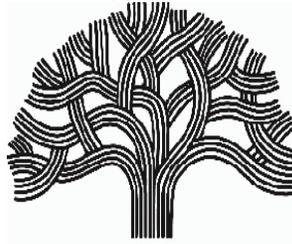


# City of Oakland

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



CITY OF OAKLAND

## **Meeting Minutes - FINAL**

**Friday, March 27, 2020**

**11:00 AM**

**Please see the agenda to participate in the meeting**

**TeleConference**

### **\* Special Meeting of the Oakland City Council**

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

*City of Oakland Website: <http://www.oaklandnet.com>*

**Pursuant to the Governor's Executive Order N-29-20, all members of the City Council as well as the City Administrator, City Attorney and City Clerk will join the meeting via phone/video conference and no teleconference locations are required.**

## **PUBLIC PARTICIPATION**

The public may observe and/or participate in this meeting many ways.

### **OBSERVE:**

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10
- To observe the meeting online from the City's Agenda Meeting Calendar, at the noticed meeting time, please click on <https://oakland.legistar.com/calendar.aspx> and click on the "In Progress" link under "Video" for the corresponding meeting.
- To observe the meeting by video conference, please click on this link: <https://zoom.us/j/420129689> at the noticed meeting time. Instructions on how to join a meeting by video conference is available at: <https://support.zoom.us/hc/en-us/articles/201362193> - Joining-a-Meeting
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 929 436 2866 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 then enter Webinar ID: 420 129 689.

If asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.

### **COMMENT:**

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- eComment. To send your comment directly to Council members and staff BEFORE the meeting starts please click on <https://oakland.legistar.com/calendar.aspx> and click on the "eComment" link under "eComment" for the corresponding meeting. Please note that eComment submissions closes five (5) minutes before posted meeting time.
- To comment by Zoom video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on the eligible Agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions on how to "Raise Your Hand" is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar.
- To comment by phone, please call on one of the above listed phone numbers. You will be prompted to "Raise Your Hand" by pressing "\*9" to request to speak when Public Comment is being taken on the eligible Agenda Item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.

If you have any questions, please email Asha Reed, Assistant City Clerk at [AReed@oaklandca.gov](mailto:AReed@oaklandca.gov).

- Office of the City Clerk

## **PLEDGE OF ALLEGIANCE**

**ROLL CALL / CITY COUNCIL**

*The Concurrent Meeting of the Oakland City Council and Successor  
Redevelopment Agency was held on the above date. Opening with the Pledge of  
Allegiance, the meeting was convened at 11:12a.m.*

**Present** 8 - Nikki Bas, Noel Gallo, Dan Kalb, Rebecca Kaplan, Lynette McElhaney, Larry Reid,  
Loren Taylor, and Sheng Thao

- 1 Subject: Eviction Moratorium Emergency Ordinance  
From: Councilmember Bas, President Pro Tempore Kalb, And City Attorney Parker  
Recommendation: Adopt An Emergency Ordinance (1) Imposing A Moratorium On Residential Evictions, Rent Increase, And Late Fees During The Local Emergency Proclaimed In Response To The Novel Coronavirus (COVID-19) Pandemic; (2) Prohibiting Residential And Commercial Evictions Based On Nonpayment Of Rent That Became Due During The Local Emergency When Tenant Suffered A Substantial Loss Of Income Due To COVID-19; (3) Prohibiting Residential Evictions For Non-Payment Of Rent When The Landlord Impeded The Payment Of Rent; And (4) Calling On State And Federal Legislators And On Financial Institutions To Provide Relief To Low-income Homeowners And Landlords  
[20-0316](#)

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

[COVID-19 Emergency Rent Moratorium Ordinance \(3-24-2020\) v5  
13589 CMS](#)

***There was a motion by councilmember Bas, seconded by Councilmember Kalb to approve the ordinance with the following amendments:***

***Section 3: Residential Eviction Moratorium. Except when the tenant poses an imminent threat to the health or safety of other occupants of the property, and such threat is stated in the notice as the grounds for the eviction, it shall be an absolute defense to any unlawful detainer action filed under Oakland Municipal Code 8.22.360A subsections (1) – (10) that the notice was served or expired, or that the complaint was filed or served, during the Local Emergency. Any notice served pursuant to Oakland Municipal Code 8.22.360A (1) - (10) on a tenant during the Local Emergency shall include the following statement in bold underlined 12-point font: “Except to protect the health and safety of other occupants of the property, you may not be evicted during the Local Emergency declared by the City of Oakland in response to the COVID-19 pandemic. This does not relieve you of the obligation to pay back rent in the future. You may contact the Rent Adjustment Program at (510) 238–3721 for additional information and referrals.” This section shall remain in effect until May 31, 2020, unless extended***

***Section 4: For rental units regulated by Oakland Municipal Code 8.22.010 et seq, any notice of rent increase in excess of the CPI Rent Adjustment, as defined in Oakland Municipal Code Section 8.22.020, shall be if void and unenforceable if the notice is served or has an effective date during the Local Emergency, unless required to provide a fair return. Any notice of rent increase served during the Local Emergency shall include the following statement in bold underlined 12-point font: “During the Local Emergency declared by the City of Oakland in response to the COVID-19 pandemic, your rent may not be increased in excess of the CPI Rent Adjustment (3.5% until June 30, 2020), unless required for the landlord to obtain a fair return. You may contact the Rent Adjustment Program at (510) 238–3721 for additional information and referrals.”***

***SECTION 5. Late Fee Moratorium. Notwithstanding any lease provision to the contrary, for residential tenancies, no late fees may be imposed for rent that became due during the Local Emergency if the rent was late for reasons resulting***

*from the COVID-19 pandemic. This includes, but is not limited to (1) the tenant was sick or incapacitated due to COVID-19, or was complying with a recommendation from a governmental agency to self-quarantine, (2) the tenant suffered a substantial reduction in household income because of a loss of employment or a reduction in hours, or because they were unable to work because they were caring for their child(ren) who were out of school or a household or family member who was sick with COVID-19, or because they were complying with a recommendation from a government agency to self-quarantine, and (3) the tenant incurred substantial out-of-pocket medical expenses caused by COVID-19. Any notice demanding late fees for rent that became due during the Local Emergency shall include the following statement in bold underlined 12-point font: “You are not required to pay late fees for rent that became due during the Local Emergency declared by the City of Oakland in response to the COVID-19 pandemic if the rent was late for reasons related to the pandemic. You may contact the Rent Adjustment Program at (510) 238–3721 for additional information and referrals.”*

**SECTION 6. Commercial Eviction Moratorium.** *In any action for unlawful detainer of a commercial unit based on non-payment of rent, it shall be an absolute defense if the failure to pay rent during the local emergency was the result of a substantial decrease in income (including but not limited to a decrease caused by a reduction in hours or consumer demand) and the decrease in income was caused by the COVID-19 pandemic or by any local, state, or federal government response to COVID-19, and is documented. This section shall only apply to small businesses as defined by Government Code Section 14837(d)(1)(A) and to nonprofit organizations. Any notice to a commercial tenant demanding rent shall include the following statement in bold underlined 12-point font: “If you are a small business as defined by Government Code 14837(d)(1)(a) or a non-profit organization, you may not be evicted for failure to pay rent if the failure was due to a substantial decrease in income caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented. This does not relieve you of the obligation to pay back rent in the future” This section shall remain in effect until May 31, 2020, unless extended. Nothing in this section shall relieve the tenant of liability for the unpaid rent.*

**SECTION 7. No Residential Eviction for Nonpayment of Rent that Became Due During the Local Emergency.** *In any action for unlawful detainer filed under Oakland Municipal Code 8.22.360.A.1, it shall be a defense that the unpaid rent became due during the Local Emergency and was unpaid because of a substantial reduction in household income or substantial increase in expenses resulting from the Coronavirus pandemic. This includes, but is not limited to, where, as a result of the Coronavirus pandemic, the tenant suffered a loss of employment or a reduction in hours, or was unable to work because their children were out of school, or was unable to work because they were sick with COVID-19 or caring for a household or family member who was sick with COVID-19, or they were complying with a recommendation from a government agency to self-quarantine, or they incurred substantial out of pocket medical expenses due to COVID-19. Any notice served on a residential tenant demanding rent that became due during the Local Emergency shall include the following statement in bold underlined 12- point type: “You may not be evicted for rent that became due during the Local Emergency if the rent was unpaid because of a substantial reduction in household income or a substantial increase in expenses related to the Coronavirus pandemic. This does not relieve you of the obligation to pay back rent in the future. You may contact the Rent Adjustment Program at (510) 238–3721 for additional information and*

*referrals.” Nothing in this subsection shall relieve the tenant of liability for the unpaid rent if the failure was due to a substantial decrease in income caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented. This does not relieve you of the obligation to pay back rent in the future” This section shall remain in effect until May 31, 2020, unless extended. Nothing in this section shall relieve the tenant of liability for the unpaid rent.*

**SECTION 8(4) :** *In any action to recover possession of a rental unit filed under 8.22.360A1, it shall be a defense if the landlord impeded the tenant’s effort to pay rent by refusing to accept rent paid on behalf of the tenant from a third party, or refusing to provide a W-9 form or other necessary documentation for the tenant to receive rental assistance from a government agency, non-profit organization, or other third party. Acceptance of rental payments made on behalf of the tenant by a third party shall not create a tenancy between the landlord and the third party as long as either the landlord or the tenant provide written notice that no new tenancy is intended.*

**SECTION 9. No Relief from Liability for Rent.** *Nothing in this Ordinance shall relieve any tenant of liability for unpaid rent that became due during the Local Emergency. Landlords are encouraged to work with local agencies that will be making rental assistance available for qualifying tenants*

**SECTION 13:** *Adding a new bullet point with the following: A moratorium on evictions, including those residential units newly covered by the enactment of AB 1482, which added Civil Code Section 1946.2.*

**SECTION 18. Regulations.** *The City Administrator may issue regulations, guidance, and forms as needed to implement this Ordinance, including but not limited to guidelines for repayment of back rent.*

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

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

NO VOTE: 0

Items 2 and 4 were taken together

- 2 Subject: CDC Interim Guidelines On Homelessness And Covid-19  
From: Council President Kaplan  
Recommendation: Adopt A Resolution Requesting The City Administrator To Follow The Center For Disease Control (“CDC”) Interim Guidelines On Homelessness And Covid-19 To Only Clear Encampments If Individual Housing Units Or Alternative Shelter Is Provided [20-0314](#)

**Attachments:** [View Homeless Encampments Memo](#)  
[View Homeless Encampments Legislation](#)  
[ADDENDEM For Item 2](#)  
[88077 CMS](#)

*There were 17 speakers on this item*

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

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

**NO VOTE:** 0

- 4 Subject: Action To Prevent COVID-19 From Spreading  
From: Council President Kaplan  
Recommendation: Adopt The Following Pieces Of Legislation;

1) A Resolution Requesting The City Administrator To Acquire Buildings, Facilities And Supplies For The Provision Of Aide And Housing To The Homeless Residents To Prevent The Spread Of COVID-19 In Homeless Communities And Authorizing The City Administrator To Seek Reimbursement From The Federal Government For Costs Associated With The Acquisitions; And [20-0315](#)

**Attachments:** [View Memo](#)  
[View Legislation](#)  
[88078 CMS](#)

*There were 17 speakers on this item*

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

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

**NO VOTE:** 0

2) A Resolution Waiving Advertising And Bidding And Request For Proposal/Qualifications Requirements Advertising And Authorizing The City Administrator To: Award An Emergency Contract In An Amount Up To \$1,600,000 To Obtain Emergency Waste Collection Services At Homeless Encampments In Oakland, Allocate \$1,600,000 In Fiscal Year 2019-2021 Of General Purpose Funds (1010) For The Contract, And Seek Reimbursement From Federal Agencies For Reimbursement Of The Costs Of The Contract

[20-0317](#)

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

[88079 CMS](#)

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

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

**NO VOTE:** 0

- 3** Subject: The Results Of The City Of Oakland Special Municipal Election  
From: Office of The City Clerk  
Recommendation: Resolution Declaring The Results Of The City Of Oakland Special Municipal Election Held On Tuesday, March 3, 2020

[20-0318](#)

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

[View Legislation](#)

[88080 CMS](#)

*There were 3 speakers on this item*

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

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

**NO VOTE:** 0

**Items 5 and 6 were taken together**

- 5** Subject: Oakland Day Laborer Program Contract  
From: Economic And Workforce Development Department  
Recommendation: Adopt A Resolution Authorizing (1) The City Administrator Or His Or Her Designee 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 Year 2019-2020 In An Amount Not To Exceed \$195,000 With A One-Year Option To Renew In An Amount Not To Exceed \$220,000; And (2) Waiving The Formal Request For Proposals / Qualifications Process For The Professional Services Agreement

[20-0257](#)

**Attachments:** [View Day Laborer Program Report](#)

[View Attachment A](#)

[View Legislation](#)

[88081 CMS](#)

***There were 4 speakers on this item***

**This City Resolution be Adopted.**

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

**NO VOTE:** 0

- 6 Subject: Team Oakland Contract Extension  
From: Oakland Public Works  
Recommendation: Adopt A Resolution Amending City Council Resolution No. 87653 C.M.S. To Authorize A Three-Year Contract Extension With The Youth Employment Partnership To Implement Team Oakland Program From June 30, 2020, To June 30, 2023, In An Amount Not To Exceed Three Hundred Seventy -Five Thousand Dollars (\$375,000.00) Per Year And Waive The Advertising And Proposal Qualifications Requirement Associated With Said Contract  
[20-0270](#)

**Attachments:** [View Report](#)  
[View Report - Attachment A](#)  
[View Report - Attachment B](#)  
[View Report - Attachment C](#)  
[View Report - Attachment D](#)  
[View Report - Attachment E](#)  
[View Report - Resolution](#)  
[View Report - Presentation](#)  
[88082 CMS](#)

*There were 4 speakers on this item*

**This City Resolution be Adopted.**

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

**NO VOTE:** 0

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

*There were no final decisions made in closed session*

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

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

**Absent:** 1 - McElhaney

**NO VOTE:** 0

**OPEN FORUM (Total Time Available: 15 Minutes)**

*There were 6 open forum speakers*

## **ADJOURNMENT**

*There being no further business, and upon the motion duly made, the Council adjourned the meeting at 2:51 p.m.*

### **Americans With Disabilities Act**

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**MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30 A.M. TO 5:00 P.M.**