

# City of Oakland

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



CITY OF OAKLAND

## **Meeting Minutes - FINAL**

**Tuesday, October 18, 2022**

**10:00 AM**

**Please See The Agenda To Participate In The Meeting**

**Virtual Tele- Conference Via Zoom**

**Special Concurrent Meeting of the Oakland  
Redevelopment Successor Agency/City Council**

The Oakland Redevelopment Successor Agency/City Council Meeting convened at 10:01 a.m., with Councilmember Bas presiding as Chairperson.

The Roll Call was modified to note Councilmember Kalb present at 10:06 a.m. and Councilmember Taylor present at 11:11 a.m.

### **ROLL CALL / CITY COUNCIL**

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

### **ACTIONS ON SPECIAL ORDERS OF THE DAY**

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

### **MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS**

(Requests To: Reschedule Items From Consent To Non-Consent To The Next Council Agenda, Speak On Consent Calendar, Register Votes, Change Order Of Items, Reconsiderations, Pull Items Held In Committee):

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

*The call of the que opened at 10:12 A.M. and closed at 10:27 A.M.*

*78 individuals spoke during Public Comment.*

## **2 CONSENT CALENDAR (CC) ITEMS:**

### ***Approval of the Consent Agenda***

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

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

**NO VOTE:** 0

- 2.1** Subject: Declaration Of A Local Emergency Due To AIDS Epidemic  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired Immunodeficiency Syndrome ("AIDS") Epidemic  
[22-0785](#)

**Attachments:** [View Report](#)  
[89435 CMS](#)

**This City Resolution was Adopted.**

- 2.2** Subject: Declaration Of Medical Cannabis Health Emergency  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland  
[22-0786](#)

**Attachments:** [View Report](#)  
[89436 CMS](#)

**This City Resolution was Adopted.**

- 2.3** Subject: Declaration Of A Local Emergency On Homelessness  
From: Vice Mayor Kaplan  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of The City's Homelessness Crisis  
[22-0787](#)

**Attachments:** [View Report](#)  
[89437 CMS](#)

**This City Resolution was Adopted.**

- 2.4** Subject: Teleconference Meetings Of The City Council  
From: Office Of The City Administrator's  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Determination That Conducting In-Person Meetings Of The City Council And Its Committees Would Present Imminent Risks To Attendees' Health, And Electing To Continue Conducting Meetings Using Teleconferencing In Accordance With California Government Code Section 54953(E), A Provision Of AB 361  
[22-0790](#)

**Attachments:** [View Report](#)  
[89438 CMS](#)

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

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

**No:** 1 - Taylor

**NO VOTE:** 0

- 2.5** Subject: Appraisals For Proposed Homekey Project  
From: Vice Mayor Kaplan  
Recommendation: Adopt A Resolution Appropriating And Allocating An Amount Not To Exceed \$20,000 From The Affordable Housing Trust Fund, Redevelopment Dissolution Funds, For Fiscal Year 2022-2023 To Retain An Independent Appraiser To Appraise City Land At 9418 Edes Avenue And 606 Clara Street Intended For A Possible Future Project Under The State Of California Homekey Program  
[22-0778](#)

**Attachments:** [View Report](#)  
[View Legislation](#)  
[89439 CMS](#)

**This City Resolution was Adopted.**

- 2.6** Subject: Amend ABC Security Service Inc. Contract To Increase Spending Authority  
From: Public Works Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To: (1) Increase The Contract With ABC Security Service, Inc. In An Amount Of Four Hundred Thousand Dollars (\$400,000.00) Per Month On A Month-To-Month Basis, For Up To Four Months, In A Total Amount Not To Exceed One Million, Six Hundred Thousand Dollars (\$1,600,000.00) Until Request For Proposal Number 269336 Is Awarded; And (2) Waive The Advertising And Competitive Request For Proposal/Qualification Selection Requirement  
[22-0779](#)

**Attachments:** [View Report](#)  
[View Attachment A](#)  
[View Attachment B](#)  
[View Legislation](#)  
[89440 CMS](#)

**This City Resolution was Adopted.**

- 2.7** Subject: Lend A Hand Foundation 25th Anniversary  
From: Councilmember Reid  
Recommendation: Adopt A Resolution Commemorating The 25th Anniversary Of The Lend A Hand Foundation And Their Impactful Legacy Of Supporting Children, Youth, And Families In The East Bay Area  
[TITLE CHANGE]  
[22-0780](#)

**Attachments:** [View Report](#)  
[View Legislation](#)  
[89441 CMS](#)

**This City Resolution was Adopted.**

- 2.8** Subject: Community Cabin Program At 2601 Wood Street  
From: Human Services Department  
Recommendation: Adopt A Resolution: (1) Accepting, Appropriating, And Authorizing Agreement For Receipt Of Additional Encampment Resolution Funding (ERF) In The Estimated Amount Of Three Million Six Hundred Thousand Dollars (\$3,600,000) Expected To Be Awarded From The State Of California To Fund Interim Housing Construction, Operations, And Services At 2601 Wood Street Through June 30, 2024;
- (2) Authorizing The City Administrator To Enter Into A Professional Services Agreement With A Provider To Be Selected By The Human Services Department Through A Competitive Request For Qualifications (RFQ) Process Using Erf Funds In An Amount Not To Exceed \$2,243,274 For The First Year And A Total Amount Not To Exceed \$4,486,548 For The Full Term, To Operate And Manage An Interim Community Cabin Program At 2601 Wood Street From November 1, 2022 Through June 30, 2024, With An Option To The Extend The Term Within The Limits Of The ERF Award;
- (3) Authorizing The City Administrator To Negotiate And Execute A Lease Amendment Between The City And Game Changer (Marine) LLC For 2201 And 2601 Wood Street, Oakland, To Extend The Term To June 30, 2024, With Three 1-Year Extensions In An Amount Not To Exceed \$35,000 Per Year, To Operate An Interim Recreational Vehicle (RV) Safe Parking Program And Community Cabin Program; And
- (4) Making Appropriate Findings Under The California Environmental Quality Act [22-0788](#)

**Attachments:** [View Report](#)  
[View Legislation](#)  
[89442 CMS](#)

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

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

**No:** 1 - Fife

**NO VOTE:** 0

- 2.9** Subject: Fiscal Year 2018 Urban Search and Rescue (US&R) Supplemental Funding  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Amending Resolution Numbers 87503 And  
Number 88161 C.M.S. Which, Among Other Things, Authorized The City Administrator  
To Accept, Appropriate, And Administer Fiscal Year (FY) 2018 Urban Search And  
Rescues Grant Funds From The Federal Emergency Management Agency In The  
Amount Of One Million Three Hundred Twenty-One Thousand Eight Hundred And  
Twenty-Three Dollars (\$1,321,823), By Extending The Period For Receipt Of Said Grant  
Funds To August 31, 2022  
[22-0789](#)

**Attachments:** [View Report](#)  
[View Attachment A](#)  
[View Attachment B](#)  
[View Attachment C](#)  
[View Legislation](#)  
[89443 CMS](#)

**This City Resolution was Adopted.**

- 2.10** Subject: Fiscal Year 2019 Urban Search And Rescue (US&R) Funding Extension  
From: Oakland Fire Department  
Recommendation Adopt A Resolution Amending Resolution Number 87936 C.M.S.  
Which Among Other Things Authorized The City Administrator To Accept, Appropriate,  
And Administer 2019 Federal Emergency Management Agency (FEMA) Urban Search  
And Rescue (US&R) Grant Funds In The Amount Of One Million Two Hundred Thirty-Five  
Thousand One Hundred And Four Dollars, By Extending The Period For Receipt Of Grant  
Funds To August 31, 2023  
[22-0799](#)

**Attachments:** [View Report](#)  
[View Attachment A](#)  
[View Attachment B](#)  
[View Legislation](#)  
[89444 CMS](#)

**This City Resolution was Adopted.**

**S2.11** Subject: "Love Life" Week In The City Of Oakland  
From: Councilmember Reid  
Recommendation: Adopt A Resolution Declaring The Week Of October 20th As "Love Life" Week In The City Of Oakland, Beginning October 2022, And Continuing Each Year Thereafter  
[22-0818](#)

**Attachments:** [View Report](#)  
[View Legislation](#)  
[89445 CMS](#)

**This City Resolution was Adopted.**

**S2.12** Subject: Sami Jabaji 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 Sami Jabaji, An Individual V. The City Of Oakland; A Public Entity; The County Of Alameda, A Public Entity; California Department Of Transportation Doing Business As ("DBA") Caltrans; A Public Entity; State Of California, A Public Entity And Does 1 Through 20, Inclusive, Alameda County Superior Court Case No. RG19046209, City Attorney's File No. 33548, In The Amount Of Seven Hundred Forty-Five Thousand Dollars And Zero Cents (\$745,000.00) (Department Of Transportation - Dangerous Condition Of Public Property)  
[22-0833](#)

**Attachments:** [View Report](#)  
[View Legislation](#)  
[89446 CMS](#)

**This City Resolution was Adopted.**



**S2.13** Subject: Darwin Bondgraham And Ali Winston 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 Additional Costs And Attorneys' Fees In The Case Of Darwin Bondgraham And Ali Winston V. City Of Oakland, Oakland Police Department And Susan Manheimer, Alameda County Superior Court Case No. RG20071657, City Attorney's File No. X05171, In The Amount Of One Hundred Five Thousand Dollars And Zero Cents (\$105,000.00) As A Result Of Alleged Public Records Act Violations (Police Department Public Records Act)  
[22-0834](#)

**Attachments:** [View Report](#)  
[View Legislation](#)  
[89447 CMS](#)

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

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

**No:** 1 - Fife

**NO VOTE:** 0

**3 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:**

- 3.1** Subject: 2021/22 Consolidated Annual Performance & Evaluation Report  
From: Housing And Community Development Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Receive The City Of Oakland's Consolidated Annual Performance And Evaluation Report For Fiscal Year 2021/22 Community Development Block Grant, Home Investment Partner Ships, Housing Opportunities For Persons With HIV/AIDS, Emergency Solutions Grants Programs And Activities Administered Under Coronavirus Aid Relief & Economic Security Act Funds Allocated Under The Community Development Block Grant, And Housing Opportunities For Persons With HIV/AIDS And Emergency Solutions Grant Programs  
[22-0765](#)

**Attachments:** [View Report And Attachment A](#)  
[View Corrected Supplemental Report and Attachment A - 10/13/22](#)

*At 1:05 p.m. a motion was made by Councilmember Gallo, seconded by Councilmember Reid to open the Public Hearing: The motion passed with a vote of 8 Ayes.*

*The call of the que opened at 1:11 p.m. and closed at 1:16 p.m.*

*5 Public Speakers spoke on this item*

*At 1:44 p.m. a motion was made by Councilmember Gallo, seconded by Vice Mayor to close the public hearing and receive and file the report. The motion passed.*

*At motion was made by Noel Gallo, seconded by Rebecca Kaplan, that this matter be Received and Filed. The motion carried by the following vote:*

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

**NO VOTE:** 0

**3.2** Subject: City Of Oakland 2022 Zero Emission Vehicle Action Plan  
From: Transportation Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation;

1) A Resolution (A) Approving The Oakland Zero Emission Vehicle Action Plan, (B) Adopting Appropriate California Environmental Quality Act (CEQA) Findings, And (C) Directing The City Administrator To Add One Full Time Transportation Planner II Position In The Department Of Transportation Fiscal Year 2023-24 Budget Proposal To Implement The City Of Oakland's Zero Emission Vehicle Action Plan; And  
[22-0708](#)

**Attachments:** [View Agenda Report](#)  
[View Legislation](#)  
[View Attachment A](#)  
[View Supplemental Report - 10/13/2022](#)  
[View Supplemental Report Attachment A - 10/13/2022](#)  
[View Supplemental Report Attachment B - 10/13/2022](#)  
[View Supplemental Report Attachment C - 10/13/2022](#)  
[89448 CMS](#)

***At 1:45 p.m. a motion was made by Councilmember Kalb, seconded by Councilmember Reid to open the Public Hearing: The motion passed with a vote of 8 Ayes***

***The call of the que opened at 2:34 p.m. and closed at 2:39 p.m.***

***5 Public Speakers spoke on this item***

***At 3:03 p.m. a motion was made by Councilmember Kalb, seconded by Vice Mayor Kaplan, to close the Public Hearing and that this matter be adopted, as amended in the supplemental, with the recommendations from the Public Works Committee. The motion passed.***

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

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

**Absent:** 1 - Thao

**NO VOTE:** 0

Subject: City Of Oakland 2022 Zero Emission Vehicle Action Plan  
From: Transportation Department  
Recommendation: Adopt An Ordinance: (A) Amending Ordinance No. 13654 C.M.S (Which Adopted The Fiscal Year 2022-23 Master Fee Schedule), As Amended, To Establish Fees For Charging Electric Vehicles, (B) Amending Municipal Code Section 10.48.010(B) To Add Fines For Parking A Vehicle In An Electric Charging Designated Space While Not Connected For Electric Charging Purposes; And (C) Adopting Appropriate California Environmental Quality Act (CEQA) Findings  
[22-0709](#)

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

*At 1:45 p.m. a motion was made by Councilmember Kalb, seconded by Councilmember Reid to open the Public Hearing: The motion passed with a vote of 8 Ayes.*

*The call of the que opened at 2:34 p.m. and closed at 2:39 p.m.*

*5 Public Speakers spoke on this item*

*At 3:03 p.m. a motion was made by Councilmember Kalb, seconded by Vice Mayor Kaplan, to close the Public Hearing and that this matter be adopted. The motion passed.*

A motion was made by Dan Kalb, seconded by Rebecca Kaplan, that this matter be Approved On Introduction and Scheduled for Final Passage to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 11/1/2022. The motion carried by the following vote:

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

**Absent:** 1 - Thao

**NO VOTE:** 0

**AT 1:47 P.M. COUNCIL PRESIDENT FORTUNATO BAS RELINQUISHED THE CHAIR AND VICE MAYOR KAPAN PRESIDED AS CHAIRPERSON.**

**AT 3:04 P.M. COUNCIL PRESIDENT FORTUNATO BAS RESUMED PRESIDING AS CHAIR**

**4** ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION &  
DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSIONS  
[22-0792](#)

**Attachments:** [October 6, 2022 CLOSED SESSION REPORT OUT OF FINAL  
ACTIONS - Darwin BondGraham\\_ and Ali Winston v. City of Oakland\\_  
Oakland Police Department\\_ and Susan Manheimer, in her official  
capacity](#)  
[October 6, 2022 CLOSED SESSION REPORT OUT OF FINAL  
ACTIONS - Sami Jabaji v. The City of Oakland, et al.](#)

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

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

**NO VOTE:** 0

**5 MINUTES WILL BE APPROVED AT NEXT REGULARLY SCHEDULED COUNCIL  
MEETING**

**ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:**

**14** Subject: Short-Term Housing Solutions For Wood Street Encampment Residents  
From: Office Of The City Administrator  
Recommendation: Adopt The Following;

1) An Informational Report Regarding Short-Term Housing Solutions For The Residents  
Of The Wood Street Encampment; And

[22-0805](#)

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

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

**Abstained:** 1 - Kalb

**Aye:** 6 - Thao, Taylor, Fortunato Bas, Fife, Kaplan, and Reid

**No:** 1 - Gallo

**NO VOTE:** 0

2) A Resolution Amending The Fiscal Year 2022-23 Midcycle Budget, Which Was Adopted Pursuant To Resolution No. 89283 C.M.S. And Amended By Resolution No. 89377 C.M.S., To Allocate An Amount Not To Exceed One Hundred And Eighty Thousand Dollars (\$180,000) From The General Purpose Fund To Be Used In Support Of Applying For A State Of California Department Of Toxic Substances Control Waiver To Allow For Temporary Habitation At The Former Army Base North Gateway Site [22-0806](#)

**Attachments:** [View Legislation](#)  
[89449 CMS](#)

*A motion was made by Councilmember Fife, seconded by Vice Mayor Kaplan to adopt the resolution with an amendment to the allocation amount, amending the allocation from \$180,000 to \$100,000, using the homelessness program consulting funds only to start the DTSC waiver process with additional funds to be identified during next year's budget process. Also, Direct the City Administrator to find an additional \$80,000 to make up the balance of funds needed to apply for the DTSC waiver. The motion passed by the following: 6 Ayes; 1 NO: Gallo; 1 Abstein: Kalb*

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

**Abstained:** 1 - Kalb

**Aye:** 6 - Thao, Taylor, Fortunato Bas, Fife, Kaplan, and Reid

**No:** 1 - Gallo

**NO VOTE:** 0

- 13 Subject: OPD Automated License Plate Reader Privacy Policy And Options  
From: Oakland Police Department  
Recommendation: Adopt One Of The Following Policy Options:

1) A Resolution Approving The Oakland Police Department (OPD) Automated License Plate Reader (ALPR) Surveillance Use Policy (SUP) And Surveillance Impact Report (SIR); Or

[21-0267](#)

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

[View Attachment A](#)

[View Attachment B](#)

[View Attachment C](#)

[View Attachment D](#)

[View Attachment E](#)

[View Attachment F](#)

[View Legislation](#)

[View Supplemental Report - 6/30/2022](#)

[View Supplemental Attachment A - 6/30/2022](#)

[View Supplemental Attachment B - 6/30/2022](#)

[View Supplemental Attachment C - 6/30/2022](#)

[View Supplemental Attachment D - 6/30/2022](#)

[View Supplemental Attachment E - 6/30/2022](#)

[View Supplemental Attachment F - 6/30/2022](#)

[View Supplemental Legislation - 6/30/2022](#)

[View Supplemental Memo CM Reid - 10/13/2022](#)

[View Supplemental Report - 10/14/2022](#)

**This City Resolution be No Action Taken.**

2) A Resolution That Within 30 Days Of The Date Of Passage Of This Resolution, The Chief Of Police Shall Certify In Writing To The City Council And The Privacy Advisory Commission (PAC) That The Oakland Police Department (OPD) Has Terminated Its Use Of Automatic License Plate Reader (ALPR); Or [21-0268](#)

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

[View Attachment A](#)

[View Attachment B](#)

[View Attachment C](#)

[View Attachment D](#)

[View Attachment E](#)

[View Attachment F](#)

[View Legislation](#)

[View Supplemental Report - 6/30/2022](#)

[View Supplemental Attachment A - 6/30/2022](#)

[View Supplemental Attachment B - 6/30/2022](#)

[View Supplemental Attachment C - 6/30/2022](#)

[View Supplemental Attachment D - 6/30/2022](#)

[View Supplemental Attachment E - 6/30/2022](#)

[View Supplemental Attachment F - 6/30/2022](#)

[View Supplemental Legislation - 6/30/2022](#)

[View Supplemental Report Attachment G - 10/13/22](#)

[View Supplemental Report Attachment H - 10/13/2022](#)

[View Supplemental Report - 10/14/2022](#)

**This City Resolution be No Action Taken.**



S3) A Resolution Approving The Privacy Advisory Commission Recommended Oakland Police Department (OPD) Automated License Plate Reader (ALPR) Surveillance Use Policy (SUP) And Recommendation That The Department Upgrade The ALPR Software With A Vendor That Will Comply With The Surveillance Technology Ordinance [TITLE CHANGE]  
[22-0837](#)

**Attachments:** [View Legislation](#)  
[View Supplemental Report - 10/14/2022](#)  
[89450 CMS](#)

*A motion was made by Pro Tempore Thao, seconded by Councilmember Gallo. The motion passed with a vote of 8 Ayes to adopt with the ordinance with following amendments:*

*From the Legislation referencing (attachment H)*

*The First Further Resolved to read: " that City Council does hereby: Approve the ALPR Surveillance Use Policy that was recommended by the PAC at its October 6, 2022 meeting (Attachment H) to the report accompanying this resolution) as amended with the following provisions:*

*(1) that all ALPR data collected shall be destroyed after six months retention, except for specific information that has been identified within the six-month period as evidence in the commission of a crime per Section G of the October 6, 2022 SUP recommended by the PAC; and*

*(2) that OPD shall provide the Privacy Advisory Commission (PAC) and the Council's Public Safety Committee with quarterly reports regarding the efficacy of ALPR, to include at minimum the a) case number, the b) date and time that the incident was reported to OPD, the c) justification for the database query, the d) date of any OPD action or response to the incident, the e) nature of the action or response, and f) confirmation as to whether and how ALPR assisted in resolution of the incident; and*

*(3) that no data shall be used or shared with other agencies for the purposes of pursuing criminal charges or civil enforcement against individuals for obtaining, providing, or supporting reproductive health care services, to ensure that medical rights of residents of and visitors to Oakland, a sanctuary city, remain intact: and*

*(4) that accessing the data shall be based on a standard of reasonable suspicion or greater and the section titled "Database Investigative Queries" in the October 6, 2022 SUP recommended by the PAC shall be amended to reflect the same: and*

*(5) that OPD shall make reasonable efforts to restrict the usage of the ALPR technology to the public right of way and other public property, in the alignment with "Restrictions on Use (1) Invasion of Privacy" in the October 6, 2022 SUP recommended by the PAC."*

*Second Further Resolved to read: "that pursuant to OMC 9.64.020.2, City Council*

*understands and has considered the PAC's previous recommendation and has worked collaboratively with the PAC and the OPD to authorize acquisition and use of ALPR technology; and be it"*

*The Third Further Resolved to read: " That pursuant to OMC SEction 9.64.020.2, for the reasons referenced above by and in the agenda report and SIR (Attachment A) to the report accompanying this resolution), the City Council finds that the benefits to the community of the surveillance technology outweigh the costs (cost- benefit determination) ; that the proposal will safeguard civil liberties and civil rights, and that no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective; and so authorizes the City Administrator or designee's acquisition and use of ALPR in the PAC's October 6, 2022 recommended SUP for ALPR, as amended above by this City Council (Attachment G); and be it"*

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

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

**NO VOTE:** 0

**16** Subject: City Center T5/T6 Site B - Second DDA Amendment  
From: Economic And Work Force Development Department  
Recommendation: Adopt An Ordinance: A) Authorizing The City Administrator To  
Negotiate And Execute:

(1) A Second Amendment To The Disposition And Development Agreement Between The City Of Oakland And Strada T5, LLC, Which Will, Among Other Things, (A) Convert The Agreement To A Lease Disposition And Development Agreement, For Development Of A University Campus On The City Center T-5/T-6 Property Located On The Block Bounded By Broadway, 11th Street, 12th Street And Clay Street; (B) Extend The Term Up To 15 Months With Nonrefundable Monthly Extension Fees Of \$6,000; And (C) Provide Two Optional Administrative Six-Month Extensions Each For A Nonrefundable Extension Fee Of \$40,000; And

(2) A 99-Year Ground Lease Of The Property Between The City And Samuel Merritt University, Or Its Affiliate, And Related Documents For (A) Base Rent Of \$1 Per Year Prepaid On The Commencement Date, (B) Monthly Construction Rent Of 50 Percent Of Minimum Rent Commencing On The Rent Commencement Date For The Construction Period, (C) Initial Minimum Rent Of \$236,400 Commencing At The End Of The Construction Period, (D) A Credit Of The \$50,000 Good Faith Deposit Applied To Construction Rent And/Or Minimum Rent, And (E) One-Time Rent Credit Not To Exceed \$500,000 For Remediation Of The Property; And B) Adopting California Environmental Quality Act Findings

[22-0798](#)

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

[View Legislation](#)

[View Corrected Supplemental Report and Attachment A-D -  
10/13/2022](#)

**A motion was made by Carroll Fife, 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 11/1/2022. The motion carried by the following vote:**

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

**NO VOTE:** 0

**At 5:26 P.M. A motion was made by Councilmember Taylor, seconded by Councilmember Gallo to extend the meeting past six hours. The motion passed with a vote of 8 Ayes.**

- 6** Subject: Proposed Responses To The 2021-2022 Alameda County Civil Grand Jury Reports  
From: Office Of The City Administrator  
Recommendation: Approve A Report And Recommendation To Authorize The Council President To Submit Responses On Behalf Of The City Council To The 2021-2022 Alameda County Civil Grand Jury Final Reports Titled: 1. "Lack Of Fire Inspections In Oakland Creates Unnecessary Risks"; And 2. "Management Failures At Planning And Building Department Cost Oakland Millions".  
[22-0630](#)

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

[View Attachment A](#)

[View Attachment B Civil Grand Jury Response - OFD](#)

[View Attachment B1 Civil Grand Jury Response OFD Highlighted](#)

[View Attachment C Grand Jury Plan Check Fee - PBD-combined - signed](#)

[View Attachment C1 Grand Jury Plan Check Fee- PBD](#)

[Highlighted-combined - signed](#)

[View Attachment D How to Respond to Grand Jury](#)

**A motion was made by Treva Reid, seconded by Dan Kalb, that this matter be Approved. The motion carried by the following vote:**

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

**NO VOTE:** 0

**At 6:27 P.M. Councilmember Taylor was noted Excused**

- 7 Subject: Traffic Safety And Pedestrian Safety Improvements  
From: Vice Mayor Kaplan  
Recommendation: Receive An Informational Report And Recommendations For Improving And Expediting Traffic Calming Installations Throughout Needed Locations In Oakland, Including Completion Of Installation Of Approved Speed Bumps, And Recommended Budget Adjustments To Provide For Ongoing Capacity To Ensure Traffic Safety And Pedestrian Safety Improvements Are Completed Timely Throughout Oakland [22-0171](#)

**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 Attachment F](#)

[View Report Attachment G](#)

[View Report Attachment H](#)

[View Supplemental Report - 5/12/2022](#)

[View Supplemental Report Attachment A - 5/12/2022](#)

[View Supplemental Report Attachment B - 5/12/2022](#)

[View Supplemental Report - 6/14/2022](#)

[View Supplemental Report - 9/7/2022](#)

[View Supplemental Report - 10/6/2022](#)

[View Corrected Supplemental Report - 10/13/2022](#)

***A motion was made by Vice Mayor Kaplan, seconded by Council President Bas. The motion passed with a vote of 7 Ayes; 1 Excused - Taylor; to continue this item to the December 6, 2022 City Council Meeting and to return with the following:***

***Report back with the \$1.3 million of allocation options of Measure BB funds, and staff will return back with a companion item, which will be an action item to allocate the funds. In addition, staff should return back on information on preventing illegal U-turns, and a report out on the implementation of the rapid deployment of barriers.***

**A motion was made by Rebecca Kaplan, 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 12/6/2022. The motion carried by the following vote:**

**Excused:** 1 - Taylor

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

NO VOTE: 0

At 7:28 P.M. Pro Tempore Thao was noted Excused

At 7:31 P.M. Councilmember Gallo was noted Excused

- 9 Subject: Oakland 2045 General Plan Update: 2023-2031 Housing Element Update  
From: Planning And Building Department  
Recommendation: Conduct A Study Session On The 2023-2031 Housing Element Update Process As Follows: (A) Receive An Informational Presentation On The Draft 2023-2031 Housing Element; (B) Review The Letter From The State of California Department Of Housing And Community Development (HCD); And (C) Provide Feedback To Staff On The Draft Housing Element  
[22-0727](#)

**Attachments:** [View Report and Attachment A-D](#)

[View Presentation](#)

[View Corrected Supplemental Report Attachment A-D - 10/13/22](#)

[View Revised Supplemental Presentation - 10/13/2022](#)

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

**Excused:** 3 - Thao, Taylor, and Gallo

**Aye:** 5 - Fortunato Bas, Fife, Kalb, Kaplan, and Reid

NO VOTE: 0

- 8** Subject: 66th Ave. RV Safe Parking Program Professional Services Agreement  
From: Human Services Department  
Recommendation: Adopt A Resolution Awarding A Professional Services Agreement To Urban Alchemy In An Amount Not To Exceed One Million Two Hundred Nine Thousand Three Hundred Seventy Five Dollars (\$1,209,375) For The Operation Of A 75 Space Recreational Vehicle (RV) Safe Parking Site At The City-Owned Property At 796 66th Avenue For An Eight Month Term To Commence Upon The Completion Of Construction At The Site And Making Appropriate Findings Under The California Environmental Quality Act  
[22-0710](#)

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

***On Consent***

**A motion was made by Rebecca Kaplan, seconded by Treva Reid, that this matter be Withdrawn and Rescheduled to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 11/1/2022. The motion carried by the following vote:**

**Excused:** 3 - Thao, Taylor, and Gallo

**Aye:** 5 - Fortunato Bas, Fife, Kalb, Kaplan, and Reid

**NO VOTE:** 0

- 10** Subject: International Boulevard Improvements Project Construction Contract Award  
From: Transportation Department  
Recommendation Adopt A Resolution Authorizing The City Administrator To Award A Construction Contract To Gruendl Inc. DBA Ray's Electric, For The International Boulevard Pedestrian Lighting And Sidewalk Improvement Project, Project No. 1000844, The Lowest, Responsible And Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Six Million, Five Hundred Eighty-Seven Thousand, Eight Hundred And Seventy-Six Dollars (\$6,587,876.00); And Adopting Appropriate California Environmental Quality Act (CEQA) Findings  
[22-0740](#)

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

***On Consent***

**A motion was made by Rebecca Kaplan, seconded by Treva Reid, that this matter be Withdrawn and Rescheduled to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 11/1/2022. The motion carried by the following vote:**

**Excused:** 3 - Thao, Taylor, and Gallo

**Aye:** 5 - Fortunato Bas, Fife, Kalb, Kaplan, and Reid

**NO VOTE:** 0



- 11 Subject: Foothill Boulevard Pedestrian Safety Improvement Project  
From: Transportation Department  
Recommendation: Adopt A Resolution (1) Waiving Further Advertising And Competitive Bidding, (2) Authorizing The City Administrator To Negotiate And Award A Construction Contract To The Lowest Bidder Beliveau Engineering Contractors For The Foothill Boulevard Pedestrian Safety Improvement Project, Project No. 1005163, In An Amount Not To Exceed Six Hundred Forty-Three Thousand And One Hundred Ten Dollars (\$710,135.00) In Accord With Project Plans And Specifications, Contractor's Bid, City Contracting Programs And State Requirements And (3) Adopting Appropriate California Environmental Quality Act Findings  
[22-0741](#)

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

***On Consent***

**A motion was made by Rebecca Kaplan, seconded by Treva Reid, that this matter be Withdrawn and Rescheduled to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 11/1/2022. The motion carried by the following vote:**

**Excused:** 3 - Thao, Taylor, and Gallo

**Aye:** 5 - Fortunato Bas, Fife, Kalb, Kaplan, and Reid

**NO VOTE:** 0

12 Subject: Oakland Asian Cultural Center Lease And Ten-Year Grant Agreement  
From: Economic And Workforce Development Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance (A) Authorizing The City Administrator To Negotiate And Execute A 10-Year Lease Between The City And API Cultural Center, Inc. Of The Condominium Located At 388 9th Street, Suite 290, With One 5-Year Administrative Option To Extend And Rent Of One Dollar (\$1) Per Year For Operation And Management Of The Oakland Asian Cultural Center, And (B) Adopting California Environmental Quality Act Findings; And  
[22-0768](#)

**Attachments:** [View Report and Attachment A & B](#)  
[View Legislation](#)

**On Consent**

**A motion was made by Rebecca Kaplan, seconded by Treva Reid, that this matter be \* Withdrawn and Rescheduled to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 11/1/2022. The motion carried by the following vote:**

**Excused:** 3 - Thao, Taylor, and Gallo

**Aye:** 5 - Fortunato Bas, Fife, Kalb, Kaplan, and Reid

**NO VOTE:** 0

2) A Resolution Awarding A Ten (10) Year Grant To API Cultural Center, Inc. To Support The Operation And Programs Of The Oakland Asian Cultural Center In Annual Amounts Of Two Hundred Thousand Dollars (\$200,000), Subject To Funding Availability  
[22-0769](#)

**Attachments:** [View Report and Attachment A & B](#)  
[View Legislation](#)

**On Consent**

**A motion was made by Rebecca Kaplan, seconded by Treva Reid, that this matter be Withdrawn and Rescheduled to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 11/1/2022. The motion carried by the following vote:**

**Excused:** 3 - Thao, Taylor, and Gallo

**Aye:** 5 - Fortunato Bas, Fife, Kalb, Kaplan, and Reid

**NO VOTE:** 0

- 15 Subject: Approve OPD's Policies In Accordance With California Government Code § 7070 Et Seq. (AKA"AB 481") And OMC Chapter 9.6  
From: Oakland Police Department  
Recommendation: Adopt An Ordinance Approving Controlled Equipment Use Policies For The Oakland Police Department To Acquire And Use The Following Types Of "Militarized" Equipment In Conformance With Government Code Section 7070 And Oakland Municipal Code Chapter 9.65: (1) Departmental Rifles; (2) Chemical Agents; (3) Unmanned Aerial Systems; (4) Noise-Flash Diversion Devices (Flash Bangs); (5) Riot Helmets; (6) Specialty Impact Munitions; (7) Armored Vehicles; (8) Chemical Agents; And (9) Remote Controlled Ground Systems (Robots) And Pole Cameras  
[22-0776](#)

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

[View Attachment A - DGO K-7 Military Equipment Policy](#)

[View Attachment B - DGO K-06 Rifles](#)

[View Attachment C - Patrol Rifle Impact Report](#)

[View Attachment D - TB III-H Specialty Impact Munitions](#)

[View Attachment E - SIM Impact Report](#)

[View Attachment F - TB III-P.04 - Armored Vehicles Mil Equip](#)

[View Attachment G - Armored Vehicles Impact Report](#)

[View Attachment H - TB III-G 16 Crowd control](#)

[View Attachment I - Riot Helmets Impact Report](#)

[View Attachment J - TB V-F.02 Chemical Agents 2022](#)

[View Attachment K - Chem Agent Impact Report](#)

[View Attachment L - DGO I25 Unmanned aerial systems](#)

[View Attachment M - UAS Drone Controlled Equipment Impact Report](#)

[View Attachment N - DGO I26 Robots](#)

[View Attachment O - Robots and Pole Cameras Controlled Equipment  
Impact Report](#)

[View Attachment P - TB III-P.05 - Noise Flash Diversion Devices](#)

[View Attachment Q - Flash Bang Impact Report](#)

[View Legislation](#)

[View Exhibit A - DGO K-7 Military Equipment Policy](#)

[View Exhibit B - DGO K-06 Rifles](#)

[View Exhibit C - TB III-H Specialty Impact Munitions](#)

[View Exhibit D - TB III-P.04 - Armored Vehicles Mil Equip](#)

[View Exhibit E - TB III-G 16 Crowd control](#)

[View Exhibit F - TB V-F.02 Chemical Agents](#)

[View Exhibit G - DGO I25 Unmanned aerial systems](#)

[View Exhibit H - TB III-P.05 - Noise Flash Diversion Devices](#)

[View Exhibit I - DGO I26 Robots](#)

***On Non-Consent***

**A motion was made by Rebecca Kaplan, seconded by Treva Reid, that this matter be \* Withdrawn and Rescheduled to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 11/1/2022. The motion carried by the following vote:**

**Excused:** 3 - Thao, Taylor, and Gallo

**Aye:** 5 - Fortunato Bas, Fife, Kalb, Kaplan, and Reid

**NO VOTE:** 0

## OPEN FORUM / CITIZEN COMMENTS

*The call of the que opened at 7:37 p.m. and closed at 7:42 p.m.*

*4 individuals spoke during Open Forum*

## ADJOURNMENT OF COUNCIL SESSION

**(Meeting Shall Conclude No Later Than 3:00 P.M., Unless Extended By Majority Vote Of The Council)**

*There being no further business, and the Oakland Redevelopment Successor Agency/City Council adjourned the meeting at 7:46 p.m.*

## Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 5 days prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

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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.**