



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

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*Oakland City Hall, 1 Frank H. Ogawa Plaza,
Oakland, California, 94612*

City of Oakland Website: <http://www.oaklandca.gov>

Tuesday, December 19, 2023

4:00 PM

City Council Chamber, 3rd Floor

The Oakland City Council Committee convened at 4:17 P.M with Council President Fortunato Bas presiding as Chairperson.

1 Call To Order

2 ROLL CALL / CITY COUNCIL

Excused 1 - Treva Reid

Present 7 - Carroll Fife, Noel Gallo, Dan Kalb, Rebecca Kaplan, Janani Ramachandran, Nikki Fortunato Bas, and Kevin Jenkins

3 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

- 3.1** Subject: Honoring And Celebrating Outgoing City Auditor Courtney Ruby
From: Council President Fortunato Bas, President Pro Tempore Kalb And City Attorney Barbara Parker
Recommendation: Adopt A Resolution Honoring Courtney Ruby For 13 Years Of Exemplary Service As The Elected City Auditor Of Oakland
[23-0895](#)

Attachments: [View Legislation](#)
[90027 C.M.S.](#)

1 Speaker Spoke On This Item

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

Excused: 1 - Reid

Aye: 6 - Gallo, Kalb, Kaplan, Ramachandran, Fortunato Bas, and Jenkins

Absent: 1 - Fife

NO VOTE: 0

S3.2 Subject: Carl Bolds Day In The City Oakland
From: Councilmember Ramachandran
Recommendation: Adopt A Resolution Acknowledging The Life Of Carl Bolds And
Proclaiming Oct 21st Carl Bolds Day In The City Of Oakland
[23-0995](#)

Attachments: [View Legislation](#)
[90028 C.M.S.](#)

2 Speakers Spoke On This Item

Councilmember Gallo made a motion seconded by Councilmember Jenkins to approve the urgency finding on item S3.2 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 relates to a purely ceremonial or commendatory action. The Motion passed by 7 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, and Fortunato Bas; 1 Excused: Reid

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

Excused: 1 - Reid

Aye: 6 - Fife, Gallo, Kalb, Ramachandran, Fortunato Bas, and Jenkins

Absent: 1 - Kaplan

NO VOTE: 0

4 Approval Of The Draft Minutes From The Meetings Of November 27, 2023, November 28, 2023 And December 5, 2023
[23-0973](#)

Attachments: [View November 27, 2023 City Council Draft Minutes](#)
[View November 28, 2023 City Council Draft Minutes](#)
[View December 5, 2023 City Council Draft Minutes](#)

3 Speakers Spoke On This Item

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: 6 - Fife, Gallo, Kalb, Kaplan, Fortunato Bas, and Jenkins

Absent: 1 - Ramachandran

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):

Councilmember Jenkins moved to remove item #S6.45 'Measure Q Estimated Fund Balance Appropriation' from the Consent Calendar, Councilmember Kalb seconded. The motion passed.

S6.45 Subject: Measure Q Estimated Fund Balance Appropriation
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Appropriating \$5,260,000 From Measure Q Fund Fiscal Year 2022-2023 Balance And Allocating \$3,366,400 To Parks Maintenance, \$1,578,000 To Homeless Services, \$263,000 To Water Quality And Litter Reduction, And \$52,600 To Administrative Expenses, As Required By The 2020 Oakland Parks And Recreation Preservation, Litter Reduction, And Homelessness Support Act (Measure Q) [23-0993](#)

Attachments: [View Report](#)
[View Legislation](#)
[90029 C.M.S.](#)

0 Speakers Spoke On This Item

Councilmember Kaplan made a motion seconded by Councilmember Gallo to approve the urgency finding on item S6.45 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 is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;.

The Motion passed by 7 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran and Fortunato Bas; 1 Excused: Reid

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

Excused: 1 - Reid

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

NO VOTE: 0

7 ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION &
DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSIONS
[23-0987](#)

Attachments: [Closed Session Report of Final Action -Aqueous Film Forming Foams
Products Liability Litigation December 7, 2023](#)
[Closed Session Report of Final Action -Secure Justice December 7,
2023](#)

2 Speakers Spoke On This Item

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

Excused: 1 - Reid

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

NO VOTE: 0

6 **CONSENT CALENDAR (CC) ITEMS:**

12 Speakers Spoke On The Consent Calendar

6.19 Subject: FY 24 Grant Agreement With Interfaith Council Of Alameda County
From: Councilmembers Kaplan And Fife And Council President Fortunato Bas
Recommendation: Adopt A Resolution Awarding A Grant Agreement With The Interfaith
Council Of Alameda County In An Amount Not To Exceed \$450,000 To Provide One Or
More Safe Parking Programs For Persons Living In Vehicles For A Grant Term
Commencing On January 1, 2024 And Ending December 31, 2024, Utilizing Funds From
Measure Q Fund Balance (Fund 2244) And Making California Environmental Quality Act
Findings
[23-0975](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Supplemental Report - 12/14/2023](#)
[View Supplemental Legislation - 12/14/2023](#)
[90030 C.M.S.](#)

2 Speakers Spoke On This Item

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

Excused: 1 - Reid

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

NO VOTE: 0

Approval of the Consent Agenda

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

Excused: 1 - Reid

Aye: 7 - Fife, Gallo, Kalb, Kaplan, Ramachandran, 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
[23-0968](#)
Attachments: [View Legislation](#)
[90031 CM.S.](#)
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
[23-0969](#)
Attachments: [View Legislation](#)
[90032 C.M.S.](#)
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
[23-0970](#)
Attachments: [View Legislation](#)
[90033 C.M.S](#)
This City Resolution was Adopted.

- 6.4** Subject: Safe Work Zone Ordinance
From: Public Works Department
Recommendation: Adopt An Ordinance Adding Chapter 9.06 To The Oakland Municipal Code To (1) Allow City Employees And Essential Infrastructure Workers Carrying Out Their Duties On Public Property To Establish Safe Work Zones Subject To Specified Criteria To Protect First Amendment Rights And The Safety Of Such Workers And The Public; And (2) Make Willful Failure To Leave A Designated Safe Work Zone, After Request By A Peace Officer, A Misdemeanor
[22-0904](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Supplemental Report - 11/20/2023](#)
[View Supplemental Attachment A - /11/20/2023](#)
[View Supplemental Legislation - 11/20/2023](#)
[13772 C.M.S.](#)

This Ordinance was Approved for Final Passage.

- 6.5** Subject: Reusable Foodware And Plastic Litter Reduction Ordinance Report
From: President Pro Tempore Kalb And Councilmember Gallo
Recommendation: Adopt An Ordinance To Reduce Litter On Our Streets And In Our Water Ways By: (1) Requiring Prepared Food Vendors To Use Reusable Food Service Ware For Dining On Premises, (2) Allowing Customer-Provided Reusable Beverage Cups And Food Containers For Take-Out, (3) Requiring That Prepared Food Vendors Shall Only Provide Disposable Foodware Accessories Upon Request, (4) Requiring Reusable Beverage Cups At City Facilities, (5) Requiring Reusable Beverage Cups At Large Venues, (6) Requiring Reusable Beverage Cups At Large Events, (7) Prohibiting The City Purchase, Sale, Or Distribution Of Packaged Water, (8) Encouraging The Installation Of Accessible Water Bottle Refill Stations At City Owned And Operated Facilities, And (9) Requiring Compliant Disposable Food Service Ware For Food Service; And Making California Environmental Quality Act Findings
[23-0866](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Supplemental Presentation - 11/9/2023](#)
[View Supplemental Legislation - 11/9/2023](#)
[View Supplemental Legislation - 12/14/2023](#)
[13773 C.M.S.](#)

This Ordinance was Approved for Final Passage.

- 6.6** Subject: Amendment To Rent Registry Ordinance
From: Housing And Community Development Department
Recommendation: Adopt An Ordinance Amending The Rent Registry Ordinance
(Ordinance No. 13695 C.M.S.) To Modify The 2024 Registration Deadline From March 1,
2024 To July 1, 2024
[23-0820](#)

Attachments: [View Report](#)
[View Legislation](#)
[13774 C.M.S.](#)

This Ordinance was Approved for Final Passage.

- 6.7** Subject: Remove Cap On Cannabis Special Event Permits, Authorize Cannabis Equity
Applicants To Convert Loans To Grants And Transfer Permits
From: Economic And Workforce Development Department
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code By: (1)
Removing The Limit On The Number Of Special Event Permits Involving The Sale And/Or
Consumption Of Cannabis; (2) Adding A Provision For The Transfer Of A Cannabis
Permit Issued To An Equity Applicant To A General Applicant; (3) Making Administrative
Changes On The Permitting Of Commercial Cannabis Activity; And (4) Making California
Environmental Quality Act Findings
[23-0824](#)

Attachments: [View Report And Attachments A And B](#)
[View Legislation](#)
[13775 C.M.S.](#)

This Ordinance was Approved for Final Passage.

- 6.8** Subject: Approval For Oakland Feather River Camp Special Use Permit With USDA And License Agreement With Camps In Common
From: Parks, Recreation And Youth Development Department
Recommendation: Adopt An Ordinance (A) Authorizing The City Administrator To Negotiate And Execute A License Agreement With Camps In Common, A California Nonprofit Organization, For Outdoor Programming At The Oakland Feather River Camp Located In Quincy, California At A Rate Of One Dollar (\$1.00) Per Year, Plus Any Federal Land Use Fees In Excess Of Three Thousand Dollars (\$3,000), For A Five-Year Term With Three Five Year Options To Renew Without Returning To Council; (B) Making Findings That The License For Below Fair Market Value Is In The Best Interests Of The City; And (C) Making Appropriate California Environmental Quality Act Findings
[23-0828](#)

Attachments: [View Report](#)
[View Legislation](#)
[13776 C.M.S.](#)

This Ordinance was Approved for Final Passage.

- 6.9** Subject: Amendment To Rent Ordinance And Rent Adjustment Program Regulations
From: Housing And Community Development Department
Recommendation: Adopt An Ordinance Amending Chapter 8.22 Of The Oakland Municipal Code To (1) Amend The Rent Adjustment Program Ordinance To (A) Remove The Requirement That A Tenant Be Current On Rent In Order To File Or Respond To A Petition With The Rent Adjustment Program; (B) Increase Restitution Period For Decreased Housing Service Petitions; (C) Clarify Certificates Of Exemption Following Change In Law Or Circumstances; And (D) Make Other Clarifying Changes; And (2) Amend The Ellis Act Ordinance To Be Consistent With State Law
[23-0821](#)

Attachments: [View Report](#)
[View Legislation](#)
[13777 C.M.S.](#)

This Ordinance was Approved for Final Passage.

- 6.10** Subject: Accepting, Appropriating, And Allocating Grant To Public Ethics Commission For Democracy Dollars
From: Council President Fortunato Bas And Nicolas Heidorn, Public Ethics Commission Executive Director
Recommendation: Adopt A Resolution: (1) Accepting And Appropriating A Grant From The Evelyn And Walter Haas, Jr., Fund In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000) For The Period Of January 15, 2024, To July 15, 2025; And (2) Authorizing The City Administrator To Take All Steps Necessary For The City To Receive The Grant; And (3) Allocating Grant Funds In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000) To Hire 1 FTE Grant Funded Limited Duration Employee To Prepare The Democracy Dollars Program Outreach And Education Plan For The Public Ethics Commission For The Period Of April 1, 2024, To June 30, 2025, With Any Remaining Funds Used For Program-Related Nonsalary Outreach Expenses [23-0964](#)

Attachments: [View Report](#)
[View Legislation](#)
[90034 C.M.S.](#)

This City Resolution was Adopted.

- 6.11** Subject: Honoring Lorna Guice
From: Office Of The City Administrator And City Attorney Barbara Parker
Recommendation: Adopt A Resolution Commending And Honoring Lorna Guice For Her More Than 33 Years Of Exemplary Service To The City Of Oakland [23-0959](#)

Attachments: [View Legislation](#)
[90035 C.M.S.](#)

This City Resolution was Adopted.

- 6.12** Subject: FY 2023-24 OPD Crime Lab Coverdell Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Grant Funds In An Amount Not To Exceed Sixty-Three Thousand Seven Hundred Dollars (\$63,700) From The California Governor's Office Of Emergency Services (CALOES), For The 2022 Paul Coverdell Forensic Science Improvement Program, During The Grant Period Of April 1, 2023 - June 30, 2024, To Support The Oakland Police Department (OPD) Crime Laboratory Operations
[23-0960](#)

Attachments: [View Report](#)
[View Legislation](#)
[90036 C.M.S.](#)

This City Resolution was Adopted.

- 6.13** Subject: Clinical Mental Health Services Contract
From: Department Of Violence Prevention
Recommendation: Adopt A Resolution Waiving The City Of Oakland's Local And Small Local Business Enterprise Program Requirements And Awarding A New Professional Services Agreement To Healing Change Therapy And Consulting, Inc. For Clinical Mental Health Services In An Amount Not To Exceed One Hundred Fifty Thousand Dollars (\$150,000) For A Term Ending June 30, 2025
[23-0961](#)

Attachments: [View Report](#)
[View Legislation](#)
[90037 C.M.S.](#)

This City Resolution was Adopted.

- 6.14** Subject: MOU With UC Berkeley For Community Engagement Team Program
From: Department Of Violence Prevention
Recommendation: Adopt A Resolution Authorizing The Department Of Violence Prevention (DVP) To Enter Into A Memorandum Of Understanding With The University Of California, Berkeley's Possibility Lab Regarding The DVP's Community Engagement Team Program
[23-0962](#)

Attachments: [View Report](#)
[View Attachment A](#)
[View Legislation](#)
[90038 C.M.S.](#)

This City Resolution was Adopted.

6.15 Subject: OPD Justice Local Assistance Grant (JAG) Funds
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate The Fiscal Year 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Funds In The Amount Of Three Hundred Eighty-Three Thousand, One Hundred Dollars And Thirty Cents (\$383,100.30) For October 1, 2021 Through September 30, 2025, To Upgrade Equipment And Technology, And Fund Department-Wide Training [23-0893](#)

Attachments: [View Report](#)
[View Legislation](#)
[90039 C.M.S.](#)

This City Resolution was Adopted.

6.16 Subject: Regional Wildfire Prevention MOU
From: Office Of The City Administrator, President Pro Tempore Kalb And Council Member Ramachandran
Recommendation: Adopt A Resolution Authorizing The City Of Oakland To Enter Into A Memorandum Of Understanding (MOU) Among Jurisdictions In The East Bay Hills To Form A Wildfire Prevention Coordinating Group To Improve Regionwide Collaboration On Wildfire Mitigation Activities And To Reduce Wildfire Risk Throughout The East Bay Hills [23-0913](#)

Attachments: [View Report](#)
[View Attachment A](#)
[View Legislation](#)
[90040 C.M.S.](#)
[90040 C.M.S.](#)

This City Resolution was Adopted.

- 6.17** Subject: Local Immigration And Integration Grants For Immigrant Entrepreneurs FY 2023-2025
From: Economic Workforce Development Department
Recommendation: Adopt A Resolution Accepting And Appropriating A Local Immigration And Integration Grant Award From The California Governor's Office Of Business And Economic Development (GOBIZ) For Two Hundred Seventy-Five Thousand And Forty Nine Dollars (\$275,049) And Awarding Grant Agreements To The Nonprofit Organizations The Spanish Speaking Unity Council Of Alameda County, Inc. In A Total Amount Not To Exceed One Hundred Fifty Seven Thousand Five Hundred Dollars (\$157,500) And Feed The Hunger Fund In A Total Amount Not To Exceed Sixty Seven Thousand Nine Hundred Fifty Dollars (\$67,950) To Immediately Provide Immigrant Entrepreneurs With Technical Assistance, Training And Support Services For Fiscal Years 2023-2025

[23-0921](#)

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

[View Legislation](#)

[90041 C.M.S.](#)

This City Resolution was Adopted.

- 6.18** Subject: Appointments To The Commission On Aging
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Jacqueline Johnson, Lisa Malul, And Robert Scott As Members Of The Commission On Aging

[23-0980](#)

Attachments: [View Report And Legislation](#)

[90042 C.M.S.](#)

This City Resolution was Adopted.

6.20 Subject: Updates To The Conflict Of Interest Code
From: Office Of The City Clerk
Recommendation: Adopt An Ordinance Amending And Reenacting The City Of Oakland's Conflict Of Interest Code (Ordinance No. 11562 C.M.S. Adopted March 23, 1993, As Last Amended By Ordinance No. 13522 C.M.S. Adopted February 26, 2019, Codified As Oakland Municipal Code Chapter 3.16) To Update The Designation Of Positions Covered By The Code
[23-0979](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Appendix A, B And C](#)
[View Supplemental Legislation - 12/14/2023](#)

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 1/16/2024

6.21 Subject: Amend Subdivision Improvement Agreement And Issuance Of A Certificate Of Completion For Brooklyn Basin Phase One Public Improvements
From: Department Of Transportation
Recommendation: Adopt The Following Pieces Of Legislation:

1) Adopt A Resolution Authorizing Amendment Of The Subdivision Improvement Agreement Between The City Of Oakland And Zarsion OHP-1, LLC For Deferred Construction Of Public Infrastructure Improvements At 845 Embarcadero, And Making California Environmental Quality Act Findings; And
[23-0976](#)

Attachments: [View Report And Attachment A](#)
[View Legislation](#)
[90043 C.M.S.](#)

This City Resolution was Adopted.

2) A Resolution Accepting Public Infrastructure Improvements, Directing The Filing Of An Unconditional Certificate Of Completion For The Brooklyn Basin Phase One Improvements Per The Agreement For Deferred Construction Of Public Infrastructure Improvements, And Making California Environmental Quality Act (CEQA) Findings
[23-0977](#)

Attachments: [View Report And Attachment A](#)
[View Legislation And Exhibit A](#)
[90044 C.M.S.](#)

This City Resolution was Adopted.

6.22 Subject: Aqueous Film-Forming Foams Products Liability Litigation
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Submit Requests For Exclusion From Settlements Reached Between 3M Company ("3M") And E.I. Du Pont De Nemours And Company, Et Al. ("Dupont") And A Class Of "Public Water Providers" For Actions Relating To Per- And Polyfluoroalkyl Contamination
[23-0985](#)

Attachments: [View Report](#)
[View Legislation](#)
[90045 C.M.S.](#)

This City Resolution was Adopted.

6.23 Subject: Secure Justice, Inc. And Brian Hofer 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 Secure Justice, Inc. And Brian Hofer V. City Of Oakland, Alameda County Superior Court Case No. Rg21111681, City Attorney File No. X05345, For Agreement To Perform Certain Mandatory Duties And Payment Of The Sum Of Thirty Thousand Dollars And Zero Cents (\$30,000.00) - (Oakland Police Department - Writ Of Mandate Re: Surveillance Technologies)
[23-0986](#)

Attachments: [View Report](#)
[View Legislation](#)
[90046 C.M.S.](#)

This City Resolution was Adopted.

S6.24 Subject: City Administrator Emergency Contract Report, FY 2022-23
From: Finance Department
Recommendation: Receive An Informational Report On All Emergency Purchases And Contracts Authorized By The City Administrator, During Fiscal Year 2022-23, In Accordance With The Oakland Municipal Code Section 2.04.020
[23-0888](#)

Attachments: [View Report](#)
[View Attachment A](#)
[View Supplemental Report](#)

This Informational Report was Received and Filed.

S6.25 Subject: Oakland PFRS Investment Portfolio For The Quarter Ended September 30, 2023
From: Finance Department
Recommendation: Receive An Informational Report On The Oakland Police And Fire Retirement System's ("PFRS", Or "System") Investment Portfolio For The Quarter Ended September 30, 2023
[23-0922](#)

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

This Informational Report was Received and Filed.

S6.26 Subject: OpenGov Software Contract
From: Finance Department
Recommendation: Adopt A Resolution To (1) Award A Contract To Opengov, Inc. In An Amount Not to Exceed \$2,100,000 For A Four-Year Term From January 1, 2024 To December 31, 2027 To Continue Providing Clouds Software Services For Online Budget Book And Add Forms & Workflows Module; And (2)Waive The Competitive Multiple-Step Solicitation Process Required For The Acquisition Of Information Technology Systems And Waive The Local And Small Local Business Enterprise Program Requirements
[23-0924](#)

Attachments: [View Report](#)
[View Legislation](#)
[90047 C.M.S.](#)

This City Resolution was Adopted.

S6.27 Subject: As-Needed Sanitary Sewer Root Foaming
From: Public Works Department
Recommendation: Adopt A Resolution Awarding A Construction Contract To Duke's Root Control, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications For Fiscal Year (FY)2024-Fy2026 As-Needed Sanitary Sewer Root Foaming (Project No. 1006860) And With Contractor's Bid For An Amount Of One Million, Seven Hundred Thirty- Four Thousand, Twenty-Six Dollars (\$1,734,026.00); And Adopting Appropriate California Environmental Quality Act (CEQA) Findings
[23-0906](#)

Attachments: [View Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Attachment C](#)
[View Attachment D](#)
[View Attachment E](#)
[View Legislation](#)
[90048 C.M.S.](#)

This City Resolution was Adopted.

S6.28 Subject: Consultant Contract Amendment For Mosswood Community Center Project
From: Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Amend The Professional Services Agreement With Leddy Maytum Stacy Architects For Architectural And Engineering Services And Increase The Agreement By An Additional Three Hundred Fifty Thousand Dollars (\$350,000.00) To A Total Contract Amount Not-To-Exceed Three Million One Hundred And Fifty Thousand Dollars (\$3,150,000.00) For The Mosswood Community Center Project (No. 1003625), And (2) Waive The Competitive Request For Proposals/Qualifications Requirement; And (3) Adopt Appropriate California Environmental Quality Act (CEQA) Findings
[23-0916](#)

Attachments: [View Report](#)
[View Attachment A](#)
[View Legislation](#)
[90049 C.M.S.](#)

This City Resolution was Adopted.

S6.29 Subject: Award Construction Contract For Main Library Improvement
From: Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Reject All Bids, Waiving Further Advertising And Competitive Bidding, And To Negotiate, Award, And Execute A Construction Contract Without Return To Council For An Amount Not To Exceed Four Million Seven Hundred Thousand Dollars (\$4,700,000) In The Open Market For The Construction Of The Main Library Improvement Project (Project No. 1004859), In Accordance With Project Plans And Specifications; And (2) Adopt Appropriate California Environmental Quality Act (CEQA) Findings
[23-0918](#)

Attachments: [View Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Attachment C](#)
[View Legislation](#)
[90050 C.M.S.](#)

This City Resolution was Adopted.

S6.30 Subject: Community Traffic Safety Program
From: Councilmember Fife
Recommendation: Adopt A Resolution Declaring The City Council's Intent And Desire To Establish A 3-Year Pilot For A Short-Term Encroachment Permit Program That Allows Schools, Businesses, And Community Centers That Serve Vulnerable Populations To Apply For Temporary Encroachment Permits To Install Removable Traffic Safety Treatments And Create Traffic Calming Zones In The City's Streets And Directing The City Administrator To Hold At Least Two (2) Community Meetings In Areas Of The City Within Oakland Department Of Transportation's Identified High Injury Network To Solicit Feedback From Residents And Community Based Organizations And Assess Their Interest And Ability To Participate In The Pilot Program; And To Return To The Public Safety Committee Meeting On February 13, 2024 With A Report And Recommendations, Including The Following:

- (1) Information On Cities In California Or The United States That Have Successfully Implemented Similar Programs To Reduce The Number Of Traffic Accidents And Fatalities And Increase Safety For All Who Travel On Public Streets;
- (2) Recommendations To Council About Legislative Or Administrative Changes Needed In Order To Implement A Similar Program In Oakland;
- (3) Information Gathered From Residents And Community Based Organizations At Two Community 2 Meetings Assessing Their Interest And Ability To Participate In The Pilot Program;
- (4) An Analysis Of Staffing And Budget Needs In Order To Begin And Sustain The Pilot Program; And
- (5) A Report Exploring The Feasibility And Developing A Plan And Timeline For The City Of Oakland To Become A "Vision Zero Network" Member City
[23-0872](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Supplemental Presentation - 12/7/2023](#)
[View Supplemental Legislation - 12/7/2023](#)
[View Supplemental Legislation - 12/14/2023](#)
[90051 C.M.S.](#)

This City Resolution was Adopted.

S6.31 Subject: Embarcadero West Improvements Professional Services
From: Department Of Transportation
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Enter Into A Professional Services Agreement, Subject To Fund Availability, With Parsons Transportation Group, Inc. For An Amount Not To-Exceed Twenty-Five Million Dollars (\$25,000,000) With An Additional 10% Contingency Over A Seven-Year Period To Provide Engineering Services For The Embarcadero West Rail Safety And Access Improvements; And Adopting Appropriate California Environmental Quality Act Determinations
[23-0956](#)

Attachments: [View Report](#)
[View Attachment A](#)
[View Legislation](#)
[90052 C.M.S.](#)

This City Resolution was Adopted.

S6.32 Subject: Amend Beautification Council's Contract Amount
From: Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Increase Beautification Council's Contract Amount By Six Hundred Thousand Dollars (\$600,000) For A Total Not To Exceed Contract Amount Of Three Million Four Hundred Eighty Thousand Dollars (\$3,480,000); And (2) Waive Further Advertising Bidding, Competitive Request For Proposal/Qualification Selection And Local Business/Small Local Business Participation Requirements
[23-0957](#)

Attachments: [View Report](#)
[View Legislation](#)
[90053 C.M.S.](#)

This City Resolution was Adopted.

S6.33 Subject: Day Laborer Program \$440K Professional Services Agreement With Causa Justa::Just Cause FY 2023-25
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution (1) Authorizing The City Administrator To Enter Into A Professional Services Agreement With Causa Justa::Just Cause And Its Partners, Street Level Health And Centro Legal De La Raza, To Administer The Oakland Day Laborer Program For Fiscal Years 2023-2025 In An Amount Not To Exceed Two Hundred Twenty Thousand Dollars (\$220,000) Per Year For A Total Amount Not To Exceed Four Hundred Forty Thousand Dollars (\$440,000); And (2) Waiving The Formal Request For Proposals/Qualifications Process For The Professional Services Agreement
[23-0889](#)

Attachments: [View Report And Attachment A](#)
[View Legislation](#)
[90054 C.M.S.](#)

This City Resolution was Adopted.

S6.34 Subject: Workforce Development Prison To Employment (P2E) \$100k Grant Agreement With Mandela Partners For FY 23-25
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Accepting And Appropriating One Hundred Twenty-Two Thousand Nine Hundred One Dollars And Twenty-Four Cents (\$122,901.24) From The Alameda County Workforce Development Board (ACWDB) And Authorizing A Grant Award Agreement With Mandela Partners To Provide Prison To Employment (P2E) Workforce Services To Justice Involved Individuals For A Total Amount Not To Exceed One Hundred Thousand Dollars (\$100,000) For Fiscal Years (FY) 2023-2025
[23-0890](#)

Attachments: [View Report](#)
[View Legislation](#)
[90055 C.M.S.](#)

This City Resolution was Adopted.

S6.35 Subject: Amendment To Memorandum With Sogorea Te' Land Trust
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution (1) Authorizing The City Administrator To Amend The Memorandum Of Agreement Between The City Of Oakland And The Sogorea Te' Land Trust, Which Implements The Recorded Cultural Conservation Easement At Rinihmu Pulte'irekne In Joaquin Miller Park, To Allow Certain Permitted Activities And Facilities Consistent With The Conservation Values And Planning Code Section 17.11.060; And (2) Making California Environmental Quality Act Exemption Findings [23-0903](#)

Attachments: [View Report And Exhibit A, B, And C](#)
[View Legislation](#)
[View Supplemental Legislation - 12/12/2023](#)
[90056 C.M.S.](#)

This City Resolution was Adopted.

S6.36 Subject: Contract For Short-Term Residential Rental Program Services
From: Planning And Building Department
Recommendation: Adopt A Resolution (1) Authorizing The City Administrator To Negotiate, Award And Execute A Professional Services Agreement To Granicus, LLC In An Amount Not To Exceed Seven Hundred Ninety-Nine Thousand Seven Hundred And Eleven Dollars (\$799,711) That Includes One Hundred Thirty-Three Thousand Two Hundred And Eighty-Five Dollars (\$133,285) Contingency Amount For A Period Of Approximately Five (5) Years For Providing Short-Term Residential Rental Program Services And A Software Solution Supporting The City's Planned Adoption Of New Regulations For The Rental Of Residential Dwelling Units For Periods Of Less Than Thirty (30) Days; And (2) Appropriating Seven Hundred Ninety-Nine Thousand Seven Hundred And Eleven Dollars (\$799,711) From The Development Services Fund (Fund 2415) Balance To Finance The Contract Awarded To Granicus, LLC To Provide Short-Term Residential Rental Program Services And A Software Solution; And (3) Making Appropriate California Environmental Quality Act (CEQA) Findings [23-0905](#)

Attachments: [View Report And Attachment A And B](#)
[View Presentation](#)
[View Legislation](#)
[View Supplemental Legislation - 12/14/2023](#)
[View Supplemental Presentation 12/14/2023](#)
[90057 C.M.S.](#)

This City Resolution was Adopted.

S6.37 Subject: Fiscal Year 2023-24 Cultural Funding Grants
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Awarding Grants To Sixty (60) Oakland-Based Nonprofit Organizations Providing Arts And Cultural Services In Oakland For Fiscal Year 2023-24, In A Total Amount Not To Exceed One Million Three Hundred Twenty-Seven Thousand Dollars (\$1,327,000)
[23-0894](#)

Attachments: [View Report And Attachment A, B, And C](#)
[View Legislation](#)
[90058 C.M.S.](#)

This City Resolution was Adopted.

S6.38 Subject: Mathematica SSBT Evaluation
From: Office Of the City Administrator
Recommendation: Adopt A Resolution Waiving The Competitive Request For Proposal/Qualification Process Requirements And The Local/Small Local Business Enterprise Program Requirements And Awarding A Professional Service Agreement To Mathematica, Inc. In An Amount Not To Exceed \$249,983 To Provide Sugar Sweetened Beverage Tax Evaluation Services
[23-0910](#)

Attachments: [View Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Attachment C](#)
[View Legislation](#)
[90059 C.M.S.](#)

This City Resolution was Adopted.

S6.39 Subject: CitySpan Technologies, Inc. Agreement For Grants Management System FY 22-24
From: Human Services Department And Oakland Fund For Children & Youth
Recommendation: Adopt A Resolution Amending Resolution No. 88692 C.M.S. To: (1) Increase The Awarded Agreement With Cityspan Technologies, Inc., From \$92,500, To An Amount Not To Exceed Two Hundred Ninety-Two Thousand Two Hundred Fifty Dollars (\$292,250) For A Grants Management System For Oakland Fund For Children And Youth (OFCY) And Paratransit For The Elderly And Disabled Programs From July 1, 2021 Through June 30, 2024. (2) Waive The Competitive Multiple-Step Solicitation Process For The Acquisition Of Computerized Or Information Technology Systems (3) Waive The Local/Local Small Business Enterprise (L/LSBE) Requirement
[23-0958](#)

Attachments: [View Report](#)
[View Attachment A](#)
[View Legislation](#)
[90060 C.M.S.](#)

This City Resolution was Adopted.

S6.40 Subject: FY 23-24 Town Nights Grants
From: Violence Prevention Department
Recommendation: Adopt A Resolution: (1) Awarding New Grant Agreements To Non-Profit Organizations To Conduct Summer 2024 Town Nights Violence Prevention Events For The Term Of January 1, 2024, To September 30, 2024, In A Total Amount Not To Exceed One Million Three Hundred Fifty Thousand Dollars (\$1,350,000); And (2) Waiving The City Of Oakland's Competitive Bidding Process For Town Nights Grant Agreements With Family Bridges, Inc. And East Oakland Boxing Association; And (3) Amending Resolution No. 89899 C.M.S. To Reallocate Three Hundred Fifty Thousand Dollars (\$350,000) Allocated To Community & Youth Outreach For Neighborhood And Community Team Services To Violence Interruption Services; And (4) Amending Resolution No. 89899 C.M.S. To Reallocate Two Hundred Eighty Thousand Dollars (\$280,000) Allocated To Community & Youth Outreach For Neighborhood And Community Team Services To Partially Fund Full-Time Equivalent Salaries Within The Department Of Violence Prevention
[23-0834](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Supplemental Report - 12/14/2023](#)
[View Supplemental Attachment A - 12/14/2023](#)
[90061 C.M.S.](#)

This City Resolution was Adopted.

S6.41 Subject: Aircraft Rescue Fire Fighting Services At The Oakland International Airport
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend The Memorandum Of Understanding Regarding Fire Protection And Aircraft Rescue Firefighting Services (ARFF) Between The City Of Oakland And The Port Of Oakland, To Extend The Term For Twelve Months To Allow The Oakland Fire Department To Continue To Provide Such Services At The Oakland International Airport
[R23-0908](#)

Attachments: [View Report](#)
[View Legislation](#)
[90062 C.M.S.](#)

This City Resolution was Adopted.

S6.42 Subject: Professional Service Agreement With Core Psychological Corporation
From: Oakland Fire Department
Recommendation: Adopt A Resolution: (1) Authorizing The City Administrator To Enter Into A Professional Services Agreement With Core Psychological Corporation (Formerly Known As Cordico Psychological Corporation) To Provide Pre-Employment Psychological Evaluations For The Period Of November 1, 2023 To April 30, 2025 At A Total Contract Amount Of One Hundred Thousand Dollars (\$100,000); And (2) Waiving The City's Competitive Request For Proposals / Qualification (RFP/Q) Process And Local And Small Business (LBE/SLBE) Enterprise Program Requirements For The Proposed Agreement
[23-0912](#)

Attachments: [View Report](#)
[View Legislation](#)
[90063 C.M.S.](#)

This City Resolution was Adopted.

S6.43 Subject: Resolution In Support Of AB 922 (WICKS)
From: President Pro Tempore Kalb
Recommendation: Adopt A Resolution In Support Of AB 922 (WICKS) To Establish The Prepared Meals Delivery Program Under The State Department Of Social Services For The Purpose Of Providing Meals To Unhoused Individuals And Requiring The County Of Alameda To Participate In The Program
[23-0967](#)

Attachments: [View Report](#)
[View Legislation](#)
[90064 C.M.S.](#)

This City Resolution was Adopted.

S6.44 Subject: Recognizing Earl Marty Price
From: Councilmember Fife And President Pro Tempore Kalb
Recommendation: Adopt A Resolution Recognizing And Honoring Earl Marty Price For His Outstanding And Dedicated Service To The Oakland Community
[23-0991](#)

Attachments: [View Legislation](#)
[90065 C.M.S.](#)

Councilmember Fife made a motion seconded by Councilmember Kaplan to approve the urgency finding on item S6.44 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 relates to a purely ceremonial or commendatory action.

The Motion passed by 7 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran and Fortunato Bas; 1 Excused: Reid

This City Resolution was Adopted.

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:

8.2 Subject: Appeal Of PLN20124 Commercial Project At 1431 Franklin Street
From: Planning And Building Department
Recommendation: Conduct A Public Hearing, And Upon Conclusion, Adopt One Of The
Following Three Options:

1) A Resolution Denying The Appeal By Geoffrey Pete And Uphold The Planning
Commission's Environmental Determination And Approval Of Two Major Conditional Use
Permits And Regular Design Review For The Construction Of A 27-Story Commercial
Office Building With An Above Grade Parking Garage At 1431 Franklin Street, Oakland,
CA (Project Case No. PLN20124); Or

Provided The City Council Can Make The Appropriate Findings, Either
[23-0801](#)

Attachments: [View Report](#)

[View Attachment A1](#)

[View Attachment A2](#)

[View Attachment A3](#)

[View Attachment A4](#)

[View Attachment B](#)

[View Attachment C](#)

[View Legislation](#)

Councilmember Gallo made a motion, seconded by Councilmember Jenkins, to open the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan Ramachandran, and Fortunato Bas; 1 Excused: Reid

Upon the reading of Item 8.2 by the City Clerk, the Public Hearing was opened at 7:18 p.m.

20 individuals spoke on this item.

Councilmember Gallo made a motion, seconded by Councilmember Fife, to close the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan, and Fortunato Bas; 1 Excused: Reid; 1 Absent: Ramachandran

This City Resolution be No Action Taken.

2) A Motion To Direct Staff To Prepare A Resolution For Future City Council Consideration To Deny The Appeal With Additional Conditions; Or [23-0983](#)

Councilmember Gallo made a motion, seconded by Councilmember Jenkins, to open the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan Ramachandran, and Fortunato Bas; 1 Excused: Reid

Upon the reading of Item 8.2 by the City Clerk, the Public Hearing was opened at 7:18 p.m.

20 individuals spoke on this item.

Councilmember Gallo made a motion, seconded by Councilmember Fife, to close the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan, and Fortunato Bas; 1 Excused: Reid; 1 Absent: Ramachandran

This Report and Recommendation be No Action Taken.

3) A Motion To Direct The City Administrator Or Designee To Prepare A Resolution For Future City Council Consideration To Uphold The Appeal [23-0984](#)

Councilmember Gallo made a motion, seconded by Councilmember Jenkins, to open the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan Ramachandran, and Fortunato Bas; 1 Excused: Reid

Upon the reading of Item 8.2 by the City Clerk, the Public Hearing was opened at 7:18 p.m.

20 individuals spoke on this item.

At 9:34 p.m. Councilmember Gallo made a motion, seconded by Councilmember Fife, to Accept The Motion Directing The City Administrator Or Designee To Prepare A Resolution For Future City Council Consideration To Uphold The Appeal; & With Further Direction From The City Administration About How to Use Funds For Future Development Projects That Are Coming to The City, And By The Same Motion Close the Public Hearing, and hearing no objections, the motion passed by the Following Vote, 6 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan and Fortunato Bas; 1 Excused: Reid; 1 Absent: Ramachandran

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

Excused: 1 - Reid

Aye: 6 - Fife, Gallo, Kalb, Kaplan, Fortunato Bas, and Jenkins

Absent: 1 - Ramachandran

NO VOTE: 0

COUNCIL PRESIDENT FORTUNATO BAS RELINQUISHED THE CHAIR AT 8:00 P.M. AND
PRESIDENT PRO TEMPORE KALB PRESIDED AS CHAIRPERSON.

8.1 Subject: Appeal Of PLN20125 Residential Project At 1431 Franklin Street
From: Planning And Building Department
Recommendation: Conduct A Public Hearing, And Upon Conclusion, Adopt One Of The
Following Three Options:

1) A Resolution Denying The Appeal By Geoffrey Pete And Uphold The Planning
Commission's Environmental Determination And Approval Of Two Major Conditional Use
Permits And Regular Design Review For The Construction Of A 40-Story Residential
Tower With 381 Dwelling Units And An Above Grade Parking Garage At 1431 Franklin
Street, Oakland, CA (Project Case No. PLN20125); Or

Provided The City Council Can Make The Appropriate Findings, Either
[23-0802](#)

Attachments: [View Report](#)

[View Attachment A1](#)

[View Attachment A2](#)

[ViewAttachment A3](#)

[View Attachment A4](#)

[View Attachment B](#)

[View Attachment C](#)

[View Legislation](#)

[View Supplemental Attachment A4 - 1/4/2024](#)

***Councilmember Fife made a motion, seconded by Councilmember Gallo, to open
the Public Hearing, and hearing no objections, the motion passed by 6 Ayes:
Fife,Gallo,Jenkins, Kalb, Kaplan, and Fortunato Bas; 2 Excused: Reid and
Ramachandran***

***Upon the reading of Item 8.1 by the City Clerk, the Public Hearing was opened at
9:36 p.m.***

14 individuals spoke on this item.

***At 11:38 p.m. Councilmember Fife made a motion, seconded by Council President
Fortunato Bas, to close the Public Hearing and by the same motion adopt the
Resolution with the following amendments:***

Of Attachment A4: Conditions of Approval

No. 13, Construction Management Plan, adding:

The CMP shall provide for the following:

***(1) the CMP shall specify the proposed construction days and hours, which shall be
consistent with the City's Standard Condition of Approval Number 34. The CMP
shall include provisions for the consideration of the event schedule for the***

businesses located at 410 14th Street and 420 14th Street to ensure to the extent feasible that the project will avoid scheduling extensive construction stages (such as concrete pouring) during those businesses' scheduled events. A sign located at the Franklin Street frontage shall include the construction hours allowed onsite and project contacts for the community to contact regarding the construction. The project applicant's contractor shall have a decibel reader on-hand onsite to evaluate total noise levels during construction and to ensure noise attenuation measures are consistent with Standard Conditions of Approval Numbers 35 and 36 and Oakland Planning Code Section 17.120.050.

(2) the project applicant shall make commercially reasonable efforts to minimize construction staging and logistical barriers along the frontage of the Project Site.

(3) the project applicant shall undertake noise reduction and vibration reduction plans with a licensed acoustical engineer and shall submit said plans as parts of the CMP. The noise reduction plan shall include on-site noise monitoring stations during construction or shall demonstrate with documentation why on-site noise monitoring stations are not feasible.

(4) the project applicant shall not remove the existing fire escape on the south end of the property any earlier than reasonably necessary to maintain the project's construction schedule and shall give at least 14-days' notice to adjacent property owners at 410 14th Street and 420 14th Street prior to the removal. The developer shall maintain the fire escape access to 410 14th Street throughout construction and after.

(5) The project applicant shall be required to include in the CMP protections from falling debris for neighboring sites.

(6) The CMP shall document that the applicant held a community meeting with the public providing an opportunity for the public to comment on the CMP.

(7) The neighboring properties are intended beneficiaries of the CMP.

No. 39, Exposure to Community Noise, adding:

The Noise Reduction Plan shall specifically consider and include measurements of noise generated during events occurring at the businesses located at 410 14th Street (Geoffrey's Inner Circle) and 420 14th Street (Complex Oakland) and shall provide recommendations for noise reduction measures to improve the building acoustic performance to achieve acceptable interior noise levels when these events are occurring. South-facing windows where residential units are located on the internal side of the wall shall at minimum have a Sound Transmission Class (STC) rating of 29 or shall be capable of reducing the interior noise levels to 45 dBA as specified above, whichever is greater. The STC rating for the building shall meet a minimum sound isolation requirement of STC 60.

No. 40, Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities, to read:

Requirement: The project applicant shall submit a Vibrations Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional

for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located at the buildings adjacent to the project site of 1431 Franklin Street including but not limited to the building at 410 14th Street. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction. These mandatory recommendations shall at minimum include the following: (I) vibratory rollers shall not be used; (II) no pile driving shall occur; and (III) large bulldozers and loaded trucks should maintain a minimum distance of 15 feet from sensitive receivers, or if not possible for the full length of construction, shall place limitations to the maximum extent feasible on any large bulldozers or loaded trucks within 15 feet from sensitive receivers.

No. 58 Public Art for Private Development, striking in full and replacing to read:

Requirement: The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs.

The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution.

The applicant shall provide proof of full payment of the in-lieu contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit. Proof of installation of artwork, or other alternative requirement, is required prior to the City's issuance of a final certificate of occupancy for the project unless a separate legally binding instrument is executed ensuring compliance within a timely manner subject to City approval.

The applicant has proposed, and by this condition shall be required, to distribute twenty percent (20%) of the project's public art requirement to the Malonga Casquelourd Center for the Arts Theater and the African American Museum and Library at Oakland (City-Owned Arts Facilities or Facilities), to be split equally between the two facilities. It would be the responsibility of the Facilities to obtain City approval for the capital improvement project and satisfy any City requirements for the application of the contributed funds.

The remaining portion of the public art requirement shall be met through the means provided in the Ordinance to be used to support of the Black Arts Movement and Business District with information on specific projects to return to City Council.

When Required: Payment of in-lieu fees and/or plans showing fulfillment of public art requirement Prior to Issuance of Building permit Installation of art/cultural space Prior to

Issuance of a Certificate of Occupancy.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

Adding new Condition of Approval No. 59, to read

59. Statement of Disclosure to Tenants

Requirement: The project applicant shall develop a statement of disclosure to be included on all leases acknowledging all existing entertainment uses adjacent to the property to ensure that residents are informed of the potential for sound emanating from these entertainment venues. The project applicant shall submit the draft statement of disclosure for review and approval by the Bureau of Planning. The statement described in this condition shall also be provided to any new owner(s) of the property and recorded against the Property so that it runs with the land to provide constructive notice to any successive owner(s) and is revocable only upon written consent of the City Administrator or their designee.

When Required: Development of Statement of Disclosure – Prior to Issuance of Building Permit; Inclusion of Statement of Disclosure in Leases – Ongoing.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

The vote on the motion was as follows:

4 Ayes: Fife, Kalb, Kaplan, and Fortunato Bas; 1 NO: Gallo; 1 Abstention: Jenkins; 2 Excused/Absent: Reid and Ramachandran

Pursuant to charter sections 200 and 305(i), the absences and abstentions were counted as “no” votes resulting in a tie vote (4 ayes and 4 noes) and the item was continued to the January 16, 2024 to allow the mayor the option to cast the tie breaking vote.

A motion was made by Carroll Fife, seconded by Nikki Fortunato Bas, that this matter be Continued to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 1/16/2024.

The motion carried by the following vote:

Excused: 2 - Ramachandran, and Reid

Abstained: 1 - Jenkins

Aye: 4 - Fife, Kalb, Kaplan, and Fortunato Bas

No: 1 - Gallo

NO VOTE: 0

2) A Motion To Direct Staff To Prepare A Resolution For Future City Council Consideration To Deny The Appeal With Additional Conditions; Or [23-0981](#)

Councilmember Fife made a motion, seconded by Councilmember Gallo, to open the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan, and Fortunato Bas; 2 Excused: Reid and Ramachandran

Upon the reading of Item 8.1 by the City Clerk, the Public Hearing was opened at 9:36 p.m.

14 individuals spoke on this item.

At 11:38 p.m. Councilmember Fife made a motion, seconded by Council President Fortunato Bas, to close the Public Hearing

This Report and Recommendation be No Action Taken.

3) A Motion To Direct The City Administrator Or Designee To Prepare A Resolution For Future City Council Consideration To Uphold The Appeal [23-0982](#)

Councilmember Fife made a motion, seconded by Councilmember Gallo, to open the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan, and Fortunato Bas; 2 Excused: Reid and Ramachandran

Upon the reading of Item 8.1 by the City Clerk, the Public Hearing was opened at 9:36 p.m.

14 individuals spoke on this item.

At 11:38 p.m. Councilmember Fife made a motion, seconded by Council President Fortunato Bas, to close the Public Hearing

This Report and Recommendation be No Action Taken.

AT 10:17 P.M. COUNCIL PRESIDENT FORTUNATO BAS MOVED TO EXTEND THE MEETING BEYOND 10:00 P.M. SECONDED BY COUNCILMEMBER GALLO. THE MOTION PASSED BY 6 AYES: FIFE, GALLO, JENKINS, KALB, KAPLAN AND FORTUNATO BAS; 2 EXCUSED: RAMACHANDRAN AND REID

8.3 Subject: Keeping Kids Close To Home Act And Clean-Up Planning Code Amendments
From: Planning And Building Department
Recommendation: Adopt An Ordinance (1) Amending Chapter 17.10 Of The Oakland Planning Code, As Recommended By The Planning Commission, To Revise The Definitions For Permanent Residential And Semi-Transient Residential Activity Types; (2) Amending The Planning Code, As Recommended By The Planning Commission, To Incorporate Various Clean-Up Items Related To The General Plan Update Phase I Planning Code Amendment Package; (3) Amending The Existing Exemption From Business Taxes For Family Daycares Under Section 5.04.263 Of The Oakland Municipal Code To Conform With The Keeping Kids Close To Home Act (Senate Bill 234); And (4) Making Related California Environmental Quality Act Findings
[23-0904](#)

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

Councilmember Kaplan made a motion, seconded by Councilmember Jenkins, to open the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan and Fortunato Bas; 2 Excused: Reid and Ramachandran,

Upon the reading of Item 8.3 by the City Clerk, the Public Hearing was opened at 11:41 p.m.

2 individuals spoke on this item.

At 11:53 p.m. Councilmember Kaplan made a motion, seconded by Councilmember Gallo, to approve the Ordinance on First Introduction and by the same motion close the Public Hearing, and hearing no objections, the motion passed by 5 Ayes: Gallo, Jenkins, Kalb, Kaplan, and Fortunato Bas; 3 Excused: Fife, Reid and Ramachandran

*A motion was made by Rebecca Kaplan, seconded by Noel Gallo, 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 1/16/2024. The motion carried by the following vote:*

Excused: 3 - Fife, Ramachandran, and Reid

Aye: 5 - Gallo, Kalb, Kaplan, Fortunato Bas, and Jenkins

NO VOTE: 0

PRESIDENT PRO TEMPORE KALB RELINQUISHED THE CHAIR AND COUNCIL PRESIDENT FORTUNATO BAS RESUMED PRESIDING AS CHAIRPERSON AT 11:42 P.M.

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

S11 Subject: Resolution Amending And Restating The Council's Rules Of Procedure
From: Council President Fortunato Bas, Councilmembers Kaplan, Ramachandran
And Reid
Recommendation: Adopt A Resolution Amending And Restating The Council's Rules Of
Procedure In Their Entirety In Order To Increase Public Access And Participation By,
Among Other Things: (1) Changing The Times For Commencing And Ending City Council
Meetings, (2) Amending Public Comment Procedures And Time Limits, (3) Amending
The Rules For Maintaining Order During Meetings, And (4) Making Non-Substantive,
Technical Edits
[23-0845](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Presentation](#)
[View Supplemental Report - 12/8/2023](#)
[Supplemental Presentation - 12/8/2023](#)
[View Supplemental Legislation - 12/8/2023](#)
[90066 C.M.S.](#)

3 Speakers Spoke On This Item

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

Excused: 3 - Fife, Ramachandran, and Reid

Aye: 5 - Gallo, Kalb, Kaplan, Fortunato Bas, and Jenkins

NO VOTE: 0

9 Subject: OPD Biannual Staffing Report
From: Oakland Police Department
Recommendation: Receive An Informational Report Of The Oakland Police Department's
2023 Biannual Staffing Levels As of September 30, 2023
[23-0838](#)

Attachments: [View Report](#)

0 Speakers Spoke On This Item

**A motion was made by Kevin Jenkins, seconded by Noel Gallo, that this matter
be Continued to go before the * Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City Council, to be heard 1/16/2024.
The motion carried by the following vote:**

Excused: 2 - Ramachandran, and Reid

Aye: 6 - Fife, Gallo, Kalb, Kaplan, Fortunato Bas, and Jenkins

NO VOTE: 0

- 10 Subject: Informational Report Pursuant To Resolution No. 89906
From: Office Of The City Administrator
Recommendation: Receive An Informational Report In Response To Resolution No.
89906 On Prioritizing Public Safety
[23-0974](#)

Attachments: [View Report](#)

0 Speakers Spoke On This Item

A motion was made by Kevin Jenkins, seconded by Noel Gallo, that this matter be Continued to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 1/16/2024. The motion carried by the following vote:

Excused: 2 - Ramachandran, and Reid

Aye: 6 - Fife, Gallo, Kalb, Kaplan, Fortunato Bas, and Jenkins

NO VOTE: 0

OPEN FORUM

4 Speakers Spoke During Open Forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting Shall Conclude No Later Than 10:00 P.M., Unless Extended By Majority Vote Of The Council)

There being no further business, the Council adjourned the meeting in memory of Howe Perlin & Zack Wilde at 12:25 a.m. on December 20, 2023

Americans With Disabilities Act

If you need special assistance, including translation services 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

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