of Section A, subsection

i. striking "Reparations" adding, "Restitution"

- iii. striking "Reparations" adding, "Restitution"*
- iv. striking "Reparations" adding, "Restitution"*

In Section B. City of Oakland Programs; striking "twenty five percent (25%) available funds", replacing with "thirty percent (30%)" and "the revenue deposited in any fiscal year into the Emerald New Deal Fund".

Of subsection (b) adding "The Mobile Assistance Community Responders of Oakland (MACRO) Program".

In Section C. Outside Programs; In the first sentence, striking "Up to", adding "No less than", striking "forty percent (40%)", adding "thirty-five percent (35%) of the revenue deposited in any fiscal year into the Emerald New Deal Fund", and striking "available funds", and striking "may" replacing with "shall".

Section D, adding "the revenue deposited in any fiscal year into the Emerald New Deal Fund", and striking "available funds".

On Page 11, in subsection (e); replacing 'shal' with "shall".

On Page 12, Section B, striking "eight" and replacing with "Eight" and removing the words "of whom" throughout the paragraph.

On Page 15, of Section 1709. Expiration and Reauthorization; In the first paragraph, striking "21", adding "11"

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

- Excused:** 1 - Kaplan
- Abstained:** 2 - Fortunato Bas, and Kalb
- Aye:** 3 - Taylor, Gallo, and Reid
- No:** 2 - Thao, and Fife
- NO VOTE:** 0

EXTEND THE MEETING PAST 6:30 P.M.

At 6:42 P.M. A motion was made by Councilmember Reid, seconded by Council President Bas to extend the meeting past 6:30 P.M. The motion passed with a vote of 6 Ayes; 2 Excused - Gallo, Kaplan

- 7 Subject: Resolution To Submit To The Voters A Measure To Establish Public Financing For Oakland Elections.
From: Councilmembers Kalb, Council President Bas, And Councilmember Fife
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 8, 2022, General Municipal Election A Measure That Would Establish Public Financing For Elections Of City And School Board Officials, Increase Transparency Regarding Independent Spending On City Elections, And Further Restrict The Ability Of Former City Officials And Directors To Act As Lobbyists By: (1) Repealing The Limited Public Financing Act And Adopting The Fair Elections Act To Enable Resident Allocation Of Public Financing For Elective Office Campaigns; (2) Amending The Campaign Reform Act And Lobbyist Registration Act; And 3) Amending Section 603 Of The Charter Of The City Of Oakland To Fund Public Ethics Commission Staff To Implement The Fair Elections Act; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication, And Take Any And All Actions Necessary Under Law To Prepare For And Conduct The November 8, 2022, General Municipal Election

[22-0579](#)

Attachments: [View Report 6/27/2022](#)
[View Attachment 6/27/2022](#)
[View Legislation](#)
[View Supplemental Report - PEC 7/7/2022](#)
[View Supplemental Letter - PEC 7/7/2022](#)
[View Additional Supplement Staff Report - 7/7/2022](#)
[Vive Supplemental Report - 7/7/2022](#)
[Vive Supplemental Spreadsheet - 7/7/2022](#)
[View Supplement Ballot Summary - 7/7/2022](#)
[Vive Supplemental Legislation - 7/7/2022](#)
[View Supplemental Report - Finance- 7/7/2022](#)
[89316 CMS](#)

Councilmember Kalb motioned, Councilmember Fife seconded to adopt the resolution as amended with the following additional amendments:

From the "Supplemental Legislation - 7/7/2022"

On page 65, after the First Further Resolved; adding "Expanding Residents Participation in Election Campaigns by"

In the Proposed ballot question, Measure __ . adding "require a greater transparency in candidate election campaigns, establish a", striking "for", adding "program to broaden participation in", and "lower campaign contributions limits,".

On Page 34, Of 3.12.050 - Limitations on contributions from persons, In Subsection A - striking "five hundred dollars (\$500)", adding "six hundred dollars \$600.00".

On Page 35, In subsection B; striking "five hundred dollars (\$500)", adding "six hundred dollars \$600.00"

On Page 36, 3.12.060 - Limitation on contributions from broad based political committees. Of subsection A; removing "one thousand \$1,000" replacing "one thousand two hundred dollars (\$1,200.00)". Of subsection B; removing "one thousand \$1,000" replacing "one thousand two hundred dollars (\$1,200.00)".

This City Resolution be Adopted as Amended.

Excused: 2 - Gallo, and Kaplan

Aye: 6 - Thao, Taylor, Fortunato Bas, Kalb, Fife, and Reid

NO VOTE: 0

5 Subject: Establishing Term Limits For The City Council
From: Councilmember Taylor
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters For The November 8, 2022, General Municipal Election A Measure Entitled, "Establishing Term Limits For The City Council" That Would Amend The City Charter To:

(1) Limit Councilmembers To Three Consecutive Four-Year Terms As A District Councilmember And Three Consecutive Four-Year Terms As An At-Large Councilmember; And

(2) Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication, And Take Any And All Actions Necessary Under Law To Prepare For And Conduct The November 8, 2022, General Municipal Election
[22-0547](#)

Attachments: [View Report](#)
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This City Resolution be Withdrawn with No New Date.

- 6 Subject: Good Governance Charter Reform Ballot Measure
From: Councilmember Kalb
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters For The November 8, 2022, General Municipal Election A Government Reform Measure That Would Amend The City Charter To, Among Other Things: (1) Establish Term Limits For Councilmembers; (2) Require A Minimum Of Two Council Hearings Before Certain Council Proposed Ballot Measures Are Approved For Placement On The Ballot; (3) Count Councilmember Abstentions And Absences As A No Vote On Council Motions, Resolutions And Ordinances For Purposes Of Determining Whether Mayor Has Authority To Cast A Tie Breaking Vote; (4) Change The Formula For The Public Ethics Commission To Set Councilmember Salaries And Authorizing The Public Ethics Commission To Set The Salaries Of The City Auditor And City Attorney; (5) Add And Clarify Duties Of And Provide Minimum Staffing For The City Auditor; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication, And Take Any And All Actions Necessary Under Law To Prepare For And Conduct The November 8, 2022, General Municipal Election
[22-0583](#)

Attachments: [View Report](#)

[View Legislation](#)

[View Supplemental Report- 7/7/2022](#)

[View Supplemental Legislation - 7/7/2022](#)

[View Supplemental Report - Letter From Mayor 7/7/2022](#)

[View Supplemental Report - SPUR 7/7/2022](#)

[View Supplemental Report - MOBN 7/7/2022](#)

[89317 CMS](#)

A motion was made by Councilmember Kalb, seconded by Council President Bas to adopt the item as amended with the following additional amendments

From the "Supplemental Legislation - 7/7/2022"

On Page 6, Section 4.03.(1) City Auditor; striking "four years", replacing "three years"

***In Floor Amendment Option A, Special Election Depending on the Length of the Appointment
Section 403(3) Vacancy, Filling of.***

In Floor Amendment Option B, Always Have a Special Election; Section 403(3)

On Page 9, Section 601(b) striking the first sentence "The Council may provide by ordinance that Councilmembers shall nominate candidates for the Mayor's consideration in appointing members of a particular City Commission or Board that is created by ordinance".

Adding "Notwithstanding any other language in this section 601, or elsewhere in the Charter, for vacancies on boards and commissions for which an ordinance specifies that Councilmembers may nominate a candidate for the Mayor's consideration, the designated Councilmember shall have" striking "60" replacing "45" adding " days from the date the vacancy occurs to recommend one or more nominees to the Mayor in writing. Upon such nomination or the expiration of the" striking "60" replacing "45" adding day nomination period, whichever occurs first, the Mayor shall have 90 days thereafter to submit any eligible candidate for the Council's confirmation".

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

Excused: 2 - Gallo, and Kaplan

Aye: 5 - Thao, Taylor, Fortunato Bas, Kalb, and Reid

No: 1 - Fife

NO VOTE: 0

- 9** Subject: Amending Oakland Municipal Code Section 3.08.180 - Filing Fees
From: Office Of The City Clerk
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Sections 3.08.060 - Filing Fee And 3.08.180 - Filing Fees (Initiative Petitions) To Align The Filing Fees With The City Of Oakland Master Fee Schedule And Make Other Technical Edits [TITLE CHANGE]
[22-0620](#)

Attachments: [View Report](#)

[View Legislation](#)

[13702 CMS](#)

[Proof Of Publication 13702 CMS](#)

A motion was made by Dan Kalb, seconded by Nikki Fortunato Bas, 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 7/19/2022. The motion carried by the following vote:

Excused: 2 - Gallo, and Kaplan

Aye: 6 - Thao, Taylor, Fortunato Bas, Kalb, Fife, and Reid

NO VOTE: 0

10 Subject: Consolidation Of The City Of Oakland's November 8, 2022 General Municipal Election
From: Office of The City Clerk
Recommendation: Adopt An Ordinance: 1) Calling And Giving Notice For The Holding Of A General Municipal Election On November 8, 2022 For The Purpose Of Submitting To The Electors Of The City Of Oakland Proposed Ballot Measures; 2) Requesting Consolidation Of The City Of Oakland General Municipal Election With The Statewide Election To Be Held In The City Of Oakland On November 8, 2022; And 3) Authorizing And Directing The City Clerk To Take All Actions Necessary For The Municipal Election In Accordance With Applicable Legal Requirements
[22-0626](#)

Attachments: [View Notice- 7/7/2022](#)
[View Legislation - 7/7/2022](#)
[View Supplemental Legislation 7/15/2022](#)
[View Supplemental Legislation 7/21/2022](#)
[13705 CMS](#)
[Proof Of Publication 13705 CMS](#)

A motion was made by Councilmember Fife seconded by Council President Bas to approve the item as amended with the following amendments:

From the Legislation 7/7/2022", on Page 3, in the fourth paragraph, to read as follows: "Shall the Measure amending the Just Cause for Eviction Ordinance to: (1) prohibit no-fault evictions of children and educators during the school year; (2) extend eviction protections to tenants in recreational vehicles (RVs), tiny homes on wheels, and newly constructed units (except during the first 10 years after issuance of the certificate of occupancy); (3) remove failure to sign a new lease as grounds for eviction; and (4) make other clarifying amendments, be adopted?"

On Page 3, striking the sixth paragraph, "Shall the measure amending the City Charter to deposit existing and future cannabis business taxes in a new City fund to support programs and services addressing the racially inequitable impacts of the War on Drugs, except during extreme financial crises, and replace the Cannabis Regulatory Commission with a new commission, which will develop guidelines for funding priorities and recommend to the Council programs and services to be funded with the taxes, be adopted?"

A motion was made by Carroll Fife, seconded by Nikki Fortunato Bas, 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 7/19/2022. The motion carried by the following vote:

Excused: 2 - Gallo, and Kaplan

Aye: 6 - Thao, Taylor, Fortunato Bas, Kalb, Fife, and Reid

NO VOTE: 0

- 2 Subject: Amendment To The FY 22-23 Midcycle Adopted Policy Budget
From: Finance Department
Recommendation: Adopt A Resolution Amending The Fiscal Year 2022-2023 Midcycle
Adopted Policy Budget Resolution Which Was Adopted At The City Council's Special
Meeting On June 30, 2022
[22-0597](#)

Attachments: [View Legislation](#)
[View Report - Bas - 7/7/2022](#)
[View Exhibit 1 - Kaplan Budget Amendments](#)
[View Exhibit 1 - Bas Budget Amendments 7/7/2022](#)
[View Report - Kalb- 7/7/2022](#)
[View Supplemental Report - DOT Kaplan Response 7/21/2022](#)
[View Supplemental Report - 7/22/2022](#)
[View Supplemental Spreadsheet - 7/22/2022](#)
[89377 CMS](#)

A motion was made by Nikki Fortunato Bas, seconded by Dan Kalb, that this matter be Continued to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 7/26/2022. The motion carried by the following vote:

Excused: 2 - Gallo, and Kaplan

Aye: 6 - Thao, Taylor, Fortunato Bas, Kalb, Fife, and Reid

NO VOTE: 0

AT THE CALL OF COUNCIL PRESIDENT BAS A SPECIAL CITY COUNCIL MEETING FOR JULY 26, 2022 AT 1:30 P.M. WAS CALLED

Subject: Ordinance Amending Ordinance No. 13647 C.M.S.
From: Workplace And Employment Standards Department
Recommendation: Adopt An Ordinance Amending Ordinance No. 13647, Which Amended Certification Requirements In Oakland's Local And Small Local Business Enterprise (L/SLBE) Program, To Revise And Correct Certification Requirements [TITLE CHANGE]
[22-0484](#)

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

A scheduling motion was made by Council President Bas, seconded by Councilmember Taylor that the item regarding "Ordinance Amending Ordinance No. 13647 C.M.S." be placed on the July 19, 2022 Special City Council Agenda, and cancelled the Special City Council meeting of June 12, 2022. The motion passed with a vote of 6 Ayes: 2 Excused: Gallo, Kaplan

A motion was made by Nikki Fortunato Bas, seconded by Loren Taylor, that this matter be Referred to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 7/19/2022. The motion carried by the following vote:

Excused: 2 - Gallo, and Kaplan

Aye: 6 - Thao, Taylor, Fortunato Bas, Kalb, Fife, and Reid

NO VOTE: 0

AT THE CALL OF COUNCIL PRESIDENT BAS THE JULY 12, 2022 SPECIAL CITY COUNCIL WAS CANCELED

OPEN FORUM / CITIZEN COMMENTS

The call of the que opened at 9:53 p.m. and closed at 9:55 p.m.

15 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, and upon the motion duly made, the Council adjourned the meeting in the memory of Margaret Cunningham and Terri Bonita McWilliams at 10:22 p.m.

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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.