

# 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, October 19, 2021**

**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 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***

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/88527652491> 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: 885 2765 2491

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 click on <https://oakland.legistar.com/calendar.aspx> and click on the "eComment" link for the corresponding meeting. Please note that eComment submission 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 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 Dan Kalb, District 1; Vice Mayor Rebecca Kaplan, At Large; Councilmember Treva Reid, District 7; Councilmember Loren Taylor, District 6; President Pro Tempore Sheng Thao, District 4; Council President Nikki Fortunato Bas, District 2;*

### 1 PUBLIC COMMENT:

**COMMENTS ON ALL ACTION ITEMS EXCEPT PUBLIC HEARINGS WILL NOT BE TAKEN AT THIS TIME. COMMENTS FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN**

### 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  
[21-0730](#)
- 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  
[21-0731](#)
- 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  
[21-0732](#)
- 2.4 Subject: As Part Of National Hispanic Heritage Month, Honoring Hispanic/ Latinx Community Leaders  
From: Councilmember Gallo  
Recommendation: Adopt A Resolution, As Part Of National Hispanic Heritage Month, Honoring Hispanic/ Latinx Community Leaders In All Council Districts For Their Continual Year-Round Work  
[21-0691](#)

**Legislative History**

9/23/21      \*Rules & Legislation      Scheduled to the \* Concurrent Meeting of  
Committee      the Oakland Redevelopment Successor  
Agency and the City Council  
*Approved to be scheduled to October 19, 2021*

- 2.5**    Subject:    Electric Vehicle Fast Charging at City Center West Garage  
From:      Transportation Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With East Bay Community Energy For The Installation And Operation Of Electric Vehicle Fast Charging Stations At the City Center West Parking Garage, At No Cost To The City  
[21-0711](#)

**Legislative History**

9/30/21      \*Rules & Legislation      Scheduled to the \* Concurrent Meeting of  
Committee      the Oakland Redevelopment Successor  
Agency and the City Council

- 2.6**    Subject:    Resolution For The Public Improvements At 24th St./Harrison St./Bay P1./27th St.  
From:      Transportation Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Public Improvements Reimbursement Agreement And The Contribution Of Transportation Impact Funds To Holland 24th & Harrison Investors, LLC, In An Amount Not To Exceed 2.1 Million Dollars (\$2,100,000) For The Construction Of Public Improvements At The Intersection Of 24th Street, Harrison Street, Bay Place, And 27th Street In Accord With Project Plans And Specifications; Waiving Advertising And Competitive Bidding; And Adopting Appropriate California Environmental Quality Act ("CEQA") Findings  
[21-0712](#)

**Sponsors:**      Transportation Department

**Legislative History**

9/30/21      \*Rules & Legislation      Scheduled to the \* Concurrent Meeting of  
Committee      the Oakland Redevelopment Successor  
Agency and the City Council

- 2.7**    Subject:    Major Encroachment Permit On Franklin Street  
From:      Transportation Department  
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Steven H. Banker And Jennifer J. Banker, And Gary Bettencourt And Mari Bettencourt, As Trustees Of The Gary And Mari Bettencourt 2014 Trust, To Allow An Upward Swinging Double Leaf Basement Access Door And A Portion Of A Basement Below Grade To Encroach Into The Public Right-Of-Way On Franklin Street, Major Encroachment Permit ENMJ20055; And California Environmental Act Findings (CEQA)  
[21-0714](#)

**Legislative History**

9/30/21 \*Rules & Legislation Committee Scheduled to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

- 2.8** Subject: MTC Park-N-Ride Lots Under I-880 At High St And Fruitvale Ave  
From: Transportation Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Finalize And Execute An Amendment To The Maintenance Agreement With The State Of California, Department Of Transportation For Interstate-880 At High Street And Fruitvale Avenue; And [21-0713](#)

**Legislative History**

9/30/21 \*Rules & Legislation Committee Scheduled to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

2) A Resolution Authorizing The City Administrator To Finalize And Execute An Agreement With The Metropolitan Transportation Commission (MTC) For The City To Provide Parking Enforcement Services, In Support Of The MTC Managed Commuter Parking-And-Ride Facilities Under Interstate-880 At High Street And At Fruitvale Avenue [21-0715](#)

**Legislative History**

9/30/21 \*Rules & Legislation Committee Scheduled to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

- 2.9** Subject: Children's Environmental Health Month  
From: Vice Mayor Kaplan And Councilmember Kalb  
Recommendation: Adopt A Resolution To Declare October 2021 As Children's Environmental Health Month In Recognition Of Clean Air And Water And The Steps Necessary To Safeguard The Health, Safety, And Wellbeing Of Children [21-0725](#)

**Legislative History**

9/30/21 \*Rules & Legislation Committee Scheduled to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council  
*Councilmember Kalb requested to be added as a co-sponsor*

- 2.10** Subject: Supporting Haitian Refugees  
From: Councilmember Fife  
Recommendation: Adopt A Resolution Condemning The Inhumane Treatment And Deportation Of Haitian Asylum-Seekers Near The United States-Mexico Border By The Federal Administration And Affirming The City Of Oakland's Commitment To Welcoming And Supporting Resettlement Efforts Of Haitian Refugees In Oakland [21-0726](#)

**Legislative History**

9/30/21 \*Rules & Legislation Committee Scheduled to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

- 2.11** Subject: Choice Of Communications Services Providers By Occupants Ordinance  
From: Councilmember Gallo  
Recommendation: Adopt An Ordinance To Prohibit Owners Of Multiple Occupancy Buildings From Interfering With The Choice Of Communications Services Providers By Occupants, Establish Requirements For Communications Services Providers To Obtain Access To Multiple Occupancy Buildings, And Establish Remedies For Violation Of The Access Requirement  
[21-0467](#)

**Attachments:** [View Report](#)  
[View Supplemental Report - 10/1/2021](#)

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

*INTRODUCTION (First Reading) WAS PASSED ON OCTOBER 5, 2021; 8 AYES.*

**Legislative History**

6/3/21 \*Rules & Legislation Committee Scheduled to the \*Community & Economic Development Committee  
6/10/21 \*Rules & Legislation Committee Scheduled to the \*Community & Economic Development Committee  
9/28/21 \*Community & Economic Development Committee Approved as Amended the Recommendation of Staff, and Forward to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

*The Committee approved staff recommendations as amended to include the following:*

*Adding: Section 8.66.115. Notification to Occupant: All property owners of multiple occupancy buildings as defined in section 8.66.020 are required to issue written notice to all existing occupants of their rights contained in this ordinance within 60 days after the City sends out notification of this ordinance. All new occupants shall receive written notice of their rights contained in this ordinance within 30 days of occupancy. The written notices required by this section may be contained within a lease or rental agreement, by my of a lease addendum, or as a separate written notification; And*

*Have The Author of the ordinance work with City Attorney to create a Non-Codified Section of the ordinance requiring The City to notify the public*

*To be scheduled to the October 5, 2021 City Council Agenda as a non-consent item.*

9/30/21 \*Rules & Legislation Committee Scheduled to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

*Approved to Non-Consent*

10/5/21 \* 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

*Councilmember Gallo made a motion, seconded by Vice Mayor Kaplan to  
approve staffs recommendations as amended to include the following:*

*adding to page 11 section 5 after the words to be mailed adding or email*

#### 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 OCTOBER 5, 2021  
AT 1 P.M. AND OCTOBER 5, 2021 AT 1:30 P.M.

[21-0733](#)

6 Subject: Exclusive Negotiation Agreement For 73rd Avenue And Foothill Boulevard  
From: Economic And Workforce Development Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An  
Exclusive Negotiating Agreement (ENA) With The Black Cultural Zone Community  
Development Corporation (BCZ) In Partnership With Community Arts Stabilization Trust  
(CAST), Curtis Development, And/Or Their Affiliated Entities For Eighteen (18) Months,  
With One Additional Six (6) Month Administrative Extension, For The Future Disposition  
Of The City-Owned 73rd Avenue And Foothill Boulevard Property (APN 039-3291-020),  
Subject To The Completion Of A California Environmental Quality Act (CEQA)  
Determination

[21-0723](#)

##### Legislative History

9/30/21 \*Rules & Legislation  
Committee Scheduled to the \* Concurrent Meeting of  
the Oakland Redevelopment Successor  
Agency and the City Council

*Approved for Non-Consent*

7 Subject: 2021 Emergency Operations Plan Update  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Adopting The 2021 Oakland Emergency  
Operations Plan Update

[21-0716](#)

##### Legislative History

9/30/21 \*Rules & Legislation  
Committee Scheduled to the \* Concurrent Meeting of  
the Oakland Redevelopment Successor  
Agency and the City Council

- 8 Subject: Informational Report On The Status On Authorized Grants  
From: Vice Mayor Kaplan  
Recommendation: Receive An Informational Report From The City Administrator On The Status Of Council-Authorized Grants And The Process For Issuance Of 'Grants, Including: For Each Grant Approved By Council In 2021, Whether All Or Part Or None Of Funds Have Been Issued, Status Of Any Remaining Steps To Be Taken And Funds To Be Issued  
[21-0695](#)

**Legislative History**

9/23/21 \*Rules & Legislation Committee Scheduled to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

*The Rules And Legislation Committee Approved the following Title Change Read into record;*

*Receive An Informational Report From The City Administrator On The Status Of Council-Authorized Grants And The Process For Issuance Of 'Grants, Including: For Each Grant Approved By Council In 2021, Whether All Or Part Or None Of Funds Have Been Issued, Status Of Any Remaining Steps To Be Taken And Funds To Be Issued; and*

*to be scheduled to Non-Consent*

- 9 Subject: Oral Reports On Outside Boards And Commissions  
From: Vice Mayor Kaplan And Council President Fortunato Bas  
Recommendation: Receive An Informational Reports From Representatives On Outside Boards And/Or Commissions To Provide The City Council With A Briefing On General Business Regarding The Issues, Activities, Major Decisions And The Agenda Of The Body On Which The Representative Serves  
[21-0588](#)

**Legislative History**

7/22/21 \*Rules & Legislation Committee Scheduled to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

*Approved for Non-Consent for September 21, 2021*

9/16/21 \*Rules & Legislation Committee Scheduled to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council

*The Rules Committee Approved This Item Be Moved To The Last Item On The September 21, 2021 Special City Council Agenda*

9/21/21 Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council Withdrawn with No New Date

*Vice Mayor Kaplan noted this item will be brought back to Rules and Legislation Committee for rescheduling*

9/30/21

\*Rules & Legislation  
Committee

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

*Approved for Non-Consent*

*The Rules And Legislation Committee approved a Title Change, striking Oral  
and adding Informational*

## **ANNOUNCEMENTS / ADJOURNMENTS IN MEMORY OF**

### **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)**

#### **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.**

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

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

**Fax: (510) 238-6699**

**Recorded Agenda: (510) 238-2386**

**Telecommunications Relay Service: 711**

**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.**