City of Oakland

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



Meeting Minutes - DRAFT

Tuesday, February 2, 2021 1:30 PM

Please See The Agenda To Participate In The Meeting

Tele-Conference

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

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/82252209901 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 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) Webinar ID: 822 5220 9901

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 Asha Reed, Assistant City Clerk at AReed@oaklandca.gov.

- Office of the City Clerk

The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency was held on the above date convened at 1:31 pm

ROLL CALL / CITY COUNCIL

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

1 PUBLIC COMMENT:

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

29 speakers spoke during public comment

2 CONSENT CALENDAR (CC) ITEMS:

Approval of the Consent Agenda

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

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

NO VOTE: 0

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 21-0061

Attachments: View Report

This City Resolution was Adopted.

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

21-0062

Attachments: View Report

This City Resolution was Adopted.

2.3 Subject: Declaration Of A Local Emergency On Homelessness

From: Council President 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 <u>21-0063</u>

Attachments: View Report

This City Resolution was Adopted.

2.4 Subject: Celebrating Black History And Heritage Month

From: Councilmembers Taylor, Fife And Reid

Recommendation: Adopt A Resolution In Celebration Of Black History Month In February 2021 Honoring Courageous Black Individuals And Organizations, Who Through Their Innovative, Groundbreaking Work, Have Promoted Positive Change And Uplift For the City of Oakland

21-0020

Attachments: View Report

The Council approved to amend the 5th whereas clause to read as follows:

WHEREAS District 4 is proud to honor Etienne Isler, who owns Isler's on Foothill Boulevard in the Melrose neighborhood. Etienne, who frequently goes by Andre, is an engaged member of his community who builds connections among the neighbors and businesses in Melrose. Etienne is a along-time member of the Melrose High Hopes Neighborhood Council where he shares insight regarding neighborhood occurrences gained from working at Isler's. Etenne's presence, insight, and warmth help the Melrose neighborhood feel more connected, safe, and informed. Besides participating at the Melrose High Hopes Neighborhood Council, Etienne has recently started selling fresh produce at his store. He has also been working to organize businesses in the area to apply to become a Business Improvement District, and regularly facilitates communication between the Melrose neighborhood and Oakland City staff. During the COVID-19 Pandemic, Etienne has distributed hundreds of face masks to the Melrose community. His work has enabled community members to follow CDC guidelines and stay safe. Etienne is an asset to his community; and

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

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

NO VOTE: 0

The Agenda Was Modified to Show Item 2.5 Was Taken Out Of Order On Non-Consent

- 2.6 The Item Regarding "Vacate A Portion Of King St. Between Dennison St. And Frederick St." Was Withdrawn And Rescheduled To The February 16, 2021 City Council Agenda As A Public Hearing by The February 28, 2021 Rules And Legislation Committee
- 2.12 The Item Regarding "Surplus Land Declaration For The Former Raiders Training Facility" Was Moved To The Non-Consent Portion Of The Agenda
- 2.13 Subject: Affordable Housing & Infrastructure (Measure KK) Oversight Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Appointment Of Tia Hicks And Reappointment Of Baldomero Gonzalez, Danielle Harris, Gary Jimenez, Daniel Swafford, And Ellen Wu As Members Of The Affordable Housing & Infrastructure (Measure KK) Public Oversight Committee

21-0065

Attachments: View Report

This City Resolution was Adopted.

2.14 Subject: Library Advisory Commission

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Ayushi

Roy As A Member Of The Library Advisory Commission

21-0066

Attachments: View Report

This City Resolution was Adopted.

S2.15 Subject: More COVID Vaccine For Oakland

From: Vice Mayor Kaplan And Councilmember Reid

Recommendation: Adopt A Resolution Urging State And Federal Governments To Provide The People Of The City Of Oakland And Alameda County With More Doses Of The Covid-19 Vaccine To Facilitate The Equitable Distribution Of The Vaccine To Under-Served Communities In Sites Like The Mass Vaccination Site At The Oakland Coliseum

21-0070

Attachments: View Report

View Legislation

This City Resolution was Adopted.

\$2.16 Subject: Rebecca Reed-Lunn 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 Rebecca Reed-Lunn V. City Of Oakland, City Of Oakland Public Works, County Of Alameda, And Does 1-50, Alameda County Superior Court Case No. RG19022470, City Attorney's File No. 33115, In The Amount Of Ninety Eight Thousand Nine Hundred Ninety Nine Dollars And Zero Cents (\$98,999.00) (Department Of Transportation - Dangerous Condition) 21-0075

Attachments: View Report

View Legislation

This City Resolution was Adopted.

S2.17 Subject: Appropriating \$10 Million From The Oakland-Alameda County Coliseum

Authority

From: Vice Mayor Kaplan And Councilmember Reid

Recommendation: Adopt A Resolution Directing City Council Representatives On The Oakland-Alameda County Coliseum Joint Powers Authority Board To Seek Board Approval To Disburse Up To Ten Million Dollars (\$10,000,000) To The City Of Oakland, And Accepting And Appropriating Any Disbursement In An Amount Up To Ten Million Dollars (\$10,000,000) To The City Of Oakland From The Oakland-Alameda County Coliseum Authority

21-0051

Attachments: View Report

View Legislation

This City Resolution was Adopted.

\$2.18 Subject: Police Commission Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Marsha Peterson To Serve On The Oakland Police Commission As Alternate Commissioner 21-0031

Attachments: View Report

View Report - Resume

View Legislation

This City Resolution was Adopted.

Support Of AB 71 (Rivas) Homelessness Funding S2.19 Subject:

> From: Office Of The Mayor, President Pro Tem Thao, Councilmember Taylor And

President Bas

Recommendation: Adopt A Resolution In Support Of AB 71 (Rivas) To Establish A Permanent Source Of Funding To Reverse The Cycle Of Homelessness In California

21-0046

Attachments: View Report and Legislation

View Report - AB 71 Bill

View Report - ALH

View Supplemental Legislation - 1/22/2021

This City Resolution was Adopted.

- 3 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING **REQUIREMENTS:**
- ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION & DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSIONS

The oral report from the Office of the City Attorney of 1 final decisions made during Closed Session. Please refer to Attachment A for the details of the final decision.

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

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

NO VOTE: 0

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF JANUARY 12, AND **JANUARY 19, 2021**

20-0939

Attachments: View Report - January 12, 2021

View Report - January 19, 2021

The Council Approved as amended to the January 12, 2021 Agenda, item 3.1 show Councilmember Taylor Abstained and not Excused

A motion was made by Loren Taylor, seconded by Sheng Thao, that this matter be Approve with the following amendments. The motion carried by the following vote:

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

NO VOTE: 0

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

9 Subject: Grocery Worker Hazard Pay Emergency Ordinance

From: Council President Fortunato Bas And Councilmember Gallo Recommendation: Adopt An Emergency Ordinance (1) Adding Chapter 5.96 To The Oakland Municipal Code To Require Large Grocery Stores In Oakland To Pay Employees An Additional Five Dollars (\$5.00) Per Hour In Hazard Pay During The Novel Coronavirus (Covid-19) Pandemic And (2) Amending Chapter 2.44 Of The Oakland Municipal Code To Include Enforcement Of Emergency Hazard Pay To Grocery Employees As Part Of The Duties Of The Department Of Workplace And Employment

Standards 21-0059

Attachments: View Report

View Legislation

View Supplemental Report 1 - 1/29/2021

View Supplemental Report 2 - 1/29/2021

The Agenda was modified to show this item taken out of order before item 6

The Council Approves as amend the Following:

WHEREAS, Requiring Large Grocery Stores With A Larger Number Of Employees To Provide Hazard Pay During The Pandemic Will Have A Greater Impact On The Community Including But Not Limited To Encouraging Employees To Remain Employed And Thereby Reducing The Risk Of Food Supply Disruption, And Large Grocery Stores Are More Readily Positioned Than Smaller Grocery Stores To Absorb Any Short-Term Burdens The Ordinance's Requirements Might Impose On Employers.

A motion was made by Nikki Bas, seconded by Noel Gallo, that this matter be Approved for Final Passage. The motion carried by the following vote:

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

6 Subject: OFCY After School Grant To Girls Inc. Of Alameda County

From: Human Services Department

Recommendation: Adopt A Resolution Amending Resolution No. 88190 C.M.S., Which Awarded Oakland Fund For Children And Youth Grant Agreements For Fiscal Year 2020-21, To Decrease The Amount Of The Grant Award For The Burckhalter Elementary Program And To Replace Ujimaa Foundation With Girls Incorporated Of Alameda County As The Service Provider For The Burckhalter Elementary Program 21-0047

Attachments: View Report

View Report Attachment A

View Legislation

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

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

NO VOTE: 0

7 Subject: Purchase Of Bike Lane Street Sweeping Equipment

From: Transportation Department

Recommendation: Adopt A Resolution Appropriating Fund Balance From Fund 2211: Measure B Local Streets And Roads In An Amount Not To Exceed Seventy-Five Thousand Dollars (\$75,000) For The Purchase Of Equipment To Sweep Bicycle Lanes In Accordance With The City's Purchasing Programs And Policies 21-0035

Attachments: View Report

View Legislation

View Supplemental Report - 1/29/2021

View Supplemental Legislation - 1/29/2021

The Councilmember Kalb made a motion seconded by Gallo to adopt staffs recommendation and noted;

Couniclmember Fife to schedule at Rules to the March 23, 2021 Public Works Committee Agenda an information report on a equity analysis of the GIS Systems route, annual maintenance cost and life expectancy of equipment. And to update the City Website with the street-sweeping days

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

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

8 Subject: Increase Landscape Maintenance Contract

From: Oakland Public Works Department

Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Waive Advertising And Competitive Bidding To Increase The Current Two Year Landscape Maintenance Contract With Bay Construction, Inc. At Gateway Industrial District At The Oakland Army Base (Community Facilities District 2015-1) By An Amount Of One Hundred Forty Three Thousand Two Hundred Dollars (\$143,200.00) From One Hundred Ninety Eight Thousand Dollars (\$198,000.00) For A Total Contract Amount Of Three Hundred Forty One Thousand Two Hundred Dollars (\$341,200.00) [TITLE CHANGE]

21-0003

Sponsors: Oakland Public Works Department

Attachments: View Report

<u>View Report Attachment A</u>
<u>View Report Attachment B</u>

View Legislation

View Supplemental Legislation - 1/22/2021
View Supplemental Report - 1/29/2021

View Supplemental Attachment A - 1/29/2021

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

Aye: 7 - Bas, Taylor, Thao, Gallo, Kalb, Reid, and Kaplan

No: 1 - Fife

\$10 Subject: Surplus Land Declaration For The Former Raiders Training Facility

From: Office Of The City Administrator

Recommendation: Adopt A Resolution Declaring The City's Undivided 50% Fee Interest In The Former Raiders Training Facility At 1150 And 1220 Harbor Bay Parkway (Assessor Parcel Numbers: 074-1361-008 And 074-1339-016) As "Surplus Land" Pursuant To Government Code Section 54220 Et Seq. (California Surplus Land Act); And 2) Authorizing The City Administrator To, Jointly With The County Of Alameda, Issue The Notice Of Availability For The Sale Of 100% Fee Title To The Property, In Compliance With The Surplus Land Act

[TITLE CHANGE]

20-0894

Attachments: View Report

View Legislation

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

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

NO VOTE: 0

The agenda was modified to show agenda items take out of order as follows: 2.10, 2.11, 2.7-2.9, 2.5

2.10 Subject: Termination Of Local Emergency Due To Wildfires

From: Oakland Fire Department

Recommendation: Adopt A Resolution Terminating The Existence Of A Local Emergency Within The Territorial Limits Of The City Of Oakland Due To The Health Impacts Of Major Wildfires Burning Throughout California, Oregon And The State Of Washington, As Proclaimed By The City Administrator On September 13, 2020, And Confirmed By The City Council On September 15, 2020

21-0037

Attachments: View Report

View Legislation

Council Referred this item to Rules Pending List No Date Specific

A motion was made by Rebecca Kaplan, seconded by Sheng Thao, that this matter be Referred to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council. The motion carried by the following vote:

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

2.11 Subject: Affordable Housing Funding For Mark Twain Homes

From: Housing & Community Development Department

Recommendation: Adopt A Resolution Authorizing A Consolidated Affordable Housing Development Loan To Mark Twain Partners, LP, An Affiliate Of Oakland & The World Enterprises, Inc., And Memar Properties, Inc., In An Amount Not To Exceed \$4,776,000 For The Mark Twain Homes Affordable Housing Acquisition And Rehabilitation Project And Making California Environmental Quality Act Findings 21-0036

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

A motion was made by Sheng Thao, seconded by Rebecca Kaplan, that this matter be Continued to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 3/16/2021. The motion carried by the following vote:

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

NO VOTE: 0

2.7 Subject: HSIP8 High Street Improvements

From: Transportation Department

Recommendation: Adopt A Resolution Awarding A Construction Contract To Gruendl Inc. Doing Business As Ray's Electric, For Highway Safety Improvement Program (HSIP) Cycle 8, High Street Improvement Project, Project No. 1004017, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Seven Hundred Ninety-Nine Thousand Seven Hundred Ninety-Eight Dollars (\$799,798) 21-0032

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

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

Aye: 6 - Taylor, Thao, Gallo, Kalb, Reid, and Kaplan

No: 2 - Bas, and Fife

2.8 Subject: HSIP8 Bancroft Avenue Improvements

From: Transportation Department

Recommendation: Adopt A Resolution Awarding A Construction Contract To Gruendl Inc., Doing Business As Ray's Electric, For Highway Safety Improvement Program (HSIP) Cycle 8, Bancroft Avenue Improvement Project, Project No. 1004012, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Two Million Two Hundred Eighteen Thousand Eight Hundred Sixty-Seven Dollars (\$2,218,867) 21-0034

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

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

Aye: 6 - Taylor, Thao, Gallo, Kalb, Reid, and Kaplan

No: 2 - Bas, and Fife

2.9 Subject: HSIP8 Fruitvale Avenue Improvements

From: Transportation Department

Recommendation: Adopt A Resolution Awarding A Construction Contract To Gruendl Inc. Doing Business As Ray's Electric, For Highway Safety Improvement Program (HSIP) Cycle 8, Fruitvale Avenue Improvement Project, Project No. 1004014, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Five Hundred Seventeen Thousand Four Hundred Forty Dollars (\$517,440) 21-0040

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

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

Aye: 6 - Taylor, Thao, Gallo, Kalb, Reid, and Kaplan

No: 2 - Bas, and Fife

NO VOTE: 0

2.5 Subject: Summary Vacation Of Public Sewer Easement At 500 Lake Park Avenue

From: Transportation Department

Recommendation: Adopt A Resolution Summarily Vacating An Unused Public Sewer Easement Located At 500 Lake Park Avenue To The Property Owners, Lake Park Oakland EAH, LLC

21-0030

Attachments: View Report

View Legislation

The Council approved as amended to include after the 8th whereas clause the following:

The vacation will not occur until all the conditions have been satisfied, and that the City Administrator is instructed to not record a vacation until these conditions have been satisfied

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

Aye: 6 - Bas, Taylor, Fife, Kalb, Reid, and Kaplan

Absent: 2 - Thao, and Gallo

NO VOTE: 0

ANNOUNCEMENTS / ADJOURNMENTS IN MEMORY OF

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

3 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 at 6:24 p.m.

Americans With Disabilities Act

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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.