



City of Oakland

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

Meeting Minutes - DRAFT

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

Tuesday, March 7, 2023

4:00 PM

City Council Chamber, 3rd Floor

The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency was held on the above date. The meeting was convened at 4:02 P.M.

1 Call To Order

2 ROLL CALL / CITY COUNCIL

Present 8 - Carroll Fife, Noel Gallo, Dan Kalb, Rebecca Kaplan, Janani Ramachandran, Treva Reid, Nikki Fortunato Bas, and Kevin Jenkins

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

**4 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF FEBRUARY 21,
2023
[23-0118](#)**

Attachments: [View Report](#)

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

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Ramachandran, Reid, Fortunato Bas, and Jenkins

NO VOTE: 0

**5 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS
(Requests To: Reschedule Items From Consent To Non-Consent
To The Next Council Agenda, Speak On Consent Calendar, Register Votes,
Change Order Of Items, Reconsiderations, Pull Items Held In Committee):**

A motion was made by Councilmember Ramachandran, seconded by Council President Fortunato Bas to move item S6.16 'Nuisance Vessel Ordinance' to the Non-Consent Calendar. The motion passed.

A motion was made by Councilmember Gallo, seconded by Councilmember Reid to move item S6.17 'Amend Municipal Code Chapter '8.50' to the Non-Consent Calendar. The motion passed.

6 CONSENT CALENDAR (CC) ITEMS:

13 Speakers spoke on this item

Approval of the Consent Agenda

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

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Ramachandran, Reid, Fortunato Bas, and Jenkins

NO VOTE: 0

- 6.1** Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired Immunodeficiency Syndrome ("AIDS") Epidemic
[23-0119](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 6.2** Subject: Declaration Of Medical Cannabis Health Emergency
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland
[23-0120](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 6.3** Subject: Declaration Of A Local Emergency On Homelessness
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of The City's Homelessness Crisis
[23-0121](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 6.4** Subject: California Plumbing Code: Appendix M Adoption
 From: Councilmember Kaplan
 Recommendation: Adopt An Ordinance Amending Oakland Municipal Code To Add
 Section 15.04.3.5065 To Adopt Appendix M Of The 2022 California Plumbing Code,
 California Code Of Regulations, Title 24, Part 5, Peak Water Demand Calculator; And
 Adopting Appropriate California Environmental Quality Act Findings
[23-0076](#)

Attachments: [View Report](#)
 [View Appendix M - CPC](#)
 [View Legislation](#)

This Ordinance was Approved for Final Passage.

- 6.5** Subject: Oakland City Council Orientation And Overview - City Priorities And
 Departments - Public Safety, Emergency Response, Public Infrastructure, And
 Constituent Services
 From: Office Of The City Administrator
 Recommendation: Receive An Informational Report That Provides An Overview Of Public
 Safety, Violence Prevention, Emergency Operations/Response, Public Infrastructure, And
 Constituent Services In The City Of Oakland That Shall Include Presentations From The
 City Administrator's Office, Oakland Fire Department, Oakland Police Department,
 Department Of Violence Prevention, Office Of The Inspector General, Community Police
 Review Agency/Police Commission, Oakland Public Works And Oakland Department Of
 Transportation
[22-1014](#)

Attachments: [View Report](#)
 [View Presentation](#)
 [View Supplemental Report - 1/19/2023](#)
 [View Supplemental Presentation - 1/19/2023](#)

This Informational Report was Received and Filed.

- 6.6** 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 Walgreens Settlement Agreement, The National Walmart Settlement Agreement, The National CVS Settlement Agreement, And Their Accompanying California State-Subdivision Agreements Regarding Distribution And Use Of Settlement Funds, As Well As To Release The City's Potential Claims As Necessary To Join The National Teva Settlement Agreement, The National Allergan Settlement Agreement, And Their Accompanying California State-Subdivision Agreements Regarding Distribution And Use Of Settlement Funds; All 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)

[23-0129](#)

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

This City Resolution was Adopted.

- 6.7** Subject: California Capital Insurance Company V. City Of Oakland, Et Al.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of California Capital Insurance Company As Subrogee Of The Gee Family Trust V. City Of Oakland And Does 1 Through 25, Inclusive, Alameda County Superior Court Case No. 22CV015984, City Attorney File No. 35070, In The Amount Of Sixty Four Thousand And Six Hundred Five Dollars And Eighty-Three Cents (\$64,605.83) (Department Of Public Works - Inverse Condemnation)

[23-0131](#)

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

This City Resolution was Adopted.

- 6.8** Subject: Oracle Business Intelligence And Analytics Consulting Services
From: Information Technology Department
Recommendation: Adopt A Resolution: (1) Authorizing The City Administrator To Execute An Agreement With Fusion Bi, Inc. For One Hundred Five Thousand Dollars (\$105,000) For Oracle Business Intelligence And Analytics Consulting Services For A One (1) Year Term With The Option To Extend For An Additional One (1) Year For A Total Amount Not To Exceed Two Hundred Ten Thousand Dollars (\$210,000); And (2) Waiving The City's Local Business/Small Local Business Utilization Requirements
[23-0123](#)

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

This City Resolution was Adopted.

- 6.9** Subject: Commission On Homelessness
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Joey Harrison, Alexis Lozano, Candace Elder, Beth Stokes, And Mark Walker As Members Of The Commission On Homelessness
[23-0138](#)

Attachments: [View Report and Legislation](#)

Councilmember Gallo motioned, seconded by Councilmember Ramachandran to amend the resolution by striking Beth Stokes from the legislation. The motion passed.

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

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Ramachandran, Reid, Fortunato Bas, and Jenkins

NO VOTE: 0

- 6.10** Subject: Library Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointments Of Brittany Buckmire, Bradley Boyd, Karen Zukor, Chiye Azuma, And Alex Weinberg, And Reappointment Of Karen Roye To The Library Advisory Commission
[23-0137](#)

Attachments: [View Report and Legislation](#)

This City Resolution was Adopted.

- 6.11** Subject: Bicyclist Pedestrian Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Patricia Schader, Dianne Yee, And Grey Gardner To The Bicyclist Pedestrian Advisory Commission
[23-0136](#)

Attachments: [View Report and Legislation](#)

This City Resolution was Adopted.

- 6.12** Subject: Children's Fairyland Board Of Directors
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Jana Pastena To The Children's Fairyland Board Of Directors
[23-0135](#)

Attachments: [View Report and Legislation](#)

This City Resolution was Adopted.

- 6.13** Subject: Cultural Affairs Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Jim Santi Owen, Charles McNeal, And Iliana Lipsett, And Reappointment Of Jennifer Easton And Vanessa Whang To The Cultural Affairs Commission
[23-0134](#)

Attachments: [View Report and Legislation](#)

Councilmember Gallo motioned, seconded by Councilmember Ramachandran to amend the resolution by striking Charles McNeal from the legislation. The motion passed.

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

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Ramachandran, Reid, Fortunato Bas, and Jenkins

NO VOTE: 0

S6.14 Subject: OPD Crime Laboratory Operations And CGIC Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate Grant Funds In An Amount Not To Exceed Six Hundred Ninety Five Thousand Nine Hundred Ninety-Seven Dollars (\$695,997) From The Office Of Justice Programs (OJP), Under The Funding Opportunity From The Bureau Of Justice Assistance (BJA) Entitled "2022 BJA FY22 Local Law Enforcement Crime Gun Intelligence Center (CGIC) Integration Initiative", During The Grant Period Of Federal Fiscal Years 2022 To 2025, To Support The Oakland Police Department (OPD) Crime Laboratory Operations And CGIC
[23-0039](#)

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

This City Resolution was Adopted.

S6.15 Subject: Agreement With UPRR For The 29th Ave. Median Safety Improvements
From: Transportation Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute An Agreement With Union Pacific Railroad Company (UPRR), In Accordance With California Public Utility Commission (CPUC) Regulations, For The Review Of The 29th Avenue Median Safety Improvements
[23-0073](#)

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

This City Resolution was Adopted.

S6.18 Subject: Establishing Malonga Arts Collective As Anchor Tenants Of The Malonga Arts Center

From: Councilmember Fife

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

[TITLE CHANGE]

[22-1005](#)

Attachments: [View Legislation](#)

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

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

This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 3/21/2023

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

1 individual spoke on this item

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

8 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

S6.16 Subject: Nuisance Vessel Ordinance
From: Oakland Police Department
Recommendation: Adopt An Ordinance Adding Oakland Municipal Code Chapter 8.70
(Nuisance Vessels On Oakland Waters) Setting Rules For Anchoring Vessels In The
Oakland Estuary And Providing Procedures For Abating Nuisance Vessels
[23-0098](#)

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

6 speakers spoke on this item

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

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

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

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

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

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

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

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

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

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

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

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

A motion was made by Janani Ramachandran, seconded by Noel Gallo, 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 3/21/2023. The motion carried by the following vote:

Aye: 8 - Fife, Gallo, Kalb, Kaplan, Ramachandran, Reid, Fortunato Bas, and Jenkins

NO VOTE: 0

S6.17 Subject: Amend Oakland Municipal Code Chapter 8.50 - Local Emergency Declarations
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 8.50 (Emergency Services Organization And Disaster Council) To Require Council To Review The Need For Continuing A Local Emergency At Least Once Every 60 Days, In Conformance With State Law
[23-0086](#)

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

2 speakers spoke on this item

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

A motion was made by Dan Kalb, seconded by Nikki Fortunato Bas, that this matter be Approved 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 3/21/2023. The motion carried by the following vote:

Aye: 7 - Fife, Kalb, Kaplan, Ramachandran, Reid, Fortunato Bas, and Jenkins

No: 1 - Gallo

NO VOTE: 0

COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Councilmember Gallo was noted absent at 6:18 P.M.

OPEN FORUM / PUBLIC COMMENTS

12 speakers spoke during Open Forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting Shall Conclude No Later Than 10:00 P.M., Unless Extended By An
Affirmative Vote Of Five (5) Councilmembers)

*There being no further business, the Council adjourned the meeting in memory of
Moses Mayne at 6:44 P.M.*

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Oakland's Mask Mandate For Everyone Ages 6 And Older Inside City Facilities: The City Will Continue To Make Masks Available To Patrons Of Our Buildings That May Not Arrive With One.

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