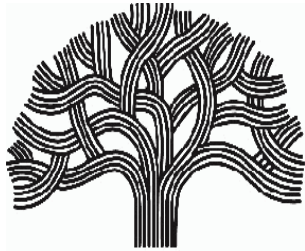


# City of Oakland

*Office of the City Clerk  
Oakland City Hall,  
1 Frank H. Ogawa Plaza, Room 201  
Oakland, California 94612*



CITY OF OAKLAND

## **Meeting Agenda - FINAL**

**Tuesday, December 7, 2021**

**10:30 AM**

**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**

***Pursuant to the Governor's Executive Order N-29-20, all members of the City***

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/82512646531> 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: 825 1264 6531

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  
[21-0882](#)  
**Attachments:** [View Legislation](#)
- 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  
[21-0883](#)  
**Attachments:** [View Legislation](#)
- 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  
[21-0884](#)  
**Attachments:** [View Legislation](#)

- 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  
[21-0885](#)

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

- 2.5** Subject: Prop. 68 Per Capita Grant Applications  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution: (1) Authorizing The City Administrator To Apply For, Accept, And Appropriate Grant Funds From The Proposition 68 - Per Capita Program Grant For The 85th Avenue Mini Park Tot Lot Replacement Project (No. 1006223) For An Amount Not-To-Exceed Seventy-Seven Thousand Dollars (\$77,000) And The Holly Mini Park Renovation Project (No. 1004866) For An Amount Not-To-Exceed One Hundred Thousand Nine Hundred Fifty-Two Dollars (\$100,952); And (2) Adopting Appropriate California Environmental Quality Act (CEQA) Findings  
[21-0860](#)

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

**Legislative History**

11/18/21	*Rules & Legislation Committee	Scheduled to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council
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- 2.6** Subject: Resolution Supporting Net Energy Metering Rooftop Solar  
From: Councilmember Kalb  
Recommendation: Adopt A Resolution Urging The California Public Utilities Commission (CPUC) To Adopt A Net Energy Metering (NEM) Program That Protects, Supports, And Encourages The Expansion Of Rooftop Solar Installations And Related Clean Energy Storage Systems, Protects And Expands Opportunities For Clean Energy Jobs, Reduces Electricity Bills Of Lower Income Ratepayers, Increases Access To Rooftop Solar In Communities Of Concern, And Supports Achieving The Climate Goals Of Our Equitable Climate Action Plan (ECAP)  
[21-0876](#)

**Attachments:** [View Report](#)  
[View Legislation](#)  
**Legislative History**

11/18/21 \*Rules & Legislation Committee Scheduled to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council

- 2.7** Subject: OFCY Strategic Plan  
From: Human Services Department  
Recommendation: Adopt A Resolution To Adopt The 2022-2025 Strategic Investment Plan Of The Oakland Fund For Children And Youth As Approved By The Planning And Oversight Committee  
[21-0765](#)

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

**Legislative History**

10/14/21 \*Rules & Legislation Committee Scheduled to the \*Special Life Enrichment Committee

11/15/21 \*Special Life Enrichment Committee Approved the Recommendation of Staff, and Forward to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

*The Special Life Enrichment Committee approved to forward this item to the December 7, 2021 Special City Council Agenda*

11/18/21 \*Rules & Legislation Committee Scheduled to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council

- 2.8** Subject: Head Start New Award Overview And Implementation Update  
From: Human Services Department  
Recommendation: Receive An Informational Report On The Head Start New Grant Award For FY2021-26 And An Implementation Update On The Grant And Supplemental Funding  
[21-0766](#)

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

**Legislative History**

10/14/21 \*Rules & Legislation Committee Scheduled to the \*Special Life Enrichment Committee

11/15/21 \*Special Life Enrichment Committee Received and Forwarded to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

*The Special Life Enrichment Committee approved to forward this item to the December 7, 2021 Special City Council Agenda*

11/18/21 \*Rules & Legislation Committee Scheduled to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council

- 2.9** Subject: Mayor's Commission On Persons With Disabilities  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Erin Hattersley To The Mayor's Commission On Persons With Disabilities  
[21-0894](#)  
**Attachments:** [View Report And Legislation](#)
- 2.10** Subject: Public Art Advisory Committee Appointment  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Jennifer Kessler, Eric Murphy, And Michele Ramirez To The Public Art Advisory Committee  
[21-0896](#)  
**Attachments:** [View Report And Legislation](#)
- 2.11** Subject: Requesting State Cannabis Cultivation Tax Reform  
From: Vice Mayor Kaplan And Councilmember Gallo  
Recommendation: Adopt A Resolution Of The City Of Oakland City Council Requesting State Cannabis Cultivation Tax Reform  
[21-0905](#)  
**Attachments:** [View Report](#)  
[View Legislation](#)  
*Pursuant to Rule 28 of Resolution 88266 C.M.S., this item was added to this agenda*
- 2.12** Subject: Honoring Kingdom Builders Christian Fellowship  
From: Councilmember Taylor  
Recommendation: Adopt A Resolution Honoring And Commending Kingdom Builders Christian Fellowship For Their 12 Years Of Exemplary Community Engagement In East Oakland  
[21-0912](#)  
**Attachments:** [View Legislation](#)  
*Pursuant to Rule 28 of Resolution 88266 C.M.S., this item was added to this agenda*
- 2.13** Subject: Recognizing Reginald K. Burnett, Jr. (RB)  
From: Councilmember Taylor  
Recommendation: Adopt A Resolution Recognizing Reginald K. Burnett, Jr. (RB) For His Positive Impact On The Lives Of Oaklanders Of All Ages, Especially Oakland's Youth And His Contributions To Supporting And Encouraging Safe, Affordable, And Enjoyable Bicycle And Pedestrian Experiences Through The City Of Oakland  
[21-0918](#)  
**Attachments:** [View Legislation](#)  
*Pursuant to Rule 28 of Resolution 88266 C.M.S., this item was added to this agenda*

- 2.14** Subject: Denise BonGiovanni 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 Denise Bongiovanni V. City Of Oakland And Does 1 - 10, United States District Court, Northern District Of California, Case No. 3:21-CV-01303-EMC, City Attorney's File No. X05251, In The Amount Of One Hundred Fifty Thousand Dollars And Zero Cents (\$150,000.00) (Oakland Animal Services - Employment/Civil Rights)

[21-0913](#)

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

*Pursuant to Rule 28 of Resolution 88266 C.M.S., this item was added to this agenda*

- 2.15** Subject: Honoring Richard Luna  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Honoring Richard Luna For His Exemplary Service To The City Of Oakland

[21-0923](#)

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

*Pursuant to Rule 28 of Resolution 88266 C.M.S., this item was added to this agenda*

### **3 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:**

- 3.1** Subject: Montclair BID Annual Report And FY 2022-2023 Levy Approval  
From: Economic And Workforce Development Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Confirming The Annual Report Of The Montclair Business Improvement District Advisory Board And Levying The Annual Assessment For The Montclair Business Improvement District For Fiscal Year 2022-2023

[21-0871](#)

**Attachments:** [View Report](#)  
[View Legislation](#)  
[View Report Exhibit A](#)

**Legislative History**

11/18/21	*Rules & Legislation Committee	Scheduled to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council
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- 3.2** Subject: Rockridge BID Annual Report And FY 2022-2023 Levy Approval  
From: Economic And Workforce Development Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution  
Confirming The Annual Report Of The Rockridge Business Improvement District Advisory  
Board And Levying The Annual Assessment For The Rockridge Business Improvement  
District For Fiscal Year 2022-2023  
[21-0872](#)

**Attachments:** [View Report](#)  
[View Report Exhibit A](#)  
[View Legislation](#)

**Legislative History**

11/18/21	*Rules & Legislation Committee	Scheduled to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council
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- 3.3** Subject: 2020/21 Consolidated Annual Performance & Evaluation Report  
From: Housing & Community Development Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Receive The City Of  
Oakland's Consolidated Annual Performance & Evaluation Report (CAPER) For Fiscal  
Year (FY) 2020/21 Community Development Block Grant, HOME Investment Partnerships,  
Housing Opportunities For Persons With AIDS, Emergency Solutions Grant Programs  
And Coronavirus Aid Relief & Economic Security Act Funds Allocated Under The  
Community Development Block Grant (CDBG-CV), Emergency Solutions Grant  
(ESG-CV) and Housing Opportunities For Persons With AIDS (HOPWA-CV) To Be  
Submitted To The United States Department Of Housing And Urban Development  
[21-0865](#)

**Attachments:** [View Report](#)  
[View Report - Attachment A](#)

**Legislative History**

11/18/21	*Rules & Legislation Committee	Scheduled to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council
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**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 Committee Meeting Of November 16, 2021  
[21-0881](#)

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

**ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:**



- 6 Subject: Funding The City of Oakland's Head Start/Early Head Start Programming  
From: The Life Enrichment Committee  
Recommendation: Adopt A Resolution Requiring The City Administrator To Return To Council With A Budget Amendment To The Biennial Budget For Fiscal Years 2021-2023 That Fully Funds All City Of Oakland's Head Start/Early Head Start Programming No Later Than May 2022 When Fiscal Year 2022-2023 Midcycle Budget Amendments Will Be Considered; And Committing The Council To Return With A Budget Amendment For The Current Biennial Fiscal Year 2021-2023 Budget To: 1) Add A Budget Policy Directive That Would Make It A Budget Priority That, If Existing Head Start/Early Head Start Programs Are Restructured It Will Be Done In A Manner To Retain All Existing Program Staff, That No Head Start/Early Head Start Programming Be Reduced And That No Head Start/ Early Head Start Staff Layoffs Occur Through The End Of The Current Fiscal Year 2021-2022, And 2) Fully Fund All City Of Oakland's Head Start/Early Head Start Programs And Staff Through June 30, 2022

[TITLE CHANGE]

[21-0857](#)

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

[View Legislation](#)

**Legislative History**

11/15/21 \*Special Life Enrichment Committee Approved the Recommendation of Staff, and Forward to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

*Vice Mayor Kaplan made a scheduling motion, seconded by President Fortunato Bas, to schedule this item to The December 7, 2021 Special City Council Meeting*

11/18/21 \*Rules & Legislation Committee Scheduled to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council

*A following Title Change was read into record, and approved to be placed on Non Consent;*

*"RESOLUTION REQUIRING THE CITY ADMINISTRATOR TO RETURN TO COUNCIL WITH A BUDGET AMENDMENT TO THE BIENNIAL BUDGET FOR FISCAL YEARS 2021-2023 THAT FULLY FUNDS ALL CITY OF OAKLAND'S HEAD START/EARLY HEAD START PROGRAMMING NO LATER THAN MAY 2022 WHEN FISCAL YEAR 2022-2023 MIDCYCLE BUDGET AMENDMENTS WILL BE CONSIDERED; AND COMMITTING THE COUNCIL TO RETURN WITH A BUDGET AMENDMENT FOR THE CURRENT BIENNIAL FISCAL YEAR 2021-2023 BUDGET TO: 1) ADD A BUDGET POLICY DIRECTIVE THAT WOULD MAKE IT A BUDGET PRIORITY THAT NO HEAD START/EARLY HEAD START PROGRAMMING BE REDUCED AND THAT NO HEAD START/ EARLY HEAD START STAFF LAYOFFS OCCUR THROUGH THE END OF THE CURRENT FISCAL YEAR 2021-2022, AND 2) FULLY FUND ALL CITY OF OAKLAND'S HEAD START/EARLY HEAD START PROGRAMS AND STAFF THROUGH JUNE 30, 2022"*

- 7 Subject: Measure Z Compliance And Hiring Plan Modifications  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Modifying The City's Hiring Plan For The Purpose  
Of Ensuring Compliance With Measure Z  
[21-0874](#)

**Attachments:** [View Report And Attachment A & B](#)

[View Report Attachment C](#)

[View Report Attachment D](#)

[View Legislation](#)

[View Report - Thao](#)

[View Legislation - Thao](#)

**Legislative History**

11/18/21	*Rules & Legislation Committee	Scheduled to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council
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- 8 Subject: 2022 State And Federal Legislative Agenda  
From: Office Of The Mayor  
Recommendation: Receive An Informational Report On The Proposed 2022 State And  
Federal Legislative Agenda And Summary Of 2021 State And Federal Legislative Efforts  
[21-0832](#)

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

[View Report](#)

[View Supplemental Report 11/18/2021](#)

**Legislative History**

11/4/21	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee
11/18/21	*Rules & Legislation Committee	Received and Forwarded to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council

*The Rules Committee Received and Forwarded this item to the December 7,  
2021 Special City Council Meeting on Non Consent with the following  
direction;*

*-On Page 12 of the report, correct the term "prostitution" to read "human  
trafficking and commercial sexual exploitation of children"; and*

*-On Page 13 of the report, correct "1 time affordable housing funding" to  
include the "ACAH program"*

- 9 Subject: FY 2021-23 Budget Amendment  
From: Office Of The City Administrator's  
Recommendation: Adopt A Resolution Amending Resolution No. 88717 C.M.S., Which Adopted The City Of Oakland Biennial Budget For Fiscal Years 2021-23, To Reallocate Funding From Various Departments To The Oakland Police Department For Two Additional Police Academies As Set Forth In Exhibit 1  
[21-0907](#)

**Attachments:** [View Report](#)  
[View Report Attachment A](#)  
[View Legislation](#)  
[View Report Exhibit 1](#)  
[View Report Exhibit 2](#)

*Pursuant to Rule 28 of Resolution 88266 C.M.S., this item was added to this agenda*

- 10 Subject: City Of Oakland V. California Waste Solutions - Ordinance  
From: Office Of The City Attorney's  
Recommendation: Adopt An Ordinance Amending Ordinance No. 13274 C.M.S. Which Awarded California Waste Solutions, Inc. ("CWS") An Exclusive Residential Recycling Collection Services Franchise Contract ("RR Franchise Agreement"), To Authorize And Approve The First Amendment To The RR Franchise Agreement Which Will: (1) Clarify The Rate For Premium Backyard Multi-Family ("MFD") Recycling Services For Carts; (2) Modify Certain Provisions And Services CWS Provides Under The RR Franchise Agreement As Described And Specified In This Ordinance And First Amendment To The RR Franchise Agreement; And (3) Adopt Appropriate California Environmental Quality Act ("CEQA") Findings  
[21-0910](#)

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

*ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE.*

*FINAL PASSAGE (Second Reading) WILL OCCUR ON DECEMBER 21, 2021.*

*Pursuant to Rule 28 of Resolution 88266 C.M.S., this item was added to this agenda*

- 11** Subject: City Of Oakland V. California Waste Solutions - Resolution  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of City Of Oakland ("City") V. California Waste Solutions ("CWS"), Does 1-20, Alameda County Superior Court Case No. RG17853559, And CWS' Cross Claim Against The City, On Terms That Include, But Are Not Limited To The Following: (1) CWS Will Refund All Overcharges To Multi-Family Dwelling Owners For The Service Of Bringing Recycling Carts To Curbside For Collection, Totaling Approximately \$6 Million; (2) The Residential Recycling Collection Services Agreement Between The City And CWS ("Recycling Agreement") Will Be Amended To Reduce The Current Rate Of Approximately \$187.57 Per Cart To Approximately \$34.22 Per Cart, Subject To Adjustments Provided Under The Contract; (3) The City Will Pay CWS Approximately \$1.7 Million Over A Period Of Four Years And Reduce CWS' Costs Under The Agreement By Approximately \$1.5 Million Over The Remaining 15-Year Life Of The Recycling Agreement (Department Of Public Works - Breach Of Contract)  
[21-0911](#)

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

*Pursuant to Rule 28 of Resolution 88266 C.M.S., this item was added to this agenda*

- 12** Subject: 2022 Schedule Of City Council And Council Committee Meetings  
From: Office Of The City Clerk And Office Of The City Administrator  
Recommendation: Approve A Report And Recommendation For The 2022 Schedule Of City Council And Council Committee Meetings, Agenda Materials Deadlines, And Agenda Distribution Dates  
[21-0868](#)

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

*Pursuant to Rule 28 of Resolution 88266 C.M.S., this item was added to this agenda*

**Legislative History**

11/18/21	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee
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**OPEN FORUM / CITIZEN COMMENTS (Time Available: 15 Minutes)**

**ADJOURNMENT OF COUNCIL SESSION**

**(Meeting Shall Conclude No Later Than 6:30.P.M., Unless Extended By Majority Vote Of The Council)**

## **Americans With Disabilities Act**

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

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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.**