

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, March 21, 2023

4:00 PM

City Council Chamber, 3rd Floor

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

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/88526310335> 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 2631 0335**

If asked for a participant ID or code, press #.

PUBLIC COMMENT ON EACH ACTION ITEM WILL BE TAKEN. ALL MEMBERS OF THE PUBLIC WISHING TO SPEAK VIA TELECONFERENCE OR IN PERSON MUST FILL OUT A SPEAKER CARD FOR EACH ITEM - TO SUBMIT AN ELECTRONIC SPEAKER CARD EMAIL CITYCLERK@OAKLANDCA.GOV FOR ASSISTANCE. MEMBERS OF THE PUBLIC WISHING TO SPEAK VIA TELECONFERENCE MUST SUBMIT A SPEAKER CARD PRIOR TO THE CALL OF THE ITEM AND PROVIDE THEIR ZOOM PROFILE NAME (WHICH AT THE SPEAKER'S DISCRETION MAY BE THEIR LEGAL NAME OR OTHER INFORMATION TO IDENTIFY THEM) OR PHONE NUMBER ON THEIR SPEAKER CARD TO ALLOW THE CLERK'S OFFICE TO RECOGNIZE THEM. SPEAKERS' CARDS MUST BE RECEIVED BY THE CITY CLERK: (1) PRIOR TO COUNCIL ACTION ON MODIFICATIONS TO THE AGENDA FOR ITEMS AGENDIZED BEFORE THE NON-CONSENT CALENDAR, AND (2) PRIOR TO THE INTRODUCTION OF THE FIRST CONSENT ITEM, UNLESS CONSENT TO SPEAK IS GIVEN BY THE PRESIDING OFFICER OR A MAJORITY OF THE COUNCIL. COMMENTS ON ITEMS NOT ON THE AGENDA WILL BE TAKEN UNDER OPEN

FORUM AT THE END OF THE MEETING.

PUBLIC COMMENTS:

- **THE E-COMMENT FUNCTION IS CURRENTLY UNAVAILABLE. Please Email Written Comments To Cityclerk@Oaklandca.Gov And They Will Be Delivered To Council Members. E-Comments must be submitted at least 24 hours prior to the meeting time.**
- **To Comment In Person, Members Of The Public Wishing To Speak Must Submit A Separate Speaker Card For Each Item On The Agenda They Wish To Discuss To The City Clerk Before Being Recognized By The Presiding Officer. Due To The Network Outage, Electronic Speaker Cards Are Not Being Accepted At This Time.**
- **Once You Have Submitted Your Electronic Speaker Card - To comment by Zoom video conference, your Zoom Profile Name will be Acknowledged 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

- Office of the City Clerk

DEFINITION OF TERMS:

- **Action Item:** shall mean any resolution, ordinance, public hearing, motion or recommendation requiring official vote and approval of the City Council to be effective.
- **Informational Item:** shall mean an agenda item consisting only of an informational report that does not require or permit Council action.
- **Consent Item:** shall mean, for the purposes of the City Council agenda, any action or informational item that a Standing Committee has forwarded to the full Council with unanimous recommendation for approval, except: 1) any item having a high level of public interest or controversy as determined by the Rules and Legislation Committee; 2) any action item that the Rules and Legislation Committee has placed on the Consent Calendar in accordance with Rule 26; or 3), any item that requires a public hearing or that is otherwise ineligible by law as a Consent Item.
- **Non-Consent Item:** shall mean, for the purposes of the City Council agenda, any action or informational item that: 1) a Standing Committee has forwarded to the full Council without unanimous recommendation for approval; 2) has a high level of public interest or controversy as determined by the Rules and Legislation Committee or: 3) requires a public hearing or is otherwise ineligible by law as a Consent Item.

1 Call To Order

2 ROLL CALL / CITY COUNCIL

COUNCILMEMBERS: Councilmember Carroll Fife, District 3; Councilmember Noel Gallo, District 5; Councilmember Kevin Jenkins, District 6; President Pro Tempore Dan Kalb, District 1; Councilmember Rebecca Kaplan, At Large; Councilmember Janani Ramachandran, District 4; Councilmember Treva Reid, District 7; Council President Nikki Fortunato Bas, District 2

3 **ACTIONS ON SPECIAL ORDERS OF THE DAY**
(Ceremonial Presentations, Reports/Presentations From The Mayor,
Council Acknowledgements/Announcements):

- 3.1 Subject: Resolution Honoring Anne Marks
From: Councilmember Reid
Recommendation: Adopt A Resolution Honoring Anne Marks For Over 12 Years Of Exemplary Service To Youth Alive! And The City Of Oakland
[23-0152](#)

Legislative History

3/2/23

*Rules & Legislation
Committee

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

On Consent As A Ceremonial Item

4 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF FEBRUARY 3, AND
FEBRUARY 7, 2023
[23-0161](#)

5 **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):**

6 **CONSENT CALENDAR (CC) ITEMS:**

6.1 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
[23-0158](#)

Attachments: [View Legislation](#)

6.2 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
[23-0159](#)

Attachments: [View Legislation](#)

6.3 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
[23-0160](#)

Attachments: [View Legislation](#)

- 6.4** Subject: Resolution In Support Of California Senate Bill 466 (Wahab)
From: President Pro Tempore Kalb
Recommendation: Adopt A Resolution In Support Of Senate Bill 466 (Wahab) Which Would (1) Authorize The Owner Of A Residential Real Property To Establish The Initial Rental Rate For A Dwelling Or Unit When The Residential Real Property Has Been Issued A Certificate Of Occupancy Issued Within 15 Years Preceding The Date On Which The Owner Seeks To Establish A Rental Rate; And (2) Is A Subdivided Interest In A Subdivision
[23-0122](#)

Legislative History

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| 2/23/23 | *Rules & Legislation Committee <i>The Committee approved the title change that was read on record</i> | Scheduled to the *Rules & Legislation Committee |
| 3/2/23 | *Rules & Legislation Committee <i>On Consent</i> | Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council |
| <i>Pursuant to Rule 24, a statement was made on record as to the item bypassing committee.</i> | | |

- 6.5** Subject: Digital Arts and Culinary Academy Improvements
From: Oakland Public Works Department
Recommendation: Adopt A Resolution (1) Rejecting All Four Formal Competitive Bids Received September 8, 2022, For The Digital Arts And Culinary Academy Improvements, Project Number 1004851, Based On The City Administrator's Workplace And Employment Standards Department's Assessment That All Bids Were Found To Be Non-Responsive For Not Meeting The City's Fifty-Percent Local/Small Local Business Enterprise Trucking Requirement; (2) Award The Contract For An Amount Not To Exceed One Million, Eight Hundred Thirty-Six Thousand Dollars (\$1,836,000.00) In The Open Market, Without Return To Council; And (3) Adopt Appropriate California Environmental Quality Act (CEQA) Findings
[22-0909](#)

Legislative History

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| 11/17/22 | *Rules & Legislation Committee <i>This item was not scheduled, and was deferred to the December 1, 2022 Rules And Legislation Committee for scheduling.</i> | Rescheduled to the *Rules & Legislation Committee |
| 2/23/23 | *Rules & Legislation Committee <i>On Consent</i> | Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council |
| <i>Rule 24 was stated on the record as to why this item is bypassing committee</i> | | |

- 6.6** Subject: Commission On Persons With Disabilities
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointments Of Fatimah Azur And Barry Robinson To The Commission On Persons With Disabilities
[23-0174](#)
- 6.7** Subject: Commission On Aging
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Asha Beene-Clarke And Jennifer Seibert And Confirming The Mayor's Appointment Of Lenore McDonald Gunst, Dennis Blake Spears, Tydia Hill, Ristina Ingram, Suzi Kalmus, And Patricia Osage As Members Of The Commission On Aging
[23-0176](#)
- 6.8** Subject: Privacy Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Brian Hofer And Lou Katz To The Privacy Advisory Commission
[23-0177](#)
- 6.9** Subject: Business Tax Review Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointments Of Nick Peraino And Adrionna Fike To The Business Tax Board Of Review
[23-0179](#)
- 6.10** Subject: Nuisance Vessel Ordinance
From: Oakland Police Department
Recommendation: Adopt An Ordinance Adding Oakland Municipal Code Chapter 8.70 (Nuisance Vessels On Oakland Waters) Setting Rules For Anchoring Vessels In The Oakland Estuary And Providing Procedures For Abating Nuisance Vessels
[23-0098](#)

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

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

INTRODUCTION (First Reading) WAS PASSED ON MARCH 7, 2023; 8 AYES.

Legislative History

2/16/23 *Rules & Legislation Scheduled to the *Public Safety Committee
 Committee
 Subject Title Change was read into record

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| 2/27/23 | *Public Safety Committee | Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council <i>The Committee forwarded staff's recommendation to the March 7, 2023 City Council Agenda on Consent.</i> |
| 3/2/23 | *Rules & Legislation Committee <i>On Consent</i> | Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council |

3/7/23

* 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

6 speakers spoke on this item

*A motion was made by Councilmember Ramachandran , seconded by
Councilmember Gallo, to approve the Ordinance as amended on Introduction.
The motion passed with 8 Ayes. The Ordinance was approved on Introduction
as amended. Final Passage will occur on March 21, 2023.*

On page 1 of the Legislation adding the following whereas clauses,

*WHEREAS, the City is committed to upholding the findings of the Reimagining
Public Safety Taskforce, and our recognition that many administrative tasks,
including providing notices and orders to abate, can be fulfilled by trained
civilian staff with requisite equipment;*

*WHEREAS, the City recognizes that executing orders to abate and conducting
abatement work may require the presence of law enforcement;*

*WHEREAS, the City notes that other jurisdictions across the Bay Area have
multiple city departments and entities, incorporating both law enforcement and
professional staff, that perform similar nuisance vessel abatement work;*

On page 2 of the Legislation adding the following whereas clauses,

*WHEREAS, the City is currently strained for financial resources, with forecasts
predicting a budget deficit of nearly \$200 million in the upcoming two-year
budget cycle;*

*WHEREAS, the City recognizes the inconvenient truth that most parties
responsible for abandoned and unpermitted vehicles are likely to not pay for
the costs of the abatement of their vehicles;*

*WHEREAS, the City is experiencing a staffing crisis, with over 800 vacancies
across departments that include professional staff as well as sworn law
enforcement officers;*

*WHEREAS, the City intends to collaborate with a range of local and state
agencies, including the Port of Oakland, in order to secure requisite funding
and partnerships to keep the Oakland Estuary clean, safe, and free of
abandoned and unpermitted vessels;*

On Page 2, of section 8.70.020 Definitions, of subsection C to read,

*C. "Enforcement Official" means the City Administrator or their designees. The
City Administrator may designate City staff or contract with external agencies
to serve as Enforcement Officials, and will make every effort to designate
non-sworn personnel for tasks that do not require sworn personnel.*

6.11 Subject: Amend Oakland Municipal Code Chapter 8.50 - Local Emergency Declarations
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 8.50
(Emergency Services Organization And Disaster Council) To Require Council To Review
The Need For Continuing A Local Emergency At Least Once Every 60 Days, In
Conformance With State Law
[23-0086](#)

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

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

INTRODUCTION (First Reading) WAS PASSED ON MARCH 7, 2023; 8 AYES.

Legislative History

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| 2/9/23 | *Rules & Legislation Committee | Scheduled to the *Public Safety Committee |
| | <i>Following committee recommendation, it is requested this item be schedule as a Public Hearing at the March 7, 2023 City Council Meeting</i> | |
| 2/23/23 | *Rules & Legislation Committee | Accepted |
| | <i>The Rules And Legislation Committee approved that this item be removed as a Public Hearing from the March 7, 2023 City Council Draft Agenda</i> | |
| 2/27/23 | *Public Safety Committee | Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council |
| | <i>The Committee forwarded staff's recommendation to the March 7, 2023 City Council Agenda on Consent.</i> | |
| 3/2/23 | *Rules & Legislation Committee | Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council |
| | <i>On Consent</i> | |
| 3/7/23 | * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council | Approved On Introduction and Scheduled for Final Passage to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council |
| | <i>2 speakers spoke on this item</i> | |

*A motion was made by Councilmember Kalb, seconded by Council President
Fortunato Bas to approve the ordinance on introduction. The motion passed
with a vote of 7 Ayes; 1 No - Gallo. The ordinance was approved on
introduction and scheduled for Final Passage on March 21, 2023.*

6.12 Subject: Establishing Malonga Arts Collective As Anchor Tenants Of The Malonga Arts Center
From: Councilmember Fife
Recommendation: Adopt An Ordinance (1) Authorizing The City Administrator To Negotiate And Execute Lease Agreements Between The City Of Oakland And Certain Arts And Educational Organizations, Including Individual Members Of The Malonga Arts Collective (MAC), A Nonprofit Organization, For 10-Year Terms Each With One 5-Year Option To Renew, At Below Market Rates For Use Of Office Spaces And Reduced Fees For Studio Spaces And Theater Use At The Malonga Casquelourd Center For The Arts (MCCA) At 1428 Alice Street; (2) Making Findings That The Office Leases For Below Market Value Are In The Best Interests Of The City; (3) Directing The City Administrator To Return With An Ordinance To Amend The Master Fee Schedule To Provide For Reduced Fees For Studio Spaces And Theater Use Pursuant To Negotiated Agreements With Tenants Of The MCCA; And (4) Adopting California Environmental Quality Act Findings [TITLE CHANGE]
[22-1005](#)

Sponsors: Fife

Attachments: [View Legislation](#)
[View Supplemental Report 2/16/2023](#)
[View Supplemental Legislation 2/16/2023](#)

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

INTRODUCTION (First Reading) WAS PASSED ON MARCH 7, 2023; 8 AYES.

Legislative History

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| 12/15/22 | *Rules & Legislation Committee | Scheduled to the *Community & Economic Development Committee |
| 1/24/23 | *Community & Economic Development Committee | * Withdrawn and Rescheduled to the *Community & Economic Development Committee <i>The committee withdrew and rescheduled this item to the Community And Economic Development Committee of February 28, 2023.</i> |
| 1/26/23 | *Rules & Legislation Committee | Scheduled to the *Community & Economic Development Committee |
| 2/16/23 | *Rules & Legislation Committee | Approved as Amended the Recommendation of Staff, and Forward to the *Community & Economic Development Committee |
| 2/28/23 | *Community & Economic Development Committee | Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council <i>The Committee forwarded this item to the March 7, 2023 City Council agenda on Consent.</i> |

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| 3/2/23 | *Rules & Legislation Committee | Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council |
| | <i>On Consent</i> | |
| 3/7/23 | * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council | Approved On Introduction and Scheduled for Final Passage to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council |

**7 ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION &
DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSIONS**

**ACTION ON THE NON-CONSENT CALENDAR PORTION OF THE AGENDA WILL
COMMENCE AT 5:00 P.M., OR AS SOON THEREAFTER AS REASONABLY
PRACTICABLE**

**8 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING
REQUIREMENTS:**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 9** Subject: CIP Portfolio PMWEB Contract Amendment
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend The
PMWeb Installation, License And Maintenance Agreement With PMWeb, Inc. To Extend
The Term From December 31, 2023, Through December 31, 2028, And Increase The
Agreement In An Amount Not To Exceed Three Million One Hundred And Twenty-Seven
Thousand And Five Hundred Dollars (\$3,127,500), For Support Services, Functionality,
Licenses, Training, And Enhancements For The PMWeb Application
[23-0124](#)

Legislative History

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| 2/23/23 | *Rules & Legislation Committee | Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council |
|---------|-----------------------------------|--|

On Non-Consent

A title change was read into record and was approved by the Committee.

Rule 24 was stated on the record as to why this item is bypassing committee.

COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

OPEN FORUM / PUBLIC COMMENTS

ADJOURNMENT OF COUNCIL SESSION

**(Meeting Shall Conclude No Later Than 10:00 P.M., Unless Extended By Majority
Vote Of The Council)**

Americans With Disabilities Act

**If you need special assistance, including translation services 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

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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.**