



City of Oakland

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

Meeting Minutes - FINAL

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

~

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

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

Tuesday, January 16, 2024

3:30 PM

City Council Chamber, 3rd Floor

The Oakland Redevelopment Successor Agency and the City Council convened at 3:45 p.m., with Council President Fortunato Bas presiding as Chairperson.

Under AB 2449, Councilmember Kaplan invoked a “just cause” as a basis for participating remotely.

1 Call To Order

2 ROLL CALL / CITY COUNCIL

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

3 ACTIONS ON SPECIAL ORDERS / PRESENTATIONS OF THE DAY

("Ceremonial Items")

Ceremonial presentations, including proclamations, individual recognitions, etc.; and Reports Or presentations from The Mayor, other public officials, or special guests.

3.1 Subject: Recognizing January 2024 As National Slavery And Human Trafficking Prevention Month
From: Councilmember Reid
Recommendation: Adopt A Resolution Recognizing January 2024 As National Slavery And Human Trafficking Prevention Month In The City Of Oakland
[23-0989](#)

Attachments: [View Legislation](#)
[90067 C.M.S.](#)

3 Individuals Spoke On This Item

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

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

NO VOTE: 0

S3.2 Subject: Resolution Honoring The Life Of Eddie Rudolph Dillard
From: Councilmember Fife
Recommendation: Adopt A Resolution Honoring And Celebrating The Life, Legacy, And
Invaluable Contributions Of Eddie Rudolph Dillard
[24-0004](#)

Attachments: [View Legislation](#)

[View Supplemental Legislation - 1/10/2024](#)

[90068 C.M.S.](#)

8 Speakers Spoke On This Item

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

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

NO VOTE: 0

4 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS

**(Requests With A Motion And Second To: Pull An Item From The Consent Calendar And
Reschedule As Non-Consent Item, Change The Order Of Items On The Non-Consent
Calendar, Reschedule Items From Consent To Non-Consent To The Next Council
Agenda, Request For Reconsiderations, Pull Items Held In Committee, Deletion Or
Deferral Of Items):**

**Councilmember Fife made a scheduling motion, seconded by Councilmember Kaplan. The
motion passed with 8 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid and
Fortunato Bas**

**A Resolution To Support And Strengthen The Black Arts Movement And Business District Was
Scheduled to The February 27, 2024 Community And Economic Development Committee
Agenda.**

Subject: Councilmember Fife And Councilmember Kaplan
From: A Resolution To Support And Strengthen The Black Arts Movement And Business District
Recommendation: Adopt A Resolution To Support And Strengthen The Black Arts Movement And Business District, Including Directing The City Administrator To: (1) Implement A Series Of Public Streetscape Improvements, Including Public Banners, Along Oakland's Fourteenth Street Corridor, To Honor, Uplift, Commemorate, And Increase Public Awareness Of, Important Black Cultural, Sports, Arts, And Historical People And Institutions, And To Help Identify And Uplift The Corridor Being Known And Recognized As The Black Arts Movement And Business District; (2) Use Available Funds Including Available Art Funds And To Pursue Grants And Other Funding Sources To Support Arts, Music, Comedy, And Cultural Institutions In The District; Including The Preservation And Financial Support To Ensure Ongoing Viability Of Its Historic, Cornerstone African American Institutions, Including Geoffrey's Inner Circle; And To Make Resources Available To Businesses Such As Tenant Improvement, Facade Improvement, Place-Making, Space Activation, Accessibility, Etc. In The District; And (3) Work With The Planning And Building Department And Economic And Workforce Development Department To Adopt Policies And Plans To Further Strengthen The District And Ensure Long-Term Vitality, Support, And Prevent Conflicts, For Arts And Cultural Institutions And Activities In The District
[24-0025](#)

A motion was made by Carroll Fife, seconded by Rebecca Kaplan, that this matter be scheduled to go before the *Community & Economic Development Committee, to be heard 2/27/2024. The motion carried by the following vote:

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

NO VOTE: 0

5 CONSENT CALENDAR (CC) ITEMS:

10 Speakers Spoke On This Item

Approval of the Consent Agenda

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

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

NO VOTE: 0

5.1 Approval Of The Draft Minutes From The Meeting Of December 19, 2023

[24-0003](#)

Attachments: [View Report](#)

This Report and Recommendation was Accepted.

- 5.2** 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
[24-0000](#)

Attachments: [View Legislation](#)
[90069 C.M.S.](#)

This City Resolution was Adopted.

- 5.3** 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
[24-0001](#)

Attachments: [View Legislation](#)
[90070 C.M.S.](#)

This City Resolution was Adopted.

- 5.4** 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
[24-0002](#)

Attachments: [View Legislation](#)
[90071 C.M.S.](#)

This City Resolution was Adopted.

- 5.5** 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](#)
[13778 C.M.S.](#)
[NOTICE AND DIGEST](#)

This Ordinance was Approved for Final Passage.

- 5.6** 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](#)
[13779 C.M.S.](#)
[NOTICE AND DIGEST](#)

This Ordinance was Approved for Final Passage.

- 5.7** Subject: Commending And Honoring Mary Mayberry
From: Councilmember Fife And Department Of Workplace And Employment
Standards
Recommendation: Adopt A Resolution Commending And Honoring Mary Mayo Mayberry
For 25 Years Of Exemplary Service To The City Of Oakland And Congratulating Her
Upon Her Well-Deserved Retirement
[23-0992](#)

Attachments: [View Legislation](#)
[90072 C.M.S.](#)

This City Resolution was Adopted.

**ITEM 5.8 REGARDING A RESOLUTION HONORING THE LIFE OF EDDIE RUDOLPH DILLARD
WAS MOVED TO CEREMONIAL ITEMS AND IS NOW ITEM S3.2**

- 5.9** Subject: Appointments To The Bicyclist And Pedestrian Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of David
Ralston And Appointment Of Enjoleah Daye And Cynthia Herrera As Members Of The
Bicyclist And Pedestrian Advisory Commission
[24-0006](#)

Attachments: [View Report And Legislation](#)
[90073 C.M.S.](#)

This City Resolution was Adopted.

- 5.10** Subject: Appointment To The Community Policing Advisory Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Samuel
Dawit As A Member Of The Community Policing Advisory Board
[24-0007](#)

Attachments: [View Report And Legislation](#)
[90074 C.M.S.](#)

This City Resolution was Adopted.

5.11 Subject: Appointment To The Sugar-Sweetened Beverage Distribution Tax Community Advisory Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Lesley Latham As A Member Of The Sugar-Sweetened Beverage Distribution Tax Community Advisory Board
[24-0008](#)

Attachments: [View Report And Legislation](#)
[90075 C.M.S.](#)

This City Resolution was Adopted.

S5.12 Subject: Major Encroachment Permit At 532 16th Street
From: Department Of Transportation
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit ENMJ23056 To Adcock Joyner Preservation, LP, To Allow Portions Of Basement And Sidewalk Vaults To Encroach Into The Public Right-Of-Way Along 16th Street And San Pablo Avenue, Adjacent To 532 16th Street, And Adopting Appropriate California Environmental Quality Act Findings
[23-0988](#)

Attachments: [View Report](#)
[View Legislation And Exhibits A And B](#)
[View Supplemental Legislation And Exhibits A And B - January 5, 2024](#)
[90076 C.M.S.](#)

This City Resolution was Adopted.

S5.13 Subject: Acceptance Of Portable Air Filters From The Bay Area Air Quality Management District (BAAQMD)
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Accepting Air Filtration Equipment Valued In An Amount Not To Exceed \$125,000 From The Bay Area Air Quality Management District (BAAQMD) To Provide Respite From Wildfire Smoke; And Accepting Additional Equipment And Funding That Becomes Available From BAAQMD Through December 31, 2027 In An Amount Not To Exceed \$625,000; And Authorizing The City Administrator To Execute An Agreement With BAAQMD To Receive Said Equipment And Funding [23-0996](#)

Attachments: [View Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Legislation](#)
[90077 C.M.S.](#)

This City Resolution was Adopted.

S5.14 Subject: Amendments To Sound Amplification Equipment Ordinance
From: Office Of The City Administrator And Councilmember Reid
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 12.56 (Sound Amplification Equipment) To Allow The City Of Oakland To Issue Up To Ten Permits Per Calendar Year For Amplified Sound Until Eleven O'clock (11:00) P.M. In The Oakland Coliseum For A Three-Year Pilot Period (2024-2026); And Adopting Appropriate California Environmental Quality Act Findings [23-0581](#)

Attachments: [View Report And Attachments A And B](#)
[View Legislation](#)
[NOTICE AND DIGEST](#)

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 2/6/2024

S5.15 Subject: Accept And Appropriate Funding For Low-Income Home Electrification Consistent With The Equitable Climate Action Plan
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Funding For Low-Income Residential Electrification Projects And Related Activities Totaling \$99,974.48 From The International Council For Local Environmental Initiatives (ICLEI) And Habitat For Humanity East Bay Silicon Valley To Further The City's Climate, Electrification, And Resilience Goals; And Making Appropriate California Environmental Quality Act Findings
[23-0990](#)

Attachments: [View Report](#)
[View Legislation](#)
[90078 C.M.S.](#)

This City Resolution was Adopted.

S5.16 Subject: 2023-2025 BSCC Officer Wellness And Mental Health Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate The Fiscal Years 2023-2025 Board Of State And Community Corrections Officer Wellness And Mental Health Grant Program Funds In The Amount Of Four Hundred Eighty-Three Thousand Thirty-Two Dollars And Eighty-Seven Cents (\$483,032.87) To Enhance Mental Health And Overall Wellness Of Oakland Police Officers
[23-0965](#)

Attachments: [View Report](#)
[View Legislation](#)
[90079 C.M.S.](#)

This City Resolution was Adopted.

S5.17 Subject: Lynne McDonald, Et Al. V. City Of Oakland, Et Al.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Lynne McDonald And David Barr V. City Of Oakland, Contra Costa County, And Does 1 Through 50, Alameda County Superior Court Case No. RG18931020, City Attorney File No. 32944, In The Amount Of Six Million Five Hundred Thousand Dollars And Zero Cents (\$6,500,000.00) (Department Of Transportation - Dangerous Condition Of Public Property)
[24-0020](#)

Attachments: [View Report](#)
[View Legislation](#)
[90080 C.M.S.](#)

President Pro Tempore Kalb made a motion seconded by Councilmember Gallo to approve the urgency finding on item S5.17 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action

(1) is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting. The

Motion passed by 6 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan, and Fortunato Bas; 2 Excused: Ramachandran and 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:

6 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

S6.3 Subject: Vacate A Portion Of Sewer Easement At 2359 Harrison Street
From: Transportation Department
Recommendation: Adopt A Resolution Vacating A Portion Of The Public Sewer Easement At 2359 Harrison Street To The Property Owner, NASH - Holland 24th And Waverly Investors, LLC, And Adopting Appropriate California Environmental Quality Act Findings
[23-0047](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Report - 12/27/2023](#)
[View Legislation And Exhibits A And B - 12/27/2023](#)
[View Supplemental Legislation - 1/11/2024](#)
[90081 C.M.S.](#)

At 5:22 P.M. Councilmember Gallo made a motion, seconded by Councilmember Jenkins, to open the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Gallo, Jenkins, Kalb, Kaplan, Reid, Ramachandran, and Fortunato Bas; 1 Excused: Fife

Upon the reading of Item S6.3 by the City Clerk, the Public Hearing was opened.

2 individuals spoke on this item.

At 5:30 P.M. Councilmember Jenkins made a motion, seconded by Councilmember Fife, to close the Public Hearing, and hearing no objections, the motion passed by 8 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan, Reid, Ramachandran, and Fortunato Bas

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

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

NO VOTE: 0

6.1 Subject: 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](#)

*As a result of the appeal being withdrawn by appellant Geoffrey Pete, this item was
withdrawn.*

This City Resolution be Withdrawn with No New Date.

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](#)

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](#)

**ITEM 6.2 REGARDING THE 2022/23 CONSOLIDATED ANNUAL PERFORMANCE &
EVALUATION REPORT WAS WITHDRAWN FROM THIS AGENDA AND RESCHEDULED TO THE
FEBRUARY 13, 2023 COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE AGENDA
AND ON THE FEBRUARY 20, 2024 CITY COUNCIL AGENDA AS A PUBLIC HEARING**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

7.2 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](#)
[View Supplemental Report - 1/12/2024](#)
[View Attachment A](#)
[View Attachment B](#)

12 Speakers Spoke On This Item

The Council Approved To Receive And File The Information Report With Direction For Two Informational Reports Regarding The Implementation Of Cease Fire Recommendations & A Status Report Update On Prioritizing Public Safety To Be Scheduled To An April 2024 Public Safety Committee Agenda

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

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

NO VOTE: 0

Subject: Implementation Of Cease-Fire Recommendations
From: Office Of The City Administrator
Recommendation: Receive An Informational Report On The Implementation Of
Cease-Fire Recommendations
[24-0027](#)

This Informational Report be Scheduled.to go before the *Public Safety Committee

Subject: 2024 Update On Prioritizing Public Safety
From: Office Of The City Administrator
Recommendation: Receive An Informational Report On The 2024 Update Regarding
Prioritizing Public Safety In The City Of Oakland
[24-0028](#)

This Informational Report be Scheduled.to go before the *Public Safety Committee

7.1 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](#)
[View Supplemental Report - 2/1/2024](#)

2 Speakers Spoke On This Item.

The Council Approved To Continue This Item To The February 13, 2024 Public Safety Committee With Direction For The Report To Be Updated To Reflect 2023 Staffing Levels Through December 31, 2023; And For The Subsequent Report To Include The Following:

In The Chart On Page 10, Of Table 9, OPD Professional Staffing Vacancies, explain why there are only 5 hiring priorities when there are 67.5 vacancies.

Secondary status update of what the current status is for things dating back to August 2022;

More information regarding candidates being referred to background; Relay whether it is normal to wait 5-6 months for background checks or if there are other delays.

Regarding the position of Grant Coordinator, how long the department been without a grant coordinator? Who has assumed the role and responsibilities of grant coordinator?

Regarding the 12 vacancies in Police records, How long will the backgrounds take and is there a way to prioritize more than 5 roles when there are 67.5 vacancies

A motion was made by Kevin Jenkins, seconded by Janani Ramachandran, that this matter be Continued to go before the *Public Safety Committee, to be heard 2/13/2024. The motion carried by the following vote:

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

NO VOTE: 0

COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

OPEN FORUM

9 Individuals Spoke During Open Forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting Shall Conclude No Later Than 9:30 P.M., Except That The Council May Extend The Time For The Meeting In One-Hour Increments By An Affirmative Vote Of 5 Councilmembers Up To 11:30 P.M. And By An Affirmative Vote Of 6 Councilmembers Beyond 11:30 P.M.)

There being no further business, the Council adjourned the meeting in memory of Eddie Dillard & OPD Officer Tuan Le at 9:20 p.m.

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

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.