

City of Oakland

Meeting Minutes - DRAFT

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

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

Tuesday, December 21, 2021	1:30 PM	Virtual Tele- Conference Via Zoom

Please See The Agenda To Participate In The Meeting

The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency convened at 4:34 PM.

ROLL CALL / CITY COUNCIL

Present 8 - Carroll Fife, Noel Gallo, Dan Kalb, Rebecca Kaplan, Treva Reid, Loren Taylor, Sheng Thao, and Nikki Fortunato Bas

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

24 speakers spoke during Public Comment.

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): Subject:Grant Award To Lao Family Community Development Inc's Care CampusFrom:Council President Fortunato Bas

Recommendation: Adopt A Resolution:

1. Awarding A Grant In The Amount Of One Million Dollars (\$1,000,000,000) To Lao Family Community Development Inc. For The Provision Of Temporary Housing And Support Services To Assist Homeless Residents In Finding Permanent Affordable Housing And Achieve Long-Term Financial Security;

2. Waiving Competitive Bidding And Authorizing The City Administrator To Amend The Construction Contract With Sustainable Urban Neighborhoods To Increase The Amount By Three Hundred Thirty Thousand Dollars (\$330,000) For Installation Of Utilities At The East 12th Street/2nd Avenue And 3rd Street/Peralta Street Pallet-Shelter Sites;

3. Allocating One Hundred Thousand Dollars (\$100,000) To Be Used As Contingency Funds For Payment Of Utility Cost At The East 12th Street/2nd Avenue And 3rd Street/Peralta Street Pallet-Shelter Sites; And

 Directing The City Administrator To Prioritize Individuals Who Were Oakland Residents Prior To Becoming Homeless For The Purpose Of Providing Homeless Interventions
 [TITLE CHANGE]
 21-0966

Attachments: View Report & Legislation

Council President Fortunato Bas made a scheduling motion, seconded by President Pro Tem Thao, to schedule and hear the following item at the January 18, 2021 City Council meeting on Non Consent

A motion was made by Nikki Fortunato Bas, seconded by Sheng Thao, that this matter be Scheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 1/18/2022. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

NO VOTE: 0

2 CONSENT CALENDAR (CC) ITEMS:

Approval of the Consent Agenda

A motion was made by Gallo, seconded by Taylor, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

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 21-0846

Attachments: View Legislation

88952 CMS

This City Resolution was Adopted.

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
 21-0847

<u>Attachments:</u> <u>View Legislation</u> <u>88953 CMS</u>

This City Resolution was Adopted.

- 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

21-0848

Attachments: View Legislation

88954 CMS

2.4 Subject: Teleconference Meetings Of The City Council From: Office Of The City Administrator Recommendation: Adopt A 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 21-0849

Attachments: View Legislation

88955 CMS

This City Resolution was Adopted.

Subject: Resolution Honoring Tamora Corbin
 From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Honoring And Commending Tamora M. Corbin
 For 37 Years Of Dedicated Service To The City Of Oakland
 <u>21-0837</u>

<u>Attachments:</u> <u>View Legislation</u> <u>88956 CMS</u>

This City Resolution was Adopted.

Subject: Resolution Honoring Michael Fung
 From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Honoring And Commending Michael Fung For 32
 Years Of Dedicated Service To The City Of Oakland
 <u>21-0838</u>

Attachments: View Legislation

<u>88957 CMS</u>

This City Resolution was Adopted.

Subject: Resolution Honoring Connie Daye
 From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Honoring And Commending Connie Daye For 22
 Years Of Dedicated Service To The City Of Oakland
 21-0839

Attachments: View Legislation

88958 CMS

Subject: Oakland GO Bonds, Series 2022C (Measure KK)
 From: Finance Department
 Recommendation: Adopt An Ordinance Providing For The Borrowing Of Funds And The
 Issuance And Sale Of General Obligation Bonds In An Amount Not To Exceed
 \$220,000,000 And Approving Certain Related Matters
 21-0831

Attachments: View Report View Legislation 13670 CMS

This Ordinance was Approved for Final Passage.

Subject: Compliance With Senate Bill 1383 To Reduce Greenhouse Gas Emissions
 From: Oakland Public Works Department
 Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Adopting Alameda County Waste Management Authority Organics Reduction And Recycling Ordinance 2021-02 (WMA Ordinance 2021-02); Amending Oakland Municipal Code Chapter 8.28 To Make Conforming Amendments For Consistency With WMA Ordinance 2021-02 And To Comply With Senate Bill 1383; And Adopting Appropriate California Environmental Quality Act (CEQA) Findings; And <u>21-0653</u>

Attachments: View Report

<u>View Attachment A</u> <u>View Legislation</u> <u>View Supplemental Presentation - 11/19/2021</u> <u>13671 CMS</u>

This Ordinance was Approved for Final Passage.

2) An Ordinance Amending Oakland Municipal Code Chapter 15.34 (Construction And Demolition Debris Collection, Transportation, Waste Reduction And Recycling Requirements) To Comply With Senate Bill 1383 (The Short-Lived Climate Pollutant Reduction Act Of 2016) And Its Regulations At California Code Of Regulations At Title 14 Section 18989.1(A)(2), Which Require Compliance With The Requirements Of The California Green Building Standards Code (CalGreen) Sections 4.408.1 And 5.408.1 To Divert 65% Of Construction And Demolition Debris; And Adopting Appropriate California Environmental Quality Act (CEQA) Findings; And 21-0654

<u>Attachments:</u> <u>View Legislation</u> <u>13672 CMS</u>

This Ordinance was Approved for Final Passage.

3) An Ordinance Amending Oakland Planning Code Chapter 17.118 (Recycling Space Allocation Requirements), To Comply With Senate Bill 1383 (The Short-Lived Climate Pollutant Reduction Act Of 2016) And Its Regulations At California Code Of Regulations (CCR) At Title 14 Section 18989.1(A)(2), Which Require Compliance With The Requirements Of CalGreen Sections 4.410.2 - Recycling By Residential Occupants And Section 5.410.1- Recycling By Non-Residential Occupants To Require Space For Organics Containers In New Or Renovated Multi-Family And Commercial Buildings As An Addition To The Current Requirement For Space For Recycling Containers; And Adopting Appropriate California Environmental Quality Act (CEQA) Findings; And <u>21-0655</u>

Attachments: View Legislation

13673 CMS

This Ordinance was Approved for Final Passage.

4) An Ordinance Amending Oakland Municipal Code By Adding Chapter 18.01 (Water Efficient Landscaping Ordinance), To Comply With The State Requirement To Promote Water Conservation And Efficient Use Of Water In Landscaping; And Adopting Appropriate California Environmental Quality Act (CEQA) Findings <u>21-0656</u>

Attachments: View Legislation

13674 CMS

This Ordinance was Approved for Final Passage.

Subject: Oak Knoll Community Facilities District (CFD)
 From: Economic & Workforce Development Department
 Recommendation: Adopt An Ordinance Levying Special Taxes Within Three
 Improvement Areas In The City Of Oakland Community Facilities District No. 2021-1
 (Oak Knoll Facilities And Services), And Making Findings Under The California
 Environmental Quality Act (CEQA)
 21-0815

Attachments: View Legislation

13675 CMS

This Ordinance was Approved for Final Passage.

- 2.11 Subject: Citizens Options For Public Safety (COPS) Grant FY 2021
 - From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate The XXIV Fiscal Year (FY) 2021 State Of California "Citizens Options For Public Safety" (State COPS Grant XXIV) Allocation In The Amount Of Six Hundred Sixty-Four Thousand One Hundred Ninety Dollars (\$664,190) Plus Accrued Interest Earnings, Of Up To Ten Thousand Dollars For A Total Amount Not To Exceed Six Hundred Seventy-Four Thousand One Hundred Ninety Dollars (\$674,190) To Fund Helicopter Maintenance, Computer And Technology Upgrades, And Criminal Investigation Interview Room Upgrades 21-0861

Attachments: View Report

View Report Attachment A

View Legislation

<u>88959 CMS</u>

2.12 Subject: Fire Station No. 10 Dormitory Renovation Construction Contract Award From: Oakland Public Works Department Recommendation: Adopt A Resolution:

(1) Awarding A Construction Contract In An Amount Not To Exceed One Million Two Hundred Thousand Dollars (\$1,200,000.00) To The Lowest Responsive And Responsible Bidder, For The Construction Of The Fire Station No. 10 Dormitory Renovation Project, In Accordance With The Project Plans And Specifications And Contractor's Bid; Or

(2) If No Valid Bids Are Received, Or The Bids Are Deemed Non-Responsive Or Non-Responsible And/Or Exceed The Engineer's Estimate By More Than Ten Percent (10%), The City Administrator, Or Designee, May Reject All Bids And Award The Contract, For An Amount Not To Exceed One Million Two-Hundred Thousand Dollars (\$1,200,000.00) In The Open Market, Without Return To Council; And 3)Adopting Appropriate California Environmental Quality Act (CEQA) Findings <u>21-0858</u>

Attachments: View Report View Attachment A View Legislation 88960 CMS

2.13 Subject: Contract Award For HSIP8 - Oakland Hills

From: Transportation Department

Recommendation: Adopt A Resolution (1) Awarding A Construction Contract To AZ Construction Inc. Doing Business As Ace Fence Company, For Highway Safety Improvement Program (HSIP) Cycle 8, Oakland Hills Project, Project No. 1004013, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Five Hundred Twenty-One Thousand Three Hundred Fifteen Dollars (\$521,315); And (2) Adopt Appropriate California Environmental Quality Act (CEQA) Findings <u>21-0875</u>

Attachments: View Report

View Report Attachment A View Report Attachment B View Report Attachment C View Report Attachment D View Report Attachment E View Legislation 88961 CMS

This City Resolution was Adopted.

2.14 Subject: City Of Oakland V. California Waste Solutions - Ordinance

From: Office Of The City Attorney

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

<u>21-0910</u>

Attachments: View Report

View Legislation

<u>13676 CMS</u>

This Ordinance was Approved for Final Passage.

2.15 Subject: Gateway Bank, F.S.B. 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 Gateway Bank, F.S.B. V. City Of Oakland And Does 1 - 10, Inclusive, Alameda County Superior Court Case No. RG21098594, City Attorney's File No. 33856, In The Amount Of Three Hundred-Seven Thousand And Three Hundred-Seventy Dollars And Eight Cents (\$307,370.08) (Department Of Public Works -Failed Sewer Main) 21-0933

> <u>Attachments:</u> <u>View Report</u> <u>View Legislation</u> <u>88962 CMS</u>

This City Resolution was Adopted.

2.16 Subject: IAFF MOU Amendment With Aircraft Rescue Fire Fighters Services From: Human Resources Management Department Recommendation: Adopt A Resolution Approving An Amendment To The Memorandum Of Understanding Between The City Of Oakland And The International Association Of Firefighters, Local 55 (IAFF MOU), Increasing The Fire Protection And Aircraft Rescue Firefighting Services (ARFF) Specialty Pay By An Additional 4% Retroactively Effective As Of The First Full Pay Period In July 2021 And Conditioned Upon The Agreement By The Port Of Oakland To Provide Full Reimbursement To The City For ARFF Pay 21-0902

Attachments: View Report

View Legislation

88963 CMS

2.17 Subject: Acceptance Of SAMHSA ReCAST Grant From: Human Services Department Recommendation: Adopt A Resolution:

(1) Accepting And Appropriating A Grant Awarded By The United States Substance
Abuse And Mental Health Services Administration (SAMHSA) In The Amount Of Five
Million Dollars (\$5,000,000) To Be Disbursed In Equal Payments Of One Million Dollars
(\$1,000,000) Annually For Five Years For The Resiliency In Communities After Stress
And Trauma (Recast) Program From September 29, 2021 Through September 30, 2026;

(2) Approving 1.00 Full Time Equivalent Project Manager I And 0.50 Full Time Equivalent Administrative Assistant II Positions In The Human Services Department From September 29, 2021 To September 30, 2026 For Required Program Implementation;

(3) Awarding Grant Agreements To Various Non-Profit And Public Agencies To Provide Trauma Informed Behavioral Health Services To High-Risk Youth And Their Families Impacted By Violence And Systemic Racism From October 1, 2021 Through September 30, 2022; And

(4) Waiving Request For Proposal/Qualifications Requirements And Awarding Professional Service Agreements To Resource Development Associates In An Amount Not To Exceed Fifty Thousand Dollars (\$50,000) And Bright Research Group In An Amount Not To Exceed One Hundred, Twenty-Five Thousand Dollars (\$125,000) For One-Year Terms From September 29, 2021 Through September 30, 2022 To Provide Services Necessary To Fulfill The Requirements Of The Recast Grant 21-0927

Attachments: View Report

View Legislation 88964 CMS

2.18 Subject: Professional Services Agreements For On-Call Landscape Architects From: Oakland Public Works Department Recommendation: Adopt A Resolution Authorizing The City Administrator To Award And Execute A Series Of Professional Services Agreements For On-Call Landscape Architectural Services For A Period Of Four (4) Years With The Following Firms: 1) Bay Tree; 2) Bottomley Associates; 3) Community Design And Architecture; 4) Dillingham Associates; 5) Jett.; 6) Keller Mitchell; 7) Kimley Horn; 8) Mantle; 9) Merrill Morris Partners; 10) Meyer Studio Land Architects; 11) NCE; 12) PGA Design; 13) RHAA Landscape Architects; 14) Terrain Studio; 15) UDLA And 16) WRT, Each For An Amount Not To Exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00) <u>21-0899</u>

Attachments: View Report

View Attachment A View Legislation 88965 CMS

This City Resolution was Adopted.

- 2.19 Subject: Skyline Boulevard Evacuation Corridor Fire Prevention Project
 - From: Oakland Public Works Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate 1) Six Hundred Thousand Dollars (\$600,000) From The California Department Of Forestry And Fire Protection (CAL FIRE) Fuel Reduction Program, And 2) Two Hundred And Twenty-Four Thousand Dollars (\$224,000) From The CAL FIRE Fire Prevention Grants Program, For A Total Of Eight Hundred And Twenty-Four Thousand Dollars (\$824,000) For The Completion Of The Skyline Boulevard Evacuation Corridor Project Involving The Removal Of Dead And Hazardous Trees Along Skyline Boulevard, And The Planting Of One Hundred And Fifty (150) Oak Trees As Shaded Fuel Breaks <u>21-0901</u>

Attachments: View Report

<u>View Attachment A</u> <u>View Attachment B</u> <u>View Legislation</u> <u>View Supplemental Legislation - 12/17/2021</u> 88966 CMS

2.20 Subject: Hamilton Apartments Loan Extension From: Housing And Community Development Department Recommendation: Adopt A Resolution Amending Two Affordable Housing Loans Authorized By Redevelopment Agency Resolution Nos. 91-38 C.M.S., 95-09 C.M.S., And 97-73 C.M.S. To 2101 Telegraph Avenue Associates, An Affiliate Of Mercy Housing, Inc., For The Hamilton Apartments Project At 2101 Telegraph Avenue To (1) Extend The Term Of The Loans And Regulatory Agreement By Fifty-Five Years; (2) Reduce The Interest Rate Of The Loans From Six Percent To Three Percent Simple Interest; And (3) Update The Repayment Terms And Other Provisions To Be Consistent With Current City Policies <u>21-0926</u>

<u>Attachments:</u> <u>View Report</u> <u>View Legislation</u> <u>88967 CMS</u>

This City Resolution was Adopted.

2.21 Subject: 1707 Wood Street Exclusive Negotiation Agreement Extension From: Housing And Community Development Department Recommendation: Adopt A Resolution Amending Resolution No. 87795 C.M.S. To Authorize An Amendment To The Exclusive Negotiation Agreement (ENA) With Midpen Housing Corporation And Habitat For Humanity East Bay/Silicon Valley, Inc., For The Development Of Affordable Housing At The City-Owned Real Property Located At 1707 Wood Street, To Extend The Term By Eighteen Months, With Two Administrative Options To Extend The Term An Additional Six Months And Up To Eighteen Months 21-0906

Attachments: View Report

View Legislation

88968 CMS

2.22 Subject: Amend Five Professional Services Agreements From: Housing And Community Development Department Recommendation: Adopt A Resolution Authorizing The City Administrator To Extend The Terms Of Five Professional Services Agreements With Increases To The Amounts Of Three Professional Services Agreements To The Following Consultants Who Will Provide Critically Needed Services To The Housing And Community Development Department And Waive The Request For Proposals/Qualifications Process:

(1) City Data Services, Extending The Term From December 15, 2021 To December 31, 2024 With An Option To Renew For Two Additional One-Year Terms And Expanding The Scope Of Work And Increasing The Amount Of The Agreement From \$43,100 To An Amount Not To Exceed \$177,180; And

(2) Katharine Gale, Extending The Term From December 31, 2021 To June 30, 2022 And Increasing The Amount Of The Agreement From \$41,040 To An Amount Not To Exceed \$50,000; And

(3) Amy Hiestand Consultant, LLC Extending The Term From December 31, 2021 To December 31, 2022 And Increasing The Amount Of The Agreement From \$99,999 To An Amount Not To Exceed \$150,000; And

(4) Kenneth Jones, Extending The Term From December 31, 2021 To December 31, 2022; And

(5) Urban Homesteading Assistance Board, Extending The Term From April 5, 2021 To December 31, 2022 21-0928

Attachments: View Report

View Legislation 88969 CMS

2.23 Subject: Tribal Agreement For Dr. Kenneth Anderson Senior Housing Project From: Planning & Building Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Tribal Cultural Resources Treatment And Monitoring Agreement Pursuant To Senate Bill 35 (2017) With The Confederated Villages Of Lisjan Regarding The Avoidance Of Any Adverse Effects On Tribal Cultural Resources As A Result Of The Dr. Kenneth Anderson Affordable Senior Housing Project Located At 1003 E. 15th Street <u>21-0915</u>

Attachments: View Report

View Attachment A View Attachment B View Legislation 88970 CMS

This City Resolution was Adopted.

2.24 Subject: License Agreement With Woven Multimedia For Nonexclusive Right To "I'm Oakland"

From: Economic & Workforce Development Department

Recommendation: Adopt A Resolution Authorizing A License Agreement With Sabereh Mohammadkashi Dba Woven Multimedia For The Nonexclusive Right To Use The Documentary Short Film "I'm Oakland" Produced For The City As Part Of The Cultural Strategist-In-Government Program

<u>21-0914</u>

Attachments: View Report

View Report Attachment A View Report Attachment B View Report Attachment C View Legislation 88971 CMS

Subject: Bicyclist Pedestrian Advisory Commission
 From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Alex
 Frank And Nick Whipps And Reappointment Of Fred "Phoenix" Mangrum To The
 Bicyclist Pedestrian Advisory Commission
 21-0937

Attachments: View Legislation

88972 CMS

This City Resolution was Adopted.

Subject: Oakland Youth Advisory Commission
 From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Darby
 Hatfield, Kai Medina-Safir, And Hayden Thompson, As Members Of The Youth Advisory
 Commission
 21-0938

Attachments: View Legislation

88973 CMS

This City Resolution was Adopted.

Subject: International Contact, Inc And Accent On Languages, Inc. Contract Increase From: Human Resources Management Department Recommendation: Adopt A Resolution Extending And Increasing The Contract For On Call Translation And Interpretation Services With (I) International Contact, Inc. For Three Years, From April 1, 2022 To March 31, 2025, By An Amount Not To Exceed \$300,000 (Three Hundred Thousand Dollars) To A New Cap Of \$460,000 (Four Hundred Sixty Thousand Dollars) For The Five-Year Contract Term, And (II) Accent On Languages, Inc. For Three Years, From April 1, 2022 To March 31, 2025, By An Amount Not To Exceed \$300,000 (Three Hundred Thousand Dollars) To A New Cap Of \$460,000 (Four Hundred Sixty Thousand Dollars) For The Five-Year Contract Term, And (II) Accent On Languages, Inc. For Three Years, From April 1, 2022 To March 31, 2025, By An Amount Not To Exceed \$300,000 (Three Hundred Thousand Dollars) To A New Cap Of \$550,000 (Five Hundred Fifty Thousand Dollars) For The Five-Year Contract Term 21-0866

Attachments: View Report

View Legislation

88974 CMS

S2.28 Subject: Five Year Pavement Prioritization Plan From: Transportation Department Recommendation: Adopt The Following Pieces Of Legislation;

1) A Resolution: Establishing A Five-Year Prioritization Plan For The City Of Oakland's Complete Streets Paving Program (2022-2027) And Adopting California Environmental Quality Act ("CEQA") Exemption Findings; And <u>21-0903</u>

Attachments: View Report

View Report Attachment A View Report Attachment B View Legislation 88975 CMS

This City Resolution was Adopted.

2) A Resolution: Authorizing The City Administrator To Award All Paving And Concrete Construction Contracts That Follow All City Advertising And Competitive Bidding Requirements And Are Awarded In Direct Service Of Delivering The 2022 Five Year Prioritization Plan In A Amount Not to Exceed Seventy-Five Millions Dollars, Without Return To City Council

<u>21-0904</u>

Attachments: View Legislation

View Supplemental Legislation - 12/17/2021 88976 CMS

 Subject: Claudine Jones V. City Of Oakland, Joseph D. Evinger, Sara A. Evinger, From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Claudine Jones V. City Of Oakland, Joseph D. Evinger, Sara A. Evinger, And Does One Through Twenty, Alameda County Superior Court Case No. RG21087883, City Attorney's File No. 33578, In The Amount Of Three Hundred Thousand Dollars And Zero Cents (\$300,000.00) (Department Of Transportation - Dangerous Condition) 21-0961

Attachments: View Report

View Legislation

A motion was made by Nikki Fortunato Bas, seconded by Noel Gallo, that this matter be Withdrawn and Rescheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 1/18/2022. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

NO VOTE: 0

S2.32 Subject: Negrete 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 Francisco Negrete, William Berger, Craig Tanaka, Brandon Hraiz, Josef Phillips, V. City Of Oakland; Police Commission Of The City Of Oakland; Does 1 - 10, Inclusive, Alameda County Superior Court Case No. RG20062117, City Attorney's File No. X04860-1, In The Amount Of Forty Thousand Dollars And Zero Cent (\$40,000.00) (Community Police Review Agency - Administrative Writ Of Mandamus)

21-0963

Attachments: View Report

View Legislation

A motion was made by Nikki Fortunato Bas, seconded by Noel Gallo, that this matter be Withdrawn and Rescheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 1/18/2022. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

NO VOTE: 0

COMMENCING AS SOON AS REASONABLY PRACTICABLE, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:

3 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

3.1 Amendments To Oakland Planning Code Related To Accessory Dwelling Units Subject: From: Planning & Building Department Recommendation: Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To: 1) Revise Regulations For Accessory Dwelling Units (ADUs) And Junior Accessory Dwelling Units (JADUs) To Comply With State Law; 2) Amend The S-9 Zoning Overlay Zone That Identifies Areas In The City Where ADUs Are Restricted To One Internal Conversion ADU Or JADU Per Residential Lot; 3) Provide An Exception Mechanism For Allowing Attached And Detached ADUs In The S-9 Zoning Overlay Zone; 4) Provide Additional Wildfire Building Protections In S-9 Zoning Overlay Zone; 5) Make Conforming Changes In Various Sections Of The Oakland Planning Code Related To ADUs; And 6) Make Appropriate California Environmental Quality Act (CEQA) Findings 21-0829

Attachments: View Report

View Attachment A View Attachment B View Attachment C View Attachment D View Attachment E View Attachment F View Legislation View Exhibit A View Exhibit B View Supplemental Report - 12/17/2021 View Supplemental Attachment A - 12/17/2021 View Supplemental Exhibit A - 12/17/2021 View Presentation - 12/17/2021 View Supplemental Report - 1/6/2022 View Supplemental Exhibit - 1/6/2022 View Supplemental Attachment A - 1/6/2022 Upon the reading of Item 3.1 by the City Clerk, the Public Hearing was opened at 5:59 p.m.

9 individuals spoke on this item.

President Pro Tem Thao made a motion, seconded by Councilmember Kalb, to amend the legislation and Attachment A (page 73) to increase the distance from "18 feet" to "20 feet, and to close the Public Hearing, and hearing no objections, the motion passed by 8 Ayes: Fife,Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

A motion was made by Sheng Thao, seconded by Dan Kalb, that this matter be

Approved As Amended 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 1/18/2022. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

NO VOTE: 0

3.2 Subject: Amending Fiscal Year 2021-22 Master Fee Schedule (MFS) From: Office Of The City Administrator

Recommendation: Adopt An Ordinance Amending Ordinance No. 13654 C.M.S. (Which Adopted The Fiscal Year 2021-22 Master Fee Schedule), As Amended, To Establish, Modify And Delete Fees And Penalties Assessed By Offices, Departments, Bureaus, And Agencies Of The City Of Oakland Referenced Herein <u>21-0900</u>

Attachments: View Report

View Legislation

Upon the reading of Item 3.2 by the City Clerk, the Public Hearing was opened at 6:56 p.m.

3 individuals spoke on this item.

Councilmember Gallo made a motion, seconded by Vice Mayor Kaplan, to close the Public Hearing, and hearing no objections, the motion passed by 8 Ayes: Fife,Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

A motion was made by Noel Gallo, seconded by Rebecca Kaplan, that this matter be Approved As Amended 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 1/18/2022. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

Subject: First Substantial Amendment To The 2021-2022 Annual Action Plan
 From: Housing And Community Development Department
 Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution:

(1) Accepting And Appropriating Home Investment Partnership ("HOME") Grant Funds In The Amount Of Eleven Million Three Hundred Twenty-Five Thousand Nine Hundred Forty-One Dollars (\$11,325,941) Awarded To The City Of Oakland By The U.S. Department Of Housing & Urban Development Under The American Rescue Plan (ARP) Act To Provide Housing, Rental Assistance, Shelter And Other Support Services To Persons Who Are Homeless Or At Risk Of Homelessness, And Other Vulnerable Populations; And

(2) Authorizing The City Administrator To Prepare And Submit To The United States Department Of Housing & Urban Development A Home-ARP Allocation Plan As Part Of The City's First Substantial Amendment To Its Fiscal Year (FY) 2021-22 Consolidated Annual Action Plan; And

(3) Authorizing The City Administrator To Award Home Program Agreements For Eligible Activities As Set Forth In Exhibit A, Attached Hereto, And The City's Home-ARP Allocation Plan Submitted As Part Of Its Amended FY 2021-22 Consolidated Annual Action Plan Subject To Compliance With Any Applicable Competitive Bidding Requirements, Without Returning To Council 21-0930

Attachments: View Report

View Report Attachment A

View Legislation

View Report Exhibit A

88977 CMS

Upon the reading of Item 3.3 by the City Clerk, the Public Hearing was opened at 7:07 p.m.

6 individuals spoke on this item.

Councilmember Reid, made a motion, seconded by Councilmember Gallo, to close the Public Hearing, and hearing no objections, the motion passed by 8 Ayes: Fife,Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

A motion was made by Treva Reid, seconded by Noel Gallo, that this matter be Adopted. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

4 ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION & DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSIONS 21-0965

<u>Attachments:</u>	December 16, 2021 Closed Session Report of Final Actions - County	
	of Santa Clara, et al. v. Atlantic Richfield Co., et al.	
	December 16, 2021 Closed Session Report of Final Actions - State	
	Compensation Insurance Fund v. City of Oakland and DOES 1 to 50	
	December 16, 2021 Closed Session Report of Final Actions -Claudine	
	Jones v. City of Oakland, Joseph D. Evinger, Sara A. Evinger, and	
	Does 1-20	
	December 16, 2021 Closed Session Report of Final Actions - The	
	People of the State of California, acting by and through Santa Clara	
	County Counsel James R. Williams, Orange County	
	December 16, 2021 Closed Session Report of Final Actions -	
	Francisco Negrete	

A motion was made by Nikki Fortunato Bas, seconded by Noel Gallo, that this matter be Accepted. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

Subject: County Of Santa Clara, Et Al. V. Atlantic Richfield Co., Et Al.
 From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney And
 City Administrator To Enter Into A Partial Settlement And Disposition Of Lead Paint
 Settlement Funds From The Settlement Of County Of Santa Clara, Et. Al. V. Atlantic
 Richfield Co, Et. Al., Santa Clara County Superior Court Case No. 1-00-Cv-788657, City
 Attorney's File No. X00625, As Follows:

(1) 60% Of Settlement Funds, Approximately \$14,000,000, To Be Spent In Oakland For Lead Poisoning Prevention Purposes ("City Services Allocation");

(2) 20% Of City Services Allocation, \$4,797,184.58, To Be Disbursed Upon Execution Of Memorandum Of Understanding To The City Of Oakland To Fund Development Of An Equity Based Lead Program;

(3) 40% Of Present And Future Settlement Funds, Approximately 9,600,000, To Be Distributed To The County Of Alameda To Enhance And Expand Existing Services For Lead Poisoning Prevention In Alameda County;

(4) The Remaining 40% Of The City Services Allocation To Be Held In Trust By County Treasurer Subject To An Agreement By The City And The County On Disbursement;

(5) The City Administrator To Enter Into The Attached Memorandum Of Understanding Setting Out These Preceding Terms (Office Of The City Attorney - Public Nuisance Enforcement Action)

<u>21-0960</u>

Attachments: View Report

View Legislation

88978 CMC

Council President Fortunato Bas made a motion, seconded by Councilmember Taylor, to move this item to Non Consent.

Council President Bas made a motion seconded by Councilmember Gallo to approve the urgency finding on item S2.29 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action (1) is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;

Motion passed by 8 Ayes: Fife,Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

The Legislation was amended to include the following, after the 5th Whereas clause to read:

"Whereas, the City Of Oakland Municipal cod 2.29.170.1 specifies that "the City of Oakland will intentionally integrate, on a Citywide basis, the principle of "Fair and just" in all the city does in order to achieve equitable opportunities for all people and communities; and

Whereas, equity practice focuses on developing systemic approaches to address racial disparities in life outcomes for under served residents of Oakland; and

Whereas, the Lead Race and Equity analysis sets forth recommendations for allocating and delivering lead settlement funding equitably"

A motion was made by Noel Gallo, seconded by Carroll Fife, that this matter be Adopted as Amended. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

NO VOTE: 0

 S2.31 Subject: State Compensation Insurance Fund 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 State Compensation Insurance Fund V. City Of Oakland And Does 1 To 50, Alameda County Superior Court, Case No. RG18891438, City Attorney's File No. 31864, In The Amount Of Forty-Five Thousand Dollars And Zero Cents (\$45,000.00) (Department Of Transportation - Dangerous Condition) <u>21-0962</u>

Attachments: View Agenda

View Legislation

88979 CMC

Council President Fortunato Bas made a motion, seconded by Councilmember Taylor, to move this item to Non Consent.

Council President Bas made a motion seconded by Councilmember Gallo to approve the urgency finding on item S2.31 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action (1) is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;

Motion passed by 8 Ayes: Fife,Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

A motion was made by Carroll Fife, seconded by Noel Gallo, that this matter be Adopted. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

S2.33 Subject: People Of The State Of California, Et Al. V. Purdue Pharma L.P., Et Al. From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Authorizing The City Attorney To Release The City's Potential Claims As Necessary To Join The National Distributor Settlement
 Agreement, The California State-Subdivision Agreement Regarding Distribution And Use Of Settlement Funds-Distributors, The National Johnson & Johnson (A.K.A. Janssen)

Settlement Agreement, And The California State-Subdivision Agreement Regarding Distribution And Use Of Settlement Funds-Janssen, Pursuant To In Re National Prescription Opiate Litigation, MDL Master Docket No. 1:17-MD-2804 (Office Of The City Attorney - Public Nuisance, False Advertising, Unfair Competition) 21-0964

Attachments: View Report

View Legislation

88980 CMS

Council President Fortunato Bas made a motion, seconded by Councilmember Taylor, to move this item to Non Consent.

Council President Bas made a motion seconded by Councilmember Gallo to approve the urgency finding on item S2.33 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action (1) is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;

Motion passed by 8 Ayes: Fife,Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

A motion was made by Noel Gallo, seconded by Rebecca Kaplan, that this matter be Adopted. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

NO VOTE: 0

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF DECEMBER 7, 2021 AND THE SPECIAL SSOC MEETING OF DECEMBER 7, 2021 21-0850

Attachments: December 7, 2021 City Council Minutes

December 7, 2021 Special SSOC Council Minutes

A motion was made by Rebecca Kaplan, seconded by Noel Gallo, that this matter be Approved. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

6 The item regarding "Enabling Ordinance For Measure R - Newspaper Of Record" was withdrawn from this agenda at the December 16, 2021 Rules and Legislation Committee, and rescheduled to be heard at the December 21, 2021 Special City Council Meeting at 9:30 A.M.

7 The item regarding "Proof Of Vaccination Emergency Ordinance " was withdrawn from this agenda at the December 16, 2021 Rules and Legislation Committee, and rescheduled to be heard at the December 21, 2021 Special City Council Meeting at 9:30 A.M.

8 The item regarding "Managed Safe RV Sites And Sanitation" was withdrawn from this agenda at the December 16, 2021 Rules and Legislation Committee, and rescheduled to be heard at the December 21, 2021 Special City Council Meeting at 9:30 A.M.

9 The item regarding " Amending The City's Hiring Plan For Police Officers " was withdrawn from this agenda at the December 16, 2021 Rules and Legislation Committee, and rescheduled to be heard at the February 1, 2022 City Council Meeting.

12 Subject: Honoring Oakland's Homicide Victims

From: Councilmember Taylor

Recommendation: Adopt A Resolution In Remembrance And Honoring The Lives Lost Due To Homicide In The City Of Oakland In 2021 And Calling For Community Healing And Cooperation To Collectively Address The Root Causes Of Violence And Crime <u>21-0935</u>

Attachments: View Report

View Legislation

88981 CMS

Councilmember Taylor read into record the 133 names of those who's lives were lost in Oakland due to homicide. Those names include

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

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

Subject: Actions To Address Gun Violence Crisis From: Councilmember Taylor Recommendation: Adopt A Resolution To Take Specific Actions And Make Specific Commitments In Support Of Oakland's Declared Gun Violence Public Health Crisis By:

A. Directing The City Administrator To Provide, No Later Than The Council's First Meeting In January 2022, A Report And Recommendation To Apply Unanticipated And Uncommitted General Fund Revenue Or Cost Savings Toward: 1) The Addition Of A Third Police Academy In FY 2022-2023; 2) The Hiring Of Five (5) Additional Non-Sworn Criminal Investigations Staff; 3) The Initial Investment Into The Planning And Deployment Of Surveillance Camera Technology To Aid In Criminal Investigations While Minimizing Privacy Concerns; And 4) The Unfreezing Of Eight (8) Frozen Positions To Allow For Full Staffing Of The Ceasefire Unit; And

B. Directing The City Administrator To Return To Council No Later Than The Council's First Meeting In January 2022, With An Information Report On The Following: 1) A Proposal For Doubling The Clearance Rate Of Homicides And Other Part 1 Crimes Including The Creation Of A Clearance Rates Dashboard; 2) A Staffing Plan To Increase The Number Of Filled Sworn Officer Positions To Eight Hundred (800) By December 2023; 3) Identification Of Grant Opportunities To Increase National Integrated Ballistic Information Network (Nibin) Gun Tracing Efforts; 4) Monitor And Report Back To Council On The Effectiveness Of The 911 Surge Response Teams To Inform Whether Council Should Continue With The Freezing Of These Forty-One (41) Positions As Directed By The Council President's June 2021-23 Amended Budget; And 5) A Plan For Ensuring Equitable 911 Response Across The City And Eliminating The Higher Volume Of Unanswered Calls In Bureau Of Field Operations (BFO) Two Versus Bureau Of Field Operations (BFO) One

21-0920

Attachments: View Report

View Legislation

This Item was deferred to the January 13, 2022 Rules And Legislation Committee to be scheduled with a new title.

This City Resolution be Referred.to go before the *Rules & Legislation Committee to be heard 1/13/2022

11 Subject: County Support For Gun Violence Reduction From: Councilmember Taylor

Recommendation: Adopt A Resolution Calling For The County Of Alameda To Support Oakland's Gun Violence Reduction Efforts By: (1) Strengthening Workforce Development Programs Focused On Justice-Involved Oakland Residents, (2) Substantially Increasing Investments Into Reentry Support Services For Oakland's Returning Citizens, (3) Conducting An Equity Analysis On Case Charging And Case Closure Data By City, For Cases Presented To The District Attorney, And Develop A Plan For Addressing Any Inequity That May Lead To Adverse Public Safety Outcomes, And (4) Collaborating With The City Of Oakland's Department Of Violence Prevention To Strengthen Violence Interruption In Jails To Complement Violence Interruption Efforts In The Community <u>21-0921</u>

Attachments: View Report

View Legislation

This City Resolution be No Action Taken.

13 The item regarding "Informational Report On The Status On Authorized Grants" was withdrawn from this agenda at the December 16, 2021 Rules and Legislation Committee, and rescheduled to be heard at the December 21, 2021 Special City Council Meeting at 9:30 A.M.

S14 Subject: Assistance For Businesses Impacted By Armed Robberies From: Vice Mayor Kaplan, Councilmember Fife, Gallo, And Pro Tem Thao Recommendation: Adopt A Resolution To Direct The City Administrator To Assist Impacted Businesses Who Have Been Harmed By Armed Robberies By (1) Researching And Implementing City-Issued Loans To Impacted Businesses Can Be Deferred Or Waived, (2) Researching Options For Tax Rebates For Impacted Businesses And Returning To Council For Authorization As Needed, (3) Researching And Implementing, To The Extent Allowed Under The Program, The City's Provision Of Funding Through The City's Facade Improvement/Tenant Improvement Programs To Help Businesses Rebuild And Install Security Doors/Gates And Related Infrastructure, (4) Identify And Apply For State Of California Grant Funds That Can Be Granted To Oakland's Cannabis And East Oakland Businesses To Cover The Costs Of Repairs, Losses And/Or Other Damages Suffered Due To Recent Crime Activity, And (5) Conduct An Intensive Outreach Campaign To Impacted Businesses To Inform Them Of The Availability Of Any Existing City Support To Remediate The Economic Harm Caused By Armed Robberies 21-0917

Attachments: View Report

<u>View Legislation</u> <u>View Revised Report 12/10/2021</u> <u>View Revised Legislation 12/10/2021</u> <u>View Supplemental City Administrator Report 12/10/21</u> <u>88982 CMS</u>

A motion was made by Rebecca Kaplan, seconded by Sheng Thao, that this matter be Adopted. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

NO VOTE: 0

ANNOUNCEMENTS / ADJOURNMENTS IN MEMORY OF

Councilmember Taylor made a request to adjourn tonight's meeting in memory of Richard Rogers.

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

6 speakers spoke during Open Forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting Shall Conclude No Later Than 6:30 P.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 Richard Rogers and the 133 homicide victims this year in Oakland at 10:32 p.m.

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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.

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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.