

# 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**

**Tuesday, April 21, 2020**

**1:30 PM**

**Please see the agenda to participate in the meeting**

**Tele-Conference**

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

**PLEDGE OF ALLEGIANCE**

## 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://zoom.us/j/97680581667>

at the noticed meeting time. Instructions on how to join a meeting by video conference is available at: <https://support.zoom.us/hc/en-us/articles/201362193> - Joining-a-Meeting

- 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 +1 346 248 7799 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 - Webinar ID: 976-8058-1667

If asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.

### COMMENT:

DUE TO THE SUSPENSION OF THE SUNSHINE ORDINANCE AND COUNCIL'S RULES OF PROCEDURES 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 make public comment within the time allotted for public comment on an eligible Agenda item.

- 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 under "eComment" for the corresponding meeting. Please note that eComment submissions 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 then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be 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 request to speak when Public Comment is being taken on a eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.

If you have any questions, please email Asha Reed, Assistant City Clerk at [AReed@oaklandca.gov](mailto:AReed@oaklandca.gov).

- Office of the City Clerk

## ROLL CALL / CITY COUNCIL

*The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency was held on the above date. The meeting was convened at 1:39 P.M.*

**Present** 8 - Dan Kalb, Larry Reid, Lynette McElhaney, Noel Gallo, Sheng Thao, Loren Taylor, Nikki Bas, and Rebecca Kaplan

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.

### 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.

*There were 26 speakers on this item*

### 2 Receive The Following Oral Reports:

This be Accepted.

**A** Subject: Financial Impacts Of COVID-19  
From: Councilmember Kalb  
Recommendation: Receive An Oral Status Report From The City Administration On The Local Financial Impacts Of The COVID-19 Crisis On The Fiscal Year (FY) 2019-21 Budget, And Financial Impacts, Challenges And Available Assistance To Our Public Sector Workers, And To Oakland Small Businesses And Their Employees  
[20-0321](#)

**Attachments:** [View COVID-19 Informational Memo](#)

A motion was made that this matter be Received and Filed. The motion carried by the following vote:

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

**NO VOTE:** 0

**B** Subject: Oral Update On COVID-19 Response To Homelessness  
From: Council President Kaplan  
Recommendation: Receive An Oral Status Report From The City Administration On City Council Resolution No. 88078 C.M.S. Related To Acquiring Buildings, Facilities And Supplies For The Provision Of Aide And Housing To The Homeless Residents To Prevent The Spread Of COVID-19 In Homeless Communities  
[20-0331](#)

A motion was made that this matter be Received and Filed. The motion carried by the following vote:

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

**NO VOTE:** 0

**3 Adopt The Following Actions to Authorize Needed Contracts and Leases:**

**This be Approve with the following amendments.**

**A** Subject: Mandela Parkway Landscape Maintenance  
From: Oakland Public Works  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Award And Execute A Landscape Maintenance Contract To Bay Construction, The Lowest Responsive And Responsible Bidder, For The Mandela Parkway Landscape Maintenance, For A Term Of Two (2) Years In An Amount Not To Exceed Two Hundred Fifty-Six Thousand Dollars (\$256,000.00), Or One Hundred Twenty-Eight Thousand Dollars (\$128,000.00) Annually, In Accord With The Contractor's Bid  
[20-0324](#)

**Attachments:** [View Mandela Parkway Landscape Maintenance Report](#)

[View Attachment A](#)

[View Attachment B](#)

[View Mandela Parkway Landscape Maintenance Legislation](#)

[88097 CMS](#)

**A motion was made by Dan Kalb that this matter be Adopted. The motion carried by the following vote:**

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

**NO VOTE:** 0

**B** Subject: Animals Services Contract  
From: Animal Services Contract  
Recommendation: Adopt A Resolution Waiving Advertising And The Request For Proposals/Qualifications Process And Authorizing The City Administrator To Extend The Agreement Under The Same Terms And Conditions With East Bay Society For The Prevention Of Cruelty To Animals ("EBSPCA") For As- Needed Spay/Neuter And Other Veterinary Services From December 31, 2019 Through June 30, 2020, In An Amount Not To Exceed One Hundred Eighty Three Thousand Five Hundred Six Dollars (\$183,506.00), For A Total Contract Amount Of Four Hundred Thirty Three Thousand Five Hundred Five Dollars And Ninety Nine Cents (\$433,505.99)

[20-0313](#)

**Attachments:** [View EBSPCA Report](#)  
[View Legislation](#)  
[View Supplemental Agenda Report](#)  
[View Supplemental OAS - EBSPCA Legislation](#)  
[88098 CMS](#)

**A motion was made that this matter be Adopted. The motion carried by the following vote:**

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

**NO VOTE:** 0

**C** Subject: OPD Live Stream Transmitter Privacy Policy  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Approving The Oakland Police Department (OPD) Live Stream Transmitter Policy And Surveillance Impact Report

[20-0327](#)

**Attachments:** [View Live Stream Transmitter Report](#)  
[View Attachment A](#)  
[View Attachment B](#)  
[View Attachment C](#)  
[View Live Stream Transmitter Legislation](#)  
[88099 CMS](#)

**A motion was made that this matter be Adopted. The motion carried by the following vote:**

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

**NO VOTE:** 0

**D** Subject: OPD NICJR Youth Incarceration Deversion Program MOU  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) Between The Oakland Police Department (OPD) And The National Institute For Criminal Justice Reform (NICJR), A California Nonprofit Organization, To Establish An Effective Partnership Committed To The Successful Implementation Of The Neighborhood Opportunity And Accountability Board Diversion Program (NOAB)

[20-0329](#)

**Attachments:** [View Report](#)  
[View Resolution](#)  
[View Attachment A](#)  
[View Oakland Police Commission Letter](#)  
[88100 CMS](#)

*Amending the resolution to be authorize a 2 year MOU instead of 1 year*

**A motion was made that this matter be Adopted as Amended. The motion carried by the following vote:**

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

**NO VOTE:** 0

**E** Subject: Ordinance Authorizing Emergency Shelter Leases  
From: Office Of The City Administrator  
Recommendation: Adpot An Ordinance: 1) Authorizing The City Administrator To Enter Into Three-Year Leases, Each At No Monthly Rent, With Covenant House On Caltrans Property Leased By The City, Roots Community Health Center On The City-Owned Home Base Lot, And Youth Spirit Artworks On The Home Base Lot In Exchange For The Foregoing Entities Agreement To Provide Emergency Shelter And Services To Oakland Residents; 2) Awarding Agreements For Professional Services, At No Cost To The City, To Covenant House, Roots Community Health Center, And Youth Spirit Artworks For The Provision Of Emergency Shelter And Services To Oakland Residents; 3) Waiving The Competitive Bidding Process; And 4) Adopting California Environmental Quality Act (CEQA) Exemption Findings

[20-0277](#)

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

[View Legislation](#)

[View Exhibit A](#)

[View Exhibit B](#)

[View Exhibit C](#)

[View Supplemental Legislation 4/14/2020](#)

[View Supplemental Redline Legislation - 4/16/2020](#)

[View Supplemental Legislation - 4/16/2020](#)

[View Supplemental Exhibit A- 4/16/2020](#)

[View Supplemental Legislation 5/1/2020](#)

[13592 CMS](#)

[Proof Of Publication](#)

**A motion was made 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 5/5/2020.**

**The motion carried by the following vote:**

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

**NO VOTE:** 0



**G** Subject: FY 2020-21 Landscaping And Lighting District (LLAD) Initiation & Intention  
From: Finance Department  
Recommendation: Adopt A Resolution 1) Initiating The Fiscal Year (FY) 2020-21 Assessment Process For The City Of Oakland Landscaping And Lighting Assessment District; 2) Approving The City Of Oakland Landscaping And Lighting Assessment District FY 2020-2021 Preliminary Engineer's Report; 3) Declaring The Intention To Levy And Collect The Annual Landscaping And Lighting Assessment District Assessment For FY 2020-2021; And 4) Setting June 2, 2020 At 6:30 P.M. As The Date And Time For A Public Hearing  
[20-0325](#)

**Attachments:** [View Report](#)  
[View Report - Resolution](#)  
[View Report - Attachment A Preliminary Engineer Report](#)  
[View LLAD - Attachment B](#)  
[88101 CMS](#)

***Amending the time in the public hearing to May 5, 2020 at 5:30 P.M.***

**A motion was made by Loren Taylor, seconded by Lynette McElhaney, that this matter be Adopted as Amended. The motion carried by the following vote:**

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

**NO VOTE:** 0

**4 Adopt The Following Actions:**

**This be Approve as Submitted.**

**A** Subject: Resolution To Proclaim April 19 - 25 Victims' Rights Week  
From: Councilmember Thao  
Recommendation: Adopt A Resolution Recognizing National Victims' Rights Week From April 19-25, 2020 And Reaffirming The Commitment To Respect And Enforce Victims' Rights  
[20-0322](#)

**Attachments:** [View Victims' Rights Week Memo](#)  
[View Victims' Rights Legislation](#)  
[88102 CMS](#)

**A motion was made that this matter be Adopted. The motion carried by the following vote:**

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

**NO VOTE:** 0

**B** Subject: Resolution To Protect Inmates From COVID-19  
From: Councilmembers Bas, McElhaney, Taylor And City Attorney Parker  
Recommendation: Adopt A Resolution Calling Upon The Alameda County Sheriff's  
Office, Alameda County Probation Department And Other Alameda County Officials To  
Release Incarcerated Individuals With Six Months Or Less Time Remaining At Santa Rita  
Jail And Take Other Necessary Measures To Protect The Health And Safety Of  
Individuals Detained In And Staffing The Santa Rita Jail And Alameda County Juvenile  
Detention Facilities  
[20-0326](#)

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

[View Legislation](#)

[View Supplemental Power Point Presentation - 4/20/2020](#)

[88103 CMS](#)

**A motion was made that this matter be Adopted. The motion carried by the  
following vote:**

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

**NO VOTE:** 0

- 5 Subject: Ballot Measure Amending Powers Of The Police Commission  
From: Council President Kaplan And Pro Tem Kalb  
Recommendation: Adopt A Resolution Proposing To Amend City Charter Section 604 To Strengthen The Independence Of The Oakland Police Commission, Directing The City Administrator To Give Written Notice To Employee Organizations That May Be Affected, And Directing The City Administrator To Meet And Confer, As Appropriate Subject To Further Council Instruction  
[20-0140](#)

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

[View Kalb Supplemental 2/20/2020](#)

[View Memo 4/16/2020](#)

[View Supplemental Legislation 4/17/2020](#)

[View Addendum 4/16/2020](#)

[View Appendix 4/16/2020](#)

[View Supplemental Police Commission Measure - 4/20/2020](#)

[View Supplemental OPC Charter Amendment Legislative History - 4/20/2020](#)

[View Supplemental Amendments To City Charter Section 604 - 4/27/2020](#)

[Supplemental Oakland Police Commission Report](#)

[Supplemental Oakland Police Commission Revised Legislation](#)

[View City Attorney Amended Legislation](#)

[View City Administrator Supplemental Report](#)

[View Supplemental Memo Police Commission - CM Taylor 5/7/2020](#)

[View Supplemental Legislation - Kaplan, Kalb, Gallo](#)

[View Supplemental Police Commission Memo - Kaplan 5/11/2020](#)

[View Supplemental Police Commission Measure - Staff Memorandum 5/11/2020](#)

[View Supplemental Report 6/5/2020 - "Letter From Oakland Police Commission"](#)

[View Supplemental Report 6/5/2020 "Dissenting Opinion - The Oakland Police Commission"](#)

[View Supplemental Legislation 6/5/2020 - "Oakland Police Commission Draft"](#)

[View Supplemental Legislation 6/5/2020 - Kaplan, Kalb, Gallo, Taylor \(Version A\)](#)

[View Supplemental Legislation 6/5/2020 - Kaplan, Kalb, Gallo, Taylor \(Version B\)](#)

[View Supplemental Report 6/5/2020 - City Administrator](#)

[View Supplemental Legislation 6/8/2020 - Kaplan, Kalb, Gallo, Taylor \(Version C\)](#)

***There was a motion by Council Member Gallo , seconded by Vice Mayor Reid to send this item back to the public safety committee meeting.***

*There were 10 speakers on this item.*

*Council Member Taylor, seconded by Vice Mayor Reid made a motion to have a public safety meeting on April 28, 2020 at 1:30 P.M. discussing the amendments to the police commission ballot measure the motion passed with 8 AYES (Bas, Gallo, Kalb, McElhaney, Reid, Taylor, Thao, and President Kaplan)*

*Council Member Taylor made a motion, seconded by Reid to schedule to the 1:30 p.m. May 5, 2020 adopt temporary amendments to the council rules of procedure to last during the covid-19 pandemic. The motion passed with 8 AYES (Bas, Gallo, Kalb, McElhaney, Reid, Taylor, Thao, and President Kaplan)*

**This City Resolution be Withdrawn and Rescheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 5/5/2020**

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

**NO VOTE:** 0

**F** Subject: Tenant Protection, Just Cause, & Rent Ordinance Amendments  
From: City Attorney Parker, Councilmember Bas And Pro Tem Kalb  
Recommendation: Adopt An Ordinance Amending Chapter 8.22 Of The Oakland Municipal Code (Residential Rent Adjustments And Evictions) To (1) Limit The Maximum Rent Increase In Any One Year To Conform To State Law; (2) Make Failure To Pay Required Relocation Benefits An Affirmative Defense To Eviction; (3) Limit Late Fees; (4) Prohibit Unilaterally Imposed Changes To Terms Of Tenancy; (5) Add One-For-One Replacement Of Roommates To The Definition Of Housing Services; (6) Prohibit Eviction Based On Additional Occupants If Landlord Unreasonably Refused Tenant's Written Request To Add Occupant(S); And (7) Strengthen Tenants' Rights And Enforcement Of Tenants' Rights Under The Tenant Protection Ordinance [TITLE CHANGE]  
[20-0228](#)

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

[View Legislation](#)

[View Supplemental Report 6/26/2020](#)

[View Supplemental Legislation 6/26/2020](#)

*There was a motion by Vice Mayor Reid, seconded by Councilmember Taylor to schedule this item to the May 12, 2020 Special Community and Economic Development Committee meeting.*

**This Ordinance be \* Withdrawn and Rescheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 5/5/2020**

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

**NO VOTE:** 0

**Councilmember Announcements**

*Councilmember Kalb took a point of personal privilege and requested that the meeting be adjourned in memory of Rachel Kahn -Hu*

*Councilmeber McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of ZaHaus*

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

**ADJOURNMENT OF COUNCIL SESSION**

**(Meeting Shall Conclude No Later Than 12:00 A.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 memory of Rachel Kahn -Hu and Gene Zahas at 8:29 p.m.*

**Americans With Disabilities Act**

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

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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.**