



## **\*Special Meeting of the Oakland Parks and Recreation Advisory Commission**

### **Minutes Wednesday, August 19, 2020, 4:30 P.M. Zoom Teleconference**

#### **AGENDA**

1. CALL TO ORDER: 4:31 P.M.

2. ROLL CALL:

**AIKENS, COLE, DUHE, HA, HOWZE, KOS-READ, MOORE, REILLY, SMITH,  
TORRES, WOLFSON**

**Present - 10:** Commissioners Aikens, Cole, Duhe, Ha, Howze, Kos-Read, Reilly, Smith, Torres and Wolfson. **Excused -1:** Commissioner Moore

3. DISPOSITON OF MINUTES:

August 12, 2020 Special Meeting Minutes

**Motion:** Commissioner Cole entertained a motion to recommend approval of the minutes from the August 12, 2020 Special Meeting. **Moved by:** Commissioner Smith. **Second by:** Commissioner Wolfson. **Vote:** Yes (10): Aikens, Cole, Duhe, Ha, Howze, Kos-Read, Smith, Reilly, Torres and Wolfson. **Motion:** Passed.

4. OPEN FORUM

5. DIRECTOR'S REPORT

6. MODIFICATIONS TO THE AGENDA:

7. CONSENT NEW BUSINESS:

8. NEW BUSINESS:

- A. **Request for the Parks and Recreation Advisory Commission to 1) Receive An Informational Report On The Summer Activities Occurring At Lake Merritt, The Impact On The Lake and Surrounding Community, And The City's Coordinated Response And Associated Costs, 2) Consider Proposals To Modify Park Rules Regarding Vending, And Implement Traffic Control Measures, 3) Receive Public Comment On Those Proposals, and 4) Schedule An Additional Hearing During Which the Commission Can Make A Formal Recommendation.**

The Parks and Recreation Advisory Commission heard the staff report presented by Joe DeVries, Director, Interdepartmental Operations, Office of the City Administrator.

The City of Oakland Race Equity Director, Darlene Flynn remarked that as the City and community seek to address the challenges at Lake Merritt, application of the equity framework is imperative. Data will help clarify which direction to take as it is discovered what disparities can impact Lake Merritt. Natural disasters such as COVID-19 exposes economic disparities. As decisions are made, there must be a commit to avoid making the situation worse. Recreation space disparities impact racial disparity related to levels of usable high quality outdoor open space and who it is available to. There is less access in the flatlands. Efforts must address how to balance the need for recreation in high quality spaces to be enjoyed during the pandemic.

Staff reported varying levels of vending occurring at Lake Merritt, including old school set-up which have a low impact on the area, and a new brand of vending which includes advertisements, invitations and bars set-up late into the night. These activities contribute to groups of attendee which impacts parking around the perimeter of the lake, on one-way streets, and parking in the center lane of Lake Shore Avenue. Alcohol vending has led to occurrences of endangering the public and staff safety including an incident in July where a fire engine responding to a call was surrounded by crowds and blocked from its path along Lakeshore Avenue. Members of the public climbed onto the engine while a second unit was deployed to answer the call.

Code Enforcement personnel have engaged with vendors about to legally vend in the City including information about current restrictions related to COVID-19. Warning violations notice were issued and as a result, August saw a decline in the number of repeat vendors. Tracking through administrative warnings showed that 30% of the vendors were from Oakland, with 70% from outside the area. Currently, permits for vending or other social gathering activities are not being granted due to COVID-19.

A pilot program to allow vending at Lake Merritt at the closed Lakeview Library parking lot, El Embarcadero, and East Shore Park to spread out disburse vending was recommended.

Comments from District 2: Working on various Lake Merritt issues since 2019 including vendors and outdoor space especially to those who do not have space resources. Not in support of the El Embarcadero option to locate pilot vending program.

The Commission learned that data was not available showing the rate of successful engagement from the park ambassadors program or enforcement. The implementation of administrative enforcement penalties occurred too recently to collect data.

Social distancing concerns for vending would be addressed at the Lakeview Library location because of the available parking. Vending congestion at the lake would be disbursed by locating the pilot vending program at the Lakeview Library site.

Commission inquiries regarding City collaboration with state and county agencies related to health licenses for food vending and permit forfeitures revealed that there are no enforcement mechanisms in place to manage vendors operating without a liquor license or vendor permit. The State of California holds the liquor license compliance information.

Members suggested that the 25K weekly budget for management of Lake Merritt concerns could fund and reinstate Park Rangers. Staff reminded the Commission that sworn police dedicated to parks hold the same level of enforcement ability as other officers which is not supported by the body. Staff also noted that the City's goal is to reduce funding of public safety by 50% by the next budget cycle.

The Commission encouraged everyone to be mindful of micro aggressions, incentive language and to seize the opportunity of to educate the community about COVID-19 and its impact rather than allow racial issues to brew. The Commission recognized that OPRYD is underfunded and that park rangers would allow issues to be addressed.

District 2 efforts to address Lake Merritt concerns are supported by the Commission through PSA announcements and other social media platforms.

Other comments included the necessity for continued community engagement and the inclusion of more stakeholders to chart the direction moving forward. The PRAC requested staff consider the type of outreach needed, consider chalking space to encourage social distancing, continue to discourage traffic by limiting parking. Since many are in support of vending around the lake PRAC suggested it would be helpful to place the cost of pilot vending program in the budget. It was stated that the past relationship between the community and park rangers was positive as a different rapport was established through the relationship with OPRYD. Efforts should be made to learn how the community feels safe. While reimagining public safety, the PRAC would like staff to consider current deficits to youth services.

Regarding funding for the pilot vending program, OPW staff will research C.A.R.E funding availability and report back to the PRAC.

Members encouraged staff to move with urgency as the Lake Merritt issues have been brewing for several years with recent marked escalation. The rule of law, safe enforcement must be enforced. And traffic problems at Lake Merritt need short and long term solutions. Recommendations were made that other jurisdictions be part of determining multi levels of enforcement safety measures related to COVID-19. Those agencies absent must be brought to

the table. Everyone were reminded that the situation is vast and must not just fall to PRAC and the City of Oakland. All efforts must be made to ensure that the community is heard.

Parks and Recreation Director, Nicholas Williams informed the Commission that traffic enforcement, vending and public safety are not in the purview of the PRAC and that Lake Merritt is one park in a park system requiring an equitable response to issues raised citywide.

The Commission discussed forming a Lake Merritt ad hoc committee to develop a draft plan for recommendation to the PRAC. The Commission was informed that non-members could be seated on the ad hoc committee.

The Chair asked for commission volunteers to sit on the Parks and Recreation Advisory Commission Lake Merritt Ad Hoc Committee and received the following names: Commissioners Aikens, Kos Read, Reilly, Smith and Torres.

**Motion:** Commissioner Cole entertained a motion to recommend that PRAC receive the staff informational report on Summer Activities at Lake Merritt, and form an ad hoc committee to include members of the Commission, City staff and interested community stakeholders. And that said ad hoc committee will convene a meeting to draft a specific proposal to address the issues related to Lake Merritt presented in the staff informational report and present that proposal for consideration and vote by the PRAC at the next monthly meeting. **Moved by:** Commissioner Reilly. **Second by:** Commissioner Smith. **Vote:** Yes (10): Aikens, Cole, Duhe, Ha, Howze, Kos-Read, Smith, Reilly, Torres and Wolfson. **Motion:** Passed.

**B. Request For The Parks And Recreation Advisory Commission (PRAC) To: 1) Review A Draft Ordinance That Would Amend Ordinances 11731 C.M.S. And 8065 C.M.S. To Include Oversight Of Measure Q And Would Modify Membership Of The PRAC; And 2) Adopt A Motion Recommending That The Oakland City Council Adopt The Draft Ordinance.**

The Parks and Recreation Advisory Commission heard the staff report presented by Angela Robinson Piñon Director, Oakland Public Works.

At the June 17, 2020 meeting of the Parks and Recreation Advisory Commission (PRAC), the Commission passed a motion in support of the Oakland City Council adopting an Ordinance that would add oversight of “The 2020 City of Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act” (Measure Q) to the duties of the PRAC. For the Commission’s review, staff provided a draft proposed Ordinance requested at that meeting.

Commissioners reviewed the draft ordinance and made the following comments:

Include language to address the number of homeless in parks and the impact to the park system.

Outline new job description or duties and expectations of PRAC members.

Provide guidelines for how Measure Q. funds should be allocated, the frequency of audits, and tracking OPW's performance.

Confirm term limits on the PRAC and Homeless Commission the application process for seating new members. Staff informed the Commission that the Homeless Commission is staffed by the Department of Human Services (DHS) and has established terms of service for its members via their Ordinance.

Parks staff to provide status of terms for PRAC members at the September meeting.

Staff informed the Commission that the department and PRAC may amend by-laws without City Council approval. OPW staff and OPRYD Assistant Director worked with the City Attorney's Office to make changes to the document currently under review.

The Commission recommended that Oakland Public Works staff be seated at monthly meetings. OPW staff agreed that a staff member would attend the PRAC meeting quarterly rather than monthly. Staff explained that the extended time would be necessary to allow activities and or projects to occur to collect data and generate a report.

The PRAC agreed that the assignment to manage oversight of Measure Q oversight is a positive and welcomed responsibility for the Commission and OPRYD.

Members expressed frustration at the inability to complete a full term of service when appointed to fill a partially completed term or vacancy. Staff informed the Commission that a recommendation could be made to modify the language in the draft Ordinance. The PRAC requested the language be changed in the draft ordinance to allow a newly appointed member to complete the term of the vacated seat if one year or less is required to do so, and then be allowed to serve two full terms.

**Motion:** Commissioner Cole entertained a motion to recommend the PRAC amend the language in the draft Ordinance to allow a Commissioner filling a vacancy with one (1) year of less remaining on the term, to maintain their eligibility to serve two (2) full additional terms. **Moved by:** Commissioner Reilly. **Second by:** Commissioner Aikens. **Vote:** Yes (9) Aikens, Cole, Duhe, Ha, Howze, Kos-Read, Smith, Reilly and Wolfson. **Motion:** Passed.

Note: Commissioner Torres departed prior to the vote on item 8B.

9. PLANNING AND CONDITIONAL USE PERMITS:

10. COMMITTEE AND/OR ADVISORY COUNCIL UPDATES:

11. ANNOUNCEMENTS AND COMMUNICATIONS:

- Acting Chair Cole announced that the election of a Chair and Vice Chair will be placed on the agenda once the new Ordinance governing PRAC is adopted.

12. CONTINUATION OF OPEN FORUM:

13. ADJOURNMENT: 8:50 P.M.

Respectfully submitted,

/s/ J. Nicholas Williams  
J. Nicholas Williams  
Secretary

/s/ Diane L. Boyd  
Diane L. Boyd  
Recording Secretary

**Next Meeting:**

***Wednesday, October 14, 2020***

***TeleConference***