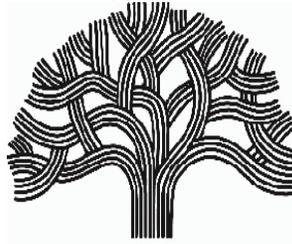


City of Oakland

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



CITY OF OAKLAND

Meeting Minutes - FINAL

Tuesday, December 20, 2022

1:30 PM

Please See The Agenda To Participate In The Meeting

Virtual Tele- Conference Via Zoom

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

The Oakland Redevelopment Successor Agency And City Council convened at 1:36 P.M, with Council President Fortunato Bas presiding as Chairperson.

The Roll Call was modified to note Pro Tempore Thao present at 1:42 p.m.

ROLL CALL / CITY COUNCIL

Excused 1 - Treva Reid

Present 5 - Kevin Jenkins, Noel Gallo, Carroll Fife, Dan Kalb, and Rebecca Kaplan

ACTIONS ON SPECIAL ORDERS OF THE DAY

(Ceremonial Presentations, Reports/Presentations From The Mayor,
Council Acknowledgements/Announcements):

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 Taylor, seconded by Councilmember Gallo
to modify the agenda by moving the following items to the Non-Consent Calendar:*

#2.27 "Masking In City Facilities"

#2.30 "Semi-Annual Staffing Report December 2022"

#2.32 "Revenue And Expenditure Report"

The motion passed

**1 PUBLIC COMMENT: COMMENTS ON ALL ITEMS WILL BE TAKEN AT THIS TIME.
COMMENTS FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN DURING OPEN
FORUM**

The call of the que opened at 1:51 p.m. and closed at 2:06 p.m

65 individuals spoke during Public Comment

2 CONSENT CALENDAR (CC) ITEMS:

Approval of the Consent Agenda

A motion was made by Councilmember Kalb, seconded by Councilmember
Taylor to approve the consent agenda as amended. The motion carried by the
following vote:

Excused: 1 - Reid

Aye: 7 - Taylor, Thao, Jenkins, Gallo, Fife, Kalb, 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
[22-0975](#)

Attachments: [View Legislation](#)

[89521 CMS](#)

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
[22-0976](#)

Attachments: [View Legislation](#)

[89522 CMS](#)

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
[22-0977](#)

Attachments: [View Legislation](#)

[89523 CMS](#)

This City Resolution was Adopted.

- 2.4** Subject: Teleconference Meetings Of The City Council
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Determination That Conducting In-Person Meetings Of The City Council And Its Committees Would Present Imminent Risks To Attendees' Health, And Electing To Continue Conducting Meetings Using Teleconferencing In Accordance With California Government Code Section 54953(E), A Provision Of AB-361
[22-0978](#)

Attachments: [View Legislation](#)
[89524 CMS](#)

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

Excused: 1 - Reid

Aye: 6 - Thao, Jenkins, Gallo, Fife, Kalb, and Kaplan

No: 1 - Taylor

NO VOTE: 0

2.5 The Item regarding "Women, Life Freedom" was removed from this agenda and rescheduled to the January 31, 2023 Special City Council Meeting, at the December 15, 2022 Rules And Legislation Committee Meeting

- 2.6** Subject: IKE Digital Kiosk Franchise
From: Transportation Department
Recommendation: Adopt An Ordinance: (A) Granting A Non-Exclusive Franchise To Ike Smart City LLC For Digital Advertising Kiosks With Wayfinding Capabilities Within The Public Right-Of-Way Contingent Upon Execution Of A Franchise Agreement; (B) Authorizing The City Administrator Negotiate And Execute A Franchise Agreement With Ike Smart City LLC; And (C) Adopting Appropriate California Environmental Quality Act Findings;
[22-0921](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Exhibit A](#)
[13713 CMS](#)

This Ordinance was Approved for Final Passage.

- 2.7** Subject: Amended Lease Agreement With The Dr. Huey P. Newton Foundation
From: Councilmember Fife
Recommendation: Adopt An Ordinance (A) Authorizing The City Administrator To Negotiate And Execute An Amendment To The Lease Agreement With The Dr. Huey P. Newton Foundation For The Space Located At 150 Frank H. Ogawa Plaza, Suite 1C (Lionel J. Wilson Building) To (1) Extend The Term Of The Lease For Three Years With One Two-Year Option To Renew; And (2) Waive Oakland Municipal Code (OMC) Section 2.42.230 To Reduce Rent Below \$1.25 Per Square Foot And Setting Lease Payments To \$1,963.82 Per Month Due To Cultural And Social Benefits To The Community Pursuant To OMC Section 2.42.110; And (B) Adopting California Environmental Quality Act Findings
[22-0887](#)

Attachments: [View Report](#)
[View Legislation](#)
[13714 CMS](#)

This Ordinance was Approved for Final Passage.

- 2.8** Subject: Salary Ordinance Amendment Including New Minimum Wage Rates
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To: (A) Add The Full-Time Classification Of Manager, Training And Organizational Development; The Full-Time Classification Of Special Activity Permit Inspector, Supervising; The Full-Time Classification Oracle Database Administrator; And (B) Amend The Title And Representation Unit Of The Full-Time Classification Of Planner V To Manager, Planning; The Full-Time Classification Of Recycling Specialist, Senior To Recycling Program Specialist III; The Title Of The Full-Time Classification Of Solid Waste/Recycling Program Supervisor To Manager, Recycling Program; And (C) Amend The Representation Unit Of The Full-Time Classification Of Manager, Zoning; And (D) Amend The Salary Of The Part-Time Classifications Of Senior Aide And Temporary Contract Services Employee To Ensure Compliance With The City Of Oakland's Minimum Wage
[22-0829](#)

Attachments: [View Report](#)
[View Legislation](#)
[13715 CMS](#)

This Ordinance was Approved for Final Passage.

- 2.9** Subject: Piedmont Library Lease Agreement
From: Oakland Public Library
Recommendation: Adopt An Ordinance: (A) Authorizing The City Administrator To Negotiate And Execute: (1) A 50-Year Joint Occupancy And Lease Agreement With Oakland Unified School District For Property Located At 86 Echo Avenue, With Two 5-Year Administrative Options To Extend And Rent Of \$4,000 Per Month Increasing 10 Percent Every 5 Years During The Term For Constructing And Operating A Public Library, Subject To Appropriation Of Funds Necessary For Construction; And (2) A Joint Use Cooperative Agreement With The District For The New Library; And (3) An Extension Of The Existing Joint-Use Lease Agreement With The District For The Existing Piedmont Avenue Branch Library Located At 80 Echo Avenue Until Completion Of The New Library; And (B) Adopting California Environmental Quality Act Findings [22-0817](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Report Exhibit A](#)
[View Supplemental Report 11/4/2022](#)
[View Supplemental Report Attachment A 11/4/2022](#)
[13716 CMS](#)

This Ordinance was Approved for Final Passage.

- 2.10** Subject: Local Amendments To 2022 California Model Building Construction Code
From: Planning And Building Department
Recommendation: Adopt An Ordinance (1) Repealing The Oakland Amendments To The 2019 Edition Of The California Model Building Construction Codes, (2) Adopting Local Amendments To The 2022 Edition Of The California Model Building Construction Codes, (3) Amending Oakland Municipal Code Chapter 15.04 To Comply With Changes To State Law, And (4) Adopting California Environmental Quality Act Exemption Findings [22-0893](#)

Attachments: [View Report](#)
[View Legislation](#)
[13717 CMS](#)

This Ordinance was Approved for Final Passage.

- 2.11** Subject: Business Tax Due Date Change From January Second To March First
From: Council President Bas
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code To
Change The Due Date For Business Tax Declarations And Payments Under Chapter
5.04 From January Second To March First
[22-0973](#)

Attachments: [View Legislation](#)
[13718 CMS](#)

This Ordinance was Approved for Final Passage.

- 2.12** Subject: Ordinance Updating The Oakland Building Maintenance Code.
From: Planning And Building Department
Recommendation: Adopt An Ordinance Amending The Oakland Building Maintenance
Code (Oakland Municipal Code 15.08) To (1) Conform To The 2022 California Building
Standards; (2) Establish Lead Hazard Abatement Standards; And (3) Provide Standards
For Delayed Enforcement For Accessory Dwelling Units And Joint Live Work Quarters
Where Correction Of Violations Is Not Necessary For Health And Safety; And Adopting
California Environmental Quality Act Exemption Findings
[22-0894](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Supplemental Legislation 12/8/2022](#)
[13719 CMS](#)

This Ordinance was Approved for Final Passage.

- 2.13** Subject: Amendments To The Oakland Fire Code, Chapter 15.12
From: Oakland Fire Department
Recommendation: Adopt An Ordinance: (1) Repealing Current Oakland Municipal Code Chapter 15.12, The Oakland Fire Code; (2) Making Findings To Substantiate Modifications To California Building Codes And Standards Due To Local Climatic, Geological Or Topographical Conditions; (3) Adopting And Making Local Amendments To The 2022 Edition Of The California Model Building Code, California Code Of Regulations Title 24, Part 9 (Also Referred To As The "California Fire Code"); (4) Recodifying Said Code As Oakland Municipal Code Chapter 15.12, The Oakland Fire Code; And (5) Adopting California Environmental Quality Act Exemption Findings [22-0900](#)

Attachments: [View Report](#)
[View Legislation and Exhibit A](#)
[View Report Notice and Digest](#)
[View Supplemental Legislation - 12/15/2022](#)
[View Supplemental Exhibit A - 12/15/2022](#)
[13720 CMS](#)

This Ordinance was Approved for Final Passage.

- 2.14** Subject: League Of California Cities New Mayors And Council Members Academy
From: Council President Bas
Recommendation: Adopt A Resolution Authorizing Reimbursement For Councilmembers-Elect Janani Ramachandran And Kevin Jenkins' Costs Not To Exceed \$1,400 Per Councilmember From The Council Contingency Fund For Travel To Sacramento For Attendance At The League Of California Cities New Mayors And Council Members Academy From January 18, 2023 Through January 20, 2023 [22-0990](#)

Attachments: [View Legislation](#)
[89525 CMS](#)

This City Resolution was Adopted.

- 2.15** Subject: Oakland HHAP-4 Application
From: Human Services Department
Recommendation: Receive An Informational Report On The City's Homeless Housing Assistance And Prevention Program (HHAP-4) Application For State Funding
[22-0920](#)

Attachments: [View Report](#)
[View Supplemental Report - 12/16/2022](#)
[View Supplemental Report Attachment A - 12/16/2022](#)

This Informational Report was Received and Filed.

- 2.16** Subject: Sales And Use Tax And Property Tax Consulting And Auditing Services Agreements
From: Finance Department
Recommendation: Adopt The Following Pieces Of Legislation;

1) A Resolution 1) Authorizing The City Administrator To Amend The Professional Services Agreement With HinderLiter, De Llamas And Associates For Sales And Use Tax Data, Consulting, And Auditing Services To Extend The Term From January 2, 2023 Through January 1, 2024 And Increase The Compensation By An Amount Up To \$125,000; 2) Authorizing An Option To Extend For One Additional Year Through January 1, 2025 In An Amount Not To Exceed \$125,000 For A Total Contract Amount Of \$490,000 Over The Five-Year Contract Term; And 3) Waiving The Local/Small Local Business Enterprise (L/SLBE) Program Participation Requirement; And
[22-0969](#)

Attachments: [View Report](#)
[View Legislation](#)
[89526 CMS](#)

This City Resolution was Adopted.

2) A Resolution 1) Authorizing The City Administrator To Amend The Professional Services Agreement With HDL Coren & Cone For Property Tax Data, Consulting, And Auditing Services To Extend The Term From January 2, 2023 Through January 1, 2024 And Increase The Compensation In An Amount Not To Exceed \$30,000; 2) Authorizing An Option To Extend For One Additional Year Through January 1, 2025 In An Amount Not To Exceed \$30,000 For A Total Contract Amount Of \$300,000 Over The Five-Year Contract Term; And 3) Waiving The Local/Small Local Business Enterprise (L/SLBE) Program Participation Requirement

[22-0970](#)

Attachments: [View Report](#)
[View Legislation](#)
[89527 CMS](#)

This City Resolution was Adopted.

2.17 Subject: City Of Oakland Mental Health Resilience Project SAMHSA Grant
From: Human Services Department
Recommendation: Adopt A Resolution:

1. Accepting And Appropriating A Grant From The Department Of Health And Human Services (DHHS) Substance Abuse And Mental Health Services Administration (SAMHSA) In The Amount Of One Million Two Hundred Thirty Thousand Dollars (\$1,230,000) For The City Of Oakland: Mental Health Resilience Project From September 30, 2022 Through September 29, 2023; And

2. Approving 4.00 Full Time Equivalent Case Manager II Positions, 1.0 Full Time Equivalent Administrative Analyst I Position, 1.0 Full Time Equivalent Administrative Assistant II Position, And 0.50 Full Time Equivalent Management Intern I Position In The Human Services Department From September 30, 2022 To September 29, 2023 For Required Program Implementation

[22-0979](#)

Attachments: [View Report](#)
[View Legislation](#)
[89528 CMS](#)

This City Resolution was Adopted.

- 2.18** Subject: FY 2023-2024 Direct Community Grants - Process Implementation Timeline
From: Finance Department
Recommendation: Receive An Informational Report From The City Administrator On The
Fiscal Year 2023-2024 Direct Community Grants Process Implementation Timeline
[22-0983](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 2.19** The Item regarding the "Oakland Hydrogen Hub" was withdrawn from this agenda
at the December 15, 2023 Rules And Legislation Committee Meeting

2.20 Subject: Recognizing And Supporting Holy Names University
From: Councilmember Fife And Vice Mayor Kaplan
Recommendation: Adopt A Resolution Recognizing The Enormous Importance Of Holy Names University To The Oakland Community And Urging The University's Administration To Work Collaboratively With Faculty, Staff, Students, Elected Officials, And Community Partners To Resolve The Issues Facing The Institution With The Goal And Intention Of Maintaining It As An Independent Institution
[22-0989](#)

Attachments: [View Legislation](#)
[View Supplemental Legislation - 12/15/2022](#)
[89529 CMS](#)

The Council approved the resolution with the following amendments:

Of the Supplemental Legislation, The title to read: RESOLUTION RECOGNIZING THE ENORMOUS IMPORTANCE OF HOLY NAMES UNIVERSITY TO THE OAKLAND COMMUNITY AND URGING THE UNIVERSITY'S ADMINISTRATION TO WORK COLLABORATIVELY WITH FACULTY, STAFF, STUDENTS, ELECTED OFFICIALS, AND COMMUNITY PARTNERS TO RESOLVE THE ISSUES FACING THE INSTITUTION WITH THE GOAL AND INTENTION OF MAINTAINING IT AS AN INSTITUTION OF HIGHER LEARNING AT THE CURRENT SITE TO CONTINUE SERVING THE OAKLAND COMMUNITY

On the second page, of the second Whereas Clause, striking "the HNU remain independent to ensure"

On the second page, of the third Whereas Clause, to read as: WHEREAS, in addressing the issues the University faces, it is important that HNU's administration is openly communicating and collaborating with the HNU community to come up with creative solutions to ensure that higher education continues at the current site; now, therefore, be it

The Further Resolved Clause to read: FURTHER RESOLVED: That the City Council urges the Holy Names University administration to work collaboratively with faculty, staff, students, elected officials, and community partners to resolve the issues facing the institution with the goal and intention of maintaining it as an institution of higher learning serving the Oakland Community.

This City Resolution was Adopted.

- 2.21** Subject: Community Cabin Program At 2601 Wood Street
From: Human Services Department
Recommendation: Adopt A Resolution Amending Resolution No. 89442 C.M.S., Which Authorized The Extension Of A Lease Amendment Between The City And Game Changer (Marine) LLC For 2201 And 2601 Wood Street, Oakland, Until June 30, 2024, With Three 1-Year Extensions, To Increase Rent From \$35,000 Per Year To An Amount Not To Exceed \$80,000 Per Year Effective January 1, 2022

[22-0991](#)

Attachments: [View Report](#)

[View Legislation](#)

[89530 CMS](#)

This City Resolution was Adopted.

- 2.22** Subject: Sandra Parrott 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 Sandra Parrott V. City Of Oakland, And Does 1-25, Inclusive, Alameda County Superior Court Case No. RG20063194, City Attorney's File No. 33806, In The Amount Of Five Hundred Thousand Dollars And No Cents (\$500,000.00) (Department Of Transportation - Dangerous Condition Of Public Property)

[22-0992](#)

Attachments: [View Report](#)

[View Legislation](#)

[89531 CMS](#)

This City Resolution was Adopted.

2.23 Subject: Zelda B. Et Al. 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 Zelda B., A Minor, By And Through Brian A. Thomas, As Guardian Ad Litem, Cynthia M., A Minor, By And Through Racheal D. Colston, As Guardian Ad Litem, Brian A. Thomas In His Individual Capacity, Racheal D. Colston In Her Individual Capacity, Phyllis A. Thomas And Charles A. Thomas, Sr., V. City Of Oakland, Public Employee-Director Larichea Smith, Oakland Unified School District, And Does 1-10, United States District Court Case No. 4:21-Cv-07078-DMR, City Attorney File No. 34454, For A Total Sum Of Ninety Five Thousand Dollars And No Cents (\$95,000.00) To Be Paid To Plaintiffs And Their Attorneys Of Record (Parks, Recreation & Youth Development Department - Civil Rights)

[22-0993](#)

Attachments: [View Report](#)

[View Legislation](#)

[89532 CMS](#)

This City Resolution was Adopted.

2.24 Subject: Mladjov 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 Lynn Mladjov And Vassil Mladjov V. City Of Oakland And Does 1 To 100, Alameda County Superior Court Case No. Rg20082462, City Attorney's File No. 34128, In The Amount Of Eighty Five Thousand Dollars And Zero Cents (\$85,000.00) (Department Of Transportation - Dangerous Condition Of Public Property)

[22-0994](#)

Attachments: [View Report](#)

[View Legislation](#)

[89533 CMS](#)

This City Resolution was Adopted.

2.25 Subject: In Re: Mallinckrodt Plc, Et Al.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing The City Attorney To Join The California Mallinckrodt Statewide Abatement Agreement Regarding Distribution And Use Of Settlement Funds Pursuant To The People Of The State Of California, Acting By And Through Santa Clara County Counsel James R. Williams, Orange County District Attorney Tony Rackauckas, Los Angeles County Counsel Mary C. Wickham, And Oakland City Attorney Barbara J. Parker V. Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceutical Industries, Ltd; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-Mcneil-Janssen Pharmaceuticals, Inc. N/K/A Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc. N/K/A Janssen, Orange County Superior Court Case No. 30-2014-00725287-Cu-Bt-Cxc; In Re National Prescription Opiate Litigation, MDL Master Docket No. 1:17-Md-2804; And In Re: Mallinckrodt Plc, Et Al., United States Bankruptcy Court, District Of Delaware, Case No. 20-12522, City Attorney File No. X04526 (Office Of The City Attorney - Public Nuisance, False Advertising, Unfair Competition)
[22-0995](#)

Attachments: [View Report](#)
[View Legislation](#)
[89534 CMS](#)

This City Resolution was Adopted.

2.26 Subject: Shaun Williams Settlement
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Shaun Williams, Sr., Shaun Williams Jr., Sparkle Williams, Sade Williams, A Minor, By And Through Her Guardian Ad Litem Danielle Dunham, Shyana Williams, A Minor, By And Through Her Guardian Ad Litem Danielle Dunham, Sincere Williams, A Minor, By And Through Her Guardian Ad Litem Danielle Dunham, Sire Williams, A Minor, By And Through Her Guardian Ad Litem Danielle Dunham, Sosa Williams, A Minor, By And Through Her Duardian Ad Litem Danielle Dunham V. City Of Oakland, Oakland Unified School District And Does 1-100 Inclusive; Alameda Superior Court Case No. Rg20080760, City Attorney File No. 34074, In The Amount Of Two Hundred And Fifty Thousand Dollars And No Cents (\$250,000.00) (Department Of Transportation - Dangerous Condition Of Public Property)
[22-0996](#)

Attachments: [View Report](#)
[View Legislation](#)
[89535 CMS](#)

This City Resolution was Adopted.

S2.28 Subject: Deployment Of Solar And Battery Energy Systems In Partnership With East Bay Community Energy (EBCE)
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Evaluate The Potential Deployment Of Solar And Battery Energy Systems At Critical Municipal Facilities In Partnership With East Bay Community Energy
[22-0915](#)

Attachments: [View Report](#)
[View Legislation](#)
[89536 CMS](#)

This City Resolution was Adopted.

S2.29 Subject: Report On The Cost Of Oakland's Homelessness Crisis
From: Councilmember Fife
Recommendation: Receive An Informational Report From The City Administrator On How Much Staff Time And Resources From The Following City Departments Are Dedicated To Providing Services Or Responding To Issues Associated With Oakland's Homelessness Crisis: The City Administrator's Office, Human Services Department, Housing And Community Development Department, Public Works Department, Fire Department, And Oakland Police Department; And Provide An Assessment Of How To Redirect Resources Towards Placing Chronically Unhoused Individuals In Supportive Housing
[22-0413](#)

Attachments: [View Report](#)

This Informational Report was Received and Filed.

S2.31 Subject: CPUC LATA Grant Acceptance 2022
From: Information Technology Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Grant Funds In An Amount Of Five Hundred Thousand Dollars (\$500,000.00) From The California Public Utilities Commission (CPUC), Local Agency Technical Assistance Program To Fully Reimburse The City's Costs Of A Last-Mile Broadband Connectivity Planning & Design Project For The Period Of November 2, 2022 To December 31, 2024

[22-0922](#)

Attachments: [View Report](#)

[View Legislation](#)

[View Supplemental Attachment A - 12/15/2022](#)

[89537 CMS](#)

This City Resolution was Adopted.

S2.33 Subject: Enhanced Infrastructure District Timeline And Procedural Recommendation
From: Finance Department
Recommendation: Receive An Informational Report From The City Administrator Outlining The Timeline And Process For A Proposal To Establish An Enhanced Infrastructure Financing District (EIFD) Exclusively For East Oakland, Exclusively For West Oakland, And For East And West Oakland Combined

[22-0971](#)

Attachments: [View Report](#)

This Informational Report was Received and Filed.

S2.34 Subject: Proposition 64 Grant Contract Amendments
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Amending Resolution Number 88735 C.M.S., Which Among Other Things Authorized The Acceptance And Appropriation Of Nine-Hundred And Ninety-Seven Thousand Six Hundred And Ninety-Four Dollars (\$997,694) In State Of California Proposition 64 Public Health And Safety Grant Program Cohort Two Funds (Proposition 64 Grant) And The City's Funding Of Services To Support Oakland Cannabis Businesses And Address The Public Health Impacts Of Cannabis On Youth By: (A) Authorizing An Increase In Funding For The City's Existing Agreement With The Public Health Institute From One Hundred And Sixty-Three Thousand Three Hundred And Six Dollars (\$163,306) To Four-Hundred And Forty-Three Thousand Three Hundred And Six Dollars (\$443,306) For Additional Services To Be Provided Including Substance Use Preventative And Intervention Activities For Youth; (B) Authorizing An Increase In Funding For The City's Existing Agreement With LMB Creative Group, LLC From Fifty Thousand Dollars (\$50,000) To Eighty Thousand Dollars (\$80,000) To Ensure Sufficient Resources For Data Collection And Local Evaluation Reporting To Meet Proposition 64 Grant Requirements; (C) Authorizing An Increase In Funding For The City's Existing Agreement With Make Green Go From Seventy Thousand Dollars (\$70,000) To Seventy-Five Thousand Dollars (\$75,000) To Provide A Public Awareness Campaign For Support Of Equity-Owned Cannabis Businesses; And (D) Waiving The Request For Proposal/Qualification Requirements For The Proposed Contract Increases With The Public Health Institute, LMB Creative Group, LLC, And Make Green Go

[22-0966](#)

Attachments: [View Report](#)

[View Legislation](#)

[89538 CMS](#)

This City Resolution was Adopted.

3 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

- 3.1 Subject: Modernizing Commercial Loading
From: Transportation Department
Recommendation: Adopt An Ordinance Amending Ordinance No. 13654 C.M.S (Which Adopted The Fiscal Year 2022-23 Master Fee Schedule), As Amended, To Establish Fees For Commercial Vehicle Loading Zone Permits And Adopting Appropriate California Environmental Quality Act Findings
[22-0770](#)

Attachments: [View Report](#)

[View Legislation](#)

[View Exhibit A 12/8/20222](#)

[View Supplemental Notice and Digest - 1/11/2023](#)

At 4:25 P.M. Councilmember Taylor motioned, Councilmember Fife seconded to open the public hearing. The motion passed with a vote of 7 Ayes; 1 Excused: Reid

7 individuals spoke

At 4:59 P.M. Councilmember Gallo made a motion, Councilmember Taylor seconded to close the public hearing and with the same motion, approve the ordinance on Introduction and schedule for Final Passage on January 17, 2023. The motion passed with a vote of 7 Ayes; 1 Excused: Reid

A motion was made by Noel Gallo, seconded by Loren Taylor, 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 1/17/2023. The motion carried by the following vote:

Excused: 1 - Reid

Aye: 7 - Taylor, Thao, Jenkins, Gallo, Fife, Kalb, and Kaplan

NO VOTE: 0

2) A Resolution (A) Waiving The Multi-Step Proposal Solicitation Requirement And Amending And Extending The Professional Services Agreement With Populus Technologies, Inc. ("Populus") For A Term Of One Year In An Amount Not To Exceed Two Hundred Fifty Thousand Dollars (\$250,000) For Mobility Management Software And For The Reimbursement Of Parking Transaction Fees Charged To Commercial Vehicle Loading Zone Permit Holders; (B) Appropriating Anticipated Revenues Of Up To \$235,00 Per Year And Corresponding Ongoing Expenses Of Up To \$235,00 Per Year For The Reimbursement Of Parking Payment Transaction Fees Charged To Commercial Loading Zone Permit Holders; And (C) Adopting Appropriate California Environmental Quality Act Findings

[22-0771](#)

Attachments: [View Report](#)
[View Legislation](#)
[89539 CMS](#)

At 4:25 P.M. Councilmember Taylor motioned, Councilmember Fife seconded to open the public hearing. The motion passed with a vote of 7 Ayes; 1 Excused: Reid

7 individuals spoke

At 4:59 P.M. Councilmember Gallo made a motion, Councilmember Taylor seconded to close the public hearing and with the same motion, adopt the resolution. The motion passed with a vote of 7 Ayes; 1 Excused: Reid

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

Excused: 1 - Reid

Aye: 7 - Taylor, Thao, Jenkins, Gallo, Fife, Kalb, and Kaplan

NO VOTE: 0

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

A motion was made by Councilmember Gallo, seconded by Vice Mayor Kaplan to accept the oral report. The motion passed with a vote of 7 Ayes; 1 Excused: Reid

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

Excused: 1 - Reid

Aye: 7 - Taylor, Thao, Jenkins, Gallo, Fife, Kalb, and Kaplan

NO VOTE: 0

- 5 Approval Of The Draft Minutes From The November 1, 2022, November 9, 2022, November 29, 2022 Special City Council Meetings And December 6, 2022, City Council Meeting
[22-0974](#)

Attachments: [View Report - November 1, 2022 City Council Draft Minutes](#)
[View Report - November 9, 2022 City Council Draft Minutes](#)
[View Report - November 29, 2022 Special City Council CPAB SSOC Draft Minutes](#)
[View Report - November 29, 2022 Special City Council Draft Minutes \(6.00pm\)](#)
[View Report - December 6, 2022 City Council Draft Minutes](#)

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

Excused: 1 - Reid

Aye: 7 - Taylor, Thao, Jenkins, Gallo, Fife, Kalb, and Kaplan

NO VOTE: 0

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- S13** Subject: Public Bank East Bay Viability Study
From: Councilmember Fife
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Accepting The Public Bank East Bay Viability Study; And
[TITLE CHANGE]
[22-0931](#)

Attachments: [View Report](#)
[View Attachment](#)
[View Legislation](#)
[View Supplemental Presentation - 12/14/2022](#)
[89540 CMS](#)

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

Excused: 1 - Reid

Aye: 7 - Taylor, Thao, Jenkins, Gallo, Fife, Kalb, and Kaplan

NO VOTE: 0

2) A Resolution Of Intention To Form The Public Bank East Bay With The City Of Oakland
As A Founding Member Along With The Cities Of Berkeley And Richmond

[TITLE CHANGE]

[22-0986](#)

Attachments: [View Legisaltion](#)

[89541 CMS](#)

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

Excused: 1 - Reid

Aye: 7 - Taylor, Thao, Jenkins, Gallo, Fife, Kalb, and Kaplan

NO VOTE: 0

S2.27 Subject: Masking In City Facilities
From: Vice Mayor Kaplan And Councilmember Kalb
Recommendation: Adopt A Resolution Establishing A Policy Requiring All Employees, Patrons, And Visitors Entering City Facilities To Wear Face Masks To Mitigate The Spread Of Contagious Respiratory Illnesses Including COVID-19, Respiratory Syncytial Virus (RSV), And Influenza And Requiring The City To Provide Quality Masks (KN-95, N-95, OR KF-94) To Persons Entering City Facilities Who Do Not Have A Mask
[22-1008](#)

Attachments: [View Report](#)
[View Legislation](#)
[89542 CMS](#)

A motion was made by Vice Mayor Kaplan, seconded by Councilmember Kalb to adopt the matter as amended. The motion passed with a vote of 7 Ayes with the following amendments:

*On Page 3, the first Further Resolved to read: **FURTHER RESOLVED: That Face Masks shall be worn by all persons 6 years of age or older, including City employees, City contractors, patrons and all visitors, who enter City Facilities; and be it***

*The second Further Resolved to read: **FURTHER RESOLVED: That the City Administrator is hereby directed to return to the City Council as soon as practicable with an analysis of the costs of providing face masks through April 1, 2023 and, if necessary, a proposal for a budget amendment to address such costs; and be it***

Adding the following Further Resolved Clauses:

FURTHER RESOLVED: That the City Administrator is directed to work with City staff to find locations and develop policies to allow for safe unmasking for the purposes of eating and taking breaks; and be it

FURTHER RESOLVED: That the City Administrator is hereby directed to return to City Council as soon as practicable with a report on our City Facilities' current air filtration and ventilation systems to protect the health of our communities, including recommendations and costing for improving such systems; and

FURTHER RESOLVED: The requirements to wear and provide Face Masks in City Facilities pursuant to this Resolution shall expire at midnight on March 31, 2023.

This City Resolution be Adopted as Amended.

Excused: 1 - Reid

Aye: 7 - Taylor, Thao, Jenkins, Gallo, Fife, Kalb, and Kaplan

NO VOTE: 0

S2.30 Subject: Semi-Annual Staffing Report December 2022
From: Human Resources Management Department
Recommendation: Receive A Semi-Annual Informational Report On City-Wide Staffing From The City Administrator Regarding (1) The Vacancy Rates Of All City Departments Through October 17, 2022, (2) The Vacancy Rates Of Regional Local Public Entities, (3) The Status Of Human Resources And Workforce Development Partnerships With Non-Profits To Recruit Oakland Residents For City Of Oakland Jobs, (4) The Analysis Of The City Workforce And Recruitment Conditions, And (5) The Budgeted Vacancy Rate For The Fiscal Year 2022/23.
[22-0919](#)

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

A motion was made by Carroll Fife, seconded by Loren Taylor, that this matter be Received and Filed. The motion carried by the following vote:

Excused: 1 - Reid

Aye: 7 - Taylor, Thao, Jenkins, Gallo, Fife, Kalb, and Kaplan

NO VOTE: 0

At 6:15 P.M. A Motion Was Made By Councilmember Kalb, Seconded By Councilmember Fife To Extend The Meeting Beyond 6:30 P.M. The motion Passed With A Vote Of 7 Ayes

S2.32 Subject: Revenue And Expenditure Report (R&E) FY 2021-22 Q4 And FY 2022-23 Q1
From: Finance Department
Recommendation: Receive An Informational Report On Fiscal Year (FY) 2021-22 Fourth Quarter Revenue And Expenditure (R&E) Results And Year-End Summaries For The General Purpose Fund (GPF, 1010) And Select Funds, Fiscal Year (FY) 2022-23 First Quarter Revenue And Expenditure (R&E) Year-End Projections For The General Purpose Fund (GPF, 1010) And Select Funds, And A Two Year Revenue And Expenditure Projection For Fiscal Years 2023-24 And 2024-25
[22-0928](#)

Attachments: [View Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Attachment C](#)
[View Appendix AA](#)
[View Appendix BB](#)

A motion was made by Dan Kalb, seconded by Carroll Fife, that this matter be Received and Filed. The motion carried by the following vote:

Excused: 1 - Reid

Aye: 7 - Taylor, Thao, Jenkins, Gallo, Fife, Kalb, and Kaplan

NO VOTE: 0

6 Subject: Certification Of The Election Results From The November 8, 2022 Election
From: Office Of The City Clerk
Recommendation: Adopt A Resolution Declaring The Results Of The City Of Oakland General Municipal Election Held On Tuesday, November 8, 2022
[22-0912](#)

Attachments: [View Legislation](#)
[View Supplemental Legislation](#)
[89543 CMS](#)

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

Excused: 1 - Reid

Aye: 7 - Taylor, Thao, Jenkins, Gallo, Fife, Kalb, and Kaplan

NO VOTE: 0

7 The Item regarding "'OPD's Policies In Accordance With CA Government Code 7070" was withdrawn from this agenda and rescheduled to the January 17, 2023 City Council Meeting at the December 15, 2022 Rules And Legislation Committee Meeting

- 8 Subject: OPD Policies For I-27 (LRAD) And I-28 (Mobile Command Centers)
From: Oakland Police Department
Recommendation: Adopt An Ordinance Approving Controlled Equipment Use Policies For The Oakland Police Department To Acquire And Use The Following Types Of "Militarized" Equipment In Conformance With Government Code Section 7070 And Oakland Municipal Code Chapter 9.65: (1) The Long Range Acoustic Device; And (2) Mobile Command Centers
[TITLE CHANGE]
[22-0885](#)

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

A motion was made by Councilmember Gallo, seconded by Councilmember Taylor to approve the ordinance on introduction. The motion passed with the following vote: 6 Ayes; 1 NO: Fife; 1 Excused: Reid

The Ordinance was approved on Introduction and Scheduled for Final Passage at the January 17, 2023 City Council Meeting

A motion was made by Noel Gallo, seconded by Loren Taylor, 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 1/17/2023. The motion carried by the following vote:

Excused: 1 - Reid

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

No: 1 - Fife

NO VOTE: 0

- 9 Subject: Adding Chapter 10.74 To The OMC Imposing Fines And Penalties
From: Councilmember Gallo
Recommendation: Adopt An Ordinance Adding Chapter 10.74 To The Oakland Municipal
Code Imposing Fines And Penalties Against Organizers And Facilitators Of Sideshows
[TITLE CHANGE]
[22-0830](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Supplemental Report 12/1/2022](#)
[View Supplemental Report - 12/15/2022](#)
[View Supplemental Legislation - 12/15/2022](#)

A motion was made by Councilmember Fife, seconded by Council President Bas to withdraw this item, and place it on the Rules And Legislation Committee Pending List, No Date Specific, and schedule to a future City Council Meeting after January 9, 2023.

A substitute motion was made by Councilmember Taylor, seconded by Councilmember Gallo to approve this item on introduction. The motion failed with the following vote: 3 Ayes: Gallo, Kalb, Taylor; 3 NO: Fife, Kaplan, Bas; 2 Excused: Reid, Thao

The initial motion to withdraw and place the item on the Rules And Legislation Committee Pending List , No Date Specific passed with the following vote: 4 Ayes: Fife, Kalb, Kaplan, Bas; 2 NO: Gallo, Taylor; 2 Excused: Reid, Thao

A motion was made by Carroll Fife, seconded by Nikki Fortunato Bas, that this matter be * Withdrawn and Rescheduled to go before the *Rules & Legislation Committee. The motion carried by the following vote:

Excused: 2 - Thao, and Reid

Aye: 4 - Jenkins, Fife, Kalb, and Kaplan

No: 2 - Taylor, and Gallo

NO VOTE: 0

10 Subject: Longfellow Corner Disposition & Development Agreement (DDA) Authorization And Conveyance Of City-Owned Property
From: Housing & Community Development Department
Recommendation: Adopt An Ordinance (A) Authorizing The City Administrator To Negotiate And Execute A Disposition And Development Agreement With Longfellow Corner, L.P. ("Developer") For The Development Of An Affordable Housing Project On City Property Located At 3823-3829 Martin Luther King Jr. Way And Adjacent Developer-Owned Property Located At 3801-3807; (B) Approving The Proposed Conveyance Of The City-Owned Property To Developer For \$99; And (C) Adopting Findings Under The California Environmental Quality Act
[22-0980](#)

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

A motion was made by Councilmember Kalb, seconded by Vice Mayor Kaplan to approve the ordinance on Introduction and schedule for Final Passage on January 17, 2023. The motion passed with a vote of 6 Ayes; 2 Excused: Reid, Thao

A motion was made by Dan Kalb, seconded by Rebecca Kaplan, 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 1/17/2023. The motion carried by the following vote:

Excused: 2 - Thao, and Reid

Aye: 6 - Taylor, Jenkins, Gallo, Fife, Kalb, and Kaplan

NO VOTE: 0

- 11 Subject: Professional Services Contract For Racial Impact Study
From: Councilmember Fife
Recommendation: Adopt A Resolution Awarding A Professional Services Contract To BluSummers, LLC To Conduct A Racial Impact Analysis For An Amount Not To Exceed \$150,000 Utilizing The Funds Allocated For That Purpose In The Fiscal Year 2022-23 Mid-Cycle Budget, Pursuant To Resolution No. 89283 C.M.S., To Study The On-Going Effects Of Public Policy Decisions And Actions Such As Redlining, Displacement Through Eminent Domain, Urban Renewal, And Gentrification On The Black Community In Oakland And To Assess Ways To Redress The Harms Caused Through A “Black New Deal”; Waiving The Competitive Request For Proposal/Qualifications (RFP/Q) Process Pursuant To Oakland Municipal Code Section 2.04.051.B; And Waiving The Local/Small Local Business Enterprise (L/SLBE) Program Requirements
[22-0985](#)

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

A motion was made by Carroll Fife, seconded by Nikki Fortunato Bas, 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 2/7/2023. The motion carried by the following vote:

Excused: 2 - Thao, and Reid

Aye: 6 - Taylor, Jenkins, Gallo, Fife, Kalb, and Kaplan

NO VOTE: 0

S12 Subject: Contracts For Heavy Equipment Repair Service
From: Public Works Department
Recommendation: Adopt A Resolution: (1) Awarding A Contract To Kelly's Truck Repair, The Lowest Responsive And Responsible Bidder, To Provide Vehicle Diagnostic And Repair Services In The Amount Not-To-Exceed \$650,000 Per Year For A Two-Year Term, November 1, 2022 To October 30, 2024, With Two (2) Options To Extend The Agreement Annually, For Up To Two (2) One-Year Periods In An Amount Not-To-Exceed \$650,000 Per Year For A Total Not-To-Exceed Contract Amount Of \$2,600,000 Over A Four-Year Term; And (2) Waiving The Local Business/Small Local Business Enterprise Program Utilization Requirement
[22-0908](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Supplemental Legislation - 12/16/2022](#)
[View Supplemental Report - 12/16/2022](#)
[89544 CMS](#)

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

Excused: 2 - Thao, and Reid

Aye: 6 - Taylor, Jenkins, Gallo, Fife, Kalb, and Kaplan

NO VOTE: 0

OPEN FORUM / CITIZEN COMMENTS

The call of the que opened at 8:01 p.m. and closed at 8:06 p.m

9 individuals 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, the Oakland Redevelopment Successor Agency and City Council adjourned the meeting in memory of Miss Maxine Butler at 8:21 P.M.

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

Recorded Agenda: (510) 238-2386

Telecommunications Relay Service: 711

THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR OVER THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO ENSURE THE SAFETY OF THOSE ATTENDING MEETINGS.

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.