

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 - SUPPLEMENTAL

Thursday, September 30, 2021

10:30 AM

Please See The Agenda To Participate In the Meeting

Virtual Tele - Conference Via Zoom

***Rules & Legislation Committee**

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/87529531780> 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: 875 2953 1780

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

- Office of the City Clerk

COMMITTEE MEMBERSHIP:

**Council President Nikki Fortunato Bas, District 2; Councilmember Carroll Fife, District 3; Councilmember Dan Kalb, District 1; Chairperson: President Pro Tempore Sheng Thao, District 4*

Roll Call / Call To Order

1 PUBLIC COMMENT:

COMMENT ON ALL ACTION ITEMS WILL BE TAKEN AT THIS TIME. COMMENTS FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN DURING OPEN FORUM

2 Approval Of The Draft Minutes From The Committee Meeting Of September 16, 2021

[21-0618](#)

Attachments: [View Report](#)

3 New Scheduling Items

3.1 Subject: Informational Report From The OUSD 7-11 Committee
From: Councilmember Bas And OUSD Board President Eng
Recommendation: Receive An Informational Report And Update From The Oakland Unified School District (OUSD) 7-11 Committee On Potential Sale Or Lease Of Surplus Real Property Owned By OUSD

[18-2303](#)

Attachments: [View Report](#)

Legislative History

10/3/19	*Rules & Legislation Committee	Scheduled to the *Special Education Partnership Committee
10/21/19	Special Concurrent Meeting of the Education Partnership Committee and the Oakland Unified School District Board of Education	No Action Taken
10/24/19	*Rules & Legislation Committee	Scheduled to the Special Concurrent Meeting of the Education Partnership Committee and the Oakland Unified School District Board of Education
5/24/21	Concurrent Meeting of the Education Partnership Committee and the Oakland Unified School District Board of Education	Scheduled to the Concurrent Meeting of the Education Partnership Committee and the Oakland Unified School District Board of Education
9/16/21	*Rules & Legislation Committee	* Withdrawn and Rescheduled to the *Education Partnership Committee
	<i>The Rules Committee Approved This Item Be Placed On The Education Partnership Committee Pending List No Date Specific</i>	

9/27/21

Special Concurrent Meeting
of the Education
Partnership Committee and
the Oakland Unified School
District Board of Education
Defered to Rules For Scheduling

* Withdrawn and Rescheduled to the *Rules
& Legislation Committee

- 3.2** Subject: Teleconferencing Meetings Of The City Council
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Determining 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; On The October 5, 2021 Special City Council Meeting Agenda
[21-0710](#)
Sponsors: Fortunato Bas
- 3.3** 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; On The October 19, 2021 City Council Agenda On Consent
[21-0711](#)
- 3.4** 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; On The October 19, 2021 City Council Agenda On Consent
[21-0712](#)
Sponsors: Transportation Department

- 3.5** 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); On The October 19, 2021 City Council Agenda On Consent
[21-0714](#)
- 3.6** 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](#)
- 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; On The October 19, 2021 City Council Agenda On Consent
[21-0715](#)
- 3.7** Subject: 2021 Emergency Operations Plan Update
From: Oakland Fire Department
Recommendation: Adopt A Resolution Adopting The 2021 Oakland Emergency Operations Plan Update; On The October 19, 2021 City Council Agenda On Non-Consent
[21-0716](#)
- 3.8** 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; On The October 19, 2021 City Council Agenda On Non-Consent
[21-0723](#)

3.9 Subject: Oral Reports On Outside Boards And Commissions
From: Vice Mayor Kaplan
Recommendation: TITLE CHANGE

OLD TITLE

Receive Oral Reports From Representatives On Outside Boards And/Or Commissions To Provide The City Council With A Briefing On General Business Regarding The Issues, Activities, And The Agenda Of The Body On Which The Representative Serves

NEW TITLE

Receive Oral 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; On The October 19, 2021 City Council Agenda On Non-Consent

[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 <i>Approved for Non-Consent for September 21, 2021</i>
9/16/21	*Rules & Legislation Committee	Scheduled to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council <i>The Rules Committee Approved This Item Be Moved To The Last Item On The September 21, 2021 Special City Council Agenda</i>
9/21/21	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council	Withdrawn with No New Date <i>Vice Mayor Kaplan noted this item will be brought back to Rules and Legislation Committee for rescheduling</i>

- 3.10** Subject: Approval Of AASEG Term Sheet
From: Vice Mayor Kaplan And Councilmember Gallo
Recommendation: Adopt A Resolution Approving Non-Binding Terms Of An Agreement With The African American Sports And Entertainment Group, Including Terms For, But Not Limited To, The Financial Plan, And Community Benefits, Related To The Proposed Acquisition And Development (Including Lease, Purchase, And Partnership) Of The Oakland Coliseum Complex, Consisting Of Various Parcels Bounded By San Leandro Street, 66th Avenue, Hegenberger Road And Interstate 880; Authorizing and Accepting Payment Of A \$1.5 Million Project Expense Payment To The City Of Oakland; And Authorizing The Administration To Seek Any Needed Approvals From State Agencies To Enable This Process; On The October 19, 2021 City Council Agenda On Non-Consent [21-0724](#)
Sponsors: Gallo
- 3.11** Subject: Children’s Environmental Health Month
From: Vice Mayor Kaplan
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: On The October 19, 2021 City Council Agenda On Consent [21-0725](#)
- 3.12** 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; On The October 19, 2021 City Council Agenda On Consent [21-0726](#)
- 3.13** Subject: Request To Schedule A Special Meeting Of The PW Committee
From: Councilmember Gallo
Recommendation: Schedule A Special Meeting Of The PW Committee For Wednesday, October 20, 2021 [21-0717](#)
- 3.14** Subject: Receive A Report On Illegal Dumping, Graffiti And Blight
From: Councilmember Gallo
Recommendation: Receive A Report On Illegal Dumping, Graffiti And Blight Regarding The Number Of Monthly Complaints Via 311 And The City’s Turn-Around Time For Responding To And Remediating The Complaints; On The October 20, 2021 Public Works Committee [21-0718](#)

- 3.15** Subject: Receive A Report On Abandoned Autos And Other Vehicles
From: Councilmember Gallo
Recommendation: Receive A Report On Abandoned Autos And Other Vehicles Regarding The Number Of Monthly Complaints Via 311 And The City's Turn-Around Time For Responding To And Remediating The Complaints; On The October 20, 2021 Public Works Committee Agenda
[21-0719](#)
- 3.16** Subject: Report On Waste Management's Contractual Obligations To The City Of Oakland
From: Councilmember Gallo
Recommendation: Receive A Report On Waste Management's Contractual Obligations To The City Of Oakland, Including Information On Thirty (30) Day Pick-Ups, Street Cans, And The Number Of Businesses Operating In Oakland Without A Waste Management Contract; On The October 20, 2021 Public Works Committee Agenda
[21-0720](#)
- 3.17** Subject: Receive A Report On The School Crossing Guards Program
From: Councilmember Gallo
Recommendation: Receive A Report On The School Crossing Guards Program, Including Information On Which OUSD Schools Have Guards, And How Many At Each School, As Well As The Number Of Guards Hired To-Date And The Number Needed To Be Hired To Fill Authorized Budgeted Levels; On The October 20, 2021 Public Works Committee Agenda
[21-0721](#)
- 3.18** Subject: Report On Staffing Levels In The Public Works Department And The Department Of Transportation
From: Councilmember Gallo
Recommendation: Receive A Report On Staffing Levels In The Public Works Department And The Department Of Transportation, Including The Number Of Funded But Vacant Positions, The Monthly Attrition Rate Of Employees Through Retirement, Resignation And Termination And The Effects That These Staffing Shortages Have On The Ability Of The Two Departments To Fulfill Their Goals And Mandates; On The October 20, 2021 Public Works Committee Agenda
[21-0722](#)

3.19 Subject: Informational Report On Outside Law Enforcement Agencies
 From: Councilmember Fife
 Recommendation: Receive An Informational Report From The City Administrator Regarding The Presence And Operations Of Outside Law Enforcement Agencies, Including The Federal Bureau Of Investigation (FBI) And California Highway Patrol (CHP), In The City Of Oakland; Including Any Information Related To The Recent Killing Of Michael Jonathan Cortez By An FBI Agent, The Existence Of Any Contracts Or Use Of Public Dollars To Support These Outside Agencies, How Investigations Concerning These Agencies' Activities Are Being Handled, And The City's Public And Media Communications Policy With Regards To How These Entities Operate In Our Community; On The November 9, 2021 Public Safety Committee Agenda
[21-0727](#)

Recommendations From Committees:

3.20 Subject: Informational Report To Formally Establish The Education Partnership Committee
 From: Councilmember Reid
 Recommendation: Receive An Informational Report Regarding Proposed Legislation To Formally Establish The Education Partnership Committee As A Standing Committee Of The Oakland City Council
[21-0674](#)

Attachments: [View Report -1](#)
[View Report - 2](#)

Legislative History

9/16/21	*Rules & Legislation Committee	Scheduled to the Concurrent Meeting of the Education Partnership Committee and the Oakland Unified School District Board of Education
9/27/21	Special Concurrent Meeting of the Education Partnership Committee and the Oakland Unified School District Board of Education	Continued to the Concurrent Meeting of the Education Partnership Committee and the Oakland Unified School District Board of Education

The committee continued this item to the January 24, 2022 Education Partnership Committee to have further discussion on the possible formation of a standing committee.

3.21 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](#)

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.

4 Review Of Draft Agendas And Review Of Pending Lists For Council And Committee Meetings

[21-0617](#)

Attachments:

- [View October 5, 2021 Special City Council Agenda At 1PM](#)
- [View Previously Distributed October 5, 2021 City Council Agenda](#)
- [View Previously Distributed October 7, 2021 Rules Agenda](#)
- [View Finance And Management Committee Pending List](#)
- [View Public Works Committee Pending List](#)
- [View Community & Economic Development Committee Pending List](#)
- [View Life Enrichment Committee Pending List](#)
- [View Education Partnership Committee Pending List](#)
- [View Public Safety Committee Pending List](#)
- [View Rules Committee Pending List](#)
- [View Draft October 11, 2021 Finance & Management Committee Agenda](#)
- [View Draft October 12, 2021 Public Safety Committee Agenda](#)
- [View Draft October 14, 2021 Rules Committee Agenda](#)

5 Determinations Of Closed Session

6 Subject: Housing, Residential Rent And Relocation Board Appointments
 From: Office Of The Mayor
 Recommendation: Adopt A Resolution Confirming The Mayor’s Appointments Of Denard Ingram As An Undesignated Member, Karolina Bufka As An Undesignated Alternate Member And Nikitra Hudson As An Owner Member To The Housing, Residential Rent And Relocation Board

[21-0669](#)

Attachments:

- [View Report](#)
- [View Denard Ingram Resume](#)
- [View Denard Ingram Application](#)
- [View Karolina Bufka Resume](#)
- [View Karolina Bufka Application](#)
- [View Nikitra Hudson Resume](#)
- [View Nikitra Hudson Application](#)
- [View Legislation](#)

Legislative History

9/16/21	*Rules & Legislation Committee <i>To Be Heard As A Discussion Item</i>	Scheduled to the *Rules & Legislation Committee
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7 Subject: In Support Of Assembly Constitutional Amendment 3
 From: Councilmember Fife
 Recommendation: Adopt A Resolution Supporting Assembly Constitutional Amendment 3 (Kamlager), Removing The Language "Except To Punish Crime" From The California State Constitution, To Prohibit Slavery And Involuntary Servitude Without Exception; And Denouncing Structural Racism And Any Vestiges Of Slavery
[21-0667](#)

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

Legislative History

9/16/21	*Rules & Legislation Committee <i>Vice Mayor Kaplan Requested to be added as Co-Sponsor</i>	Scheduled to the *Rules & Legislation Committee
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The Rules Committee Approved This Item Be Scheduled To The September 30, 2021 Rules Committee As A Discussion Item

Open Forum (Total Time Available: 15 Minutes)

Adjournment

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

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Telecommunications Relay Service:711

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 8:30AM TO 5:00PM

*** In the event a quorum of the City Council participates on this Committee, the meeting is noticed as a Special Meeting of the City Council; however, no final City Council action can be taken.**

