



# City of Oakland

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

## Meeting Minutes

### 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.oaklandnet.com>

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Tuesday, May 3, 2016

5:30 PM

City Council Chamber, 3rd Floor

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#### 1 PLEDGE OF ALLEGIANCE

*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 5:34 pm.*

#### 2 ROLL CALL / CITY COUNCIL

**Present** 8 - Desley Brooks, Annie Campbell Washington, Noel Gallo, Abel J. Guillén, Dan Kalb, Rebecca Kaplan, Laurence E. Reid, and Lynette Gibson McElhaney

#### 3 OPEN FORUM / CITIZEN COMMENTS (Time Available: 15 Minutes)

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

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

*Councilmember Kaplan took a point of personal privilege and requested that the meeting be adjourned in memory of "Prince" Roger Nelson. Councilmember Brooks, Council President Gibson McElhaney and Councilmember Guillén requested association with this adjournment.*

*Councilmember Kaplan and Councilmember Kalb took a point of personal privilege and requested that the meeting be adjourned in memory of Eileen Hanson.*

*Councilmember Guillén took a point of personal privilege and requested that the meeting be adjourned in memory of Sergio Barja.*

*President Pro Tem Reid and Council President Gibson McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Dr. Kelly M. Bailey.*

*Council President Gibson McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Mary Lou Behr.*

- 4.1 Subject: Oakland Small Business Week  
From: Councilmember Noel Gallo  
Recommendation: Adopt A Resolution Recognizing Oakland Entrepreneurs In  
Celebration Of National Small Business Week, May 1-7, 2016  
[15-0879](#)

**Attachments:** [View Report](#)  
[86136 CMS](#)

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

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

- 4.2 Subject: Proclaiming East Bay Affordable Housing Week  
From: Council President Gibson McElhaney  
Recommendation: Adopt A Resolution Proclaiming May 13 To May 21, 2016 As The  
20th Annual East Bay Affordable Housing Week And Affirming The City of Oakland's  
Commitment To Supporting Affordable Housing At All Levels Of Government  
[15-0924](#)

**Attachments:** [View Report](#)  
[86137 CMS](#)

*There were 3 speakers on this item.*

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

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

- 4.3 Subject: Declaring May 12, 2016 As Bike To Work Day  
From: Vice Mayor Campbell Washington  
Recommendation: Adopt A Resolution Proclaiming May 12, 2016 As Bike To Work  
Day In The City Of Oakland To Mark The Importance Of Bicycling To Promote Greater  
Health, To Build Stronger Local Economies, To Enhance Community Connection, To  
Increase Sustainability For The City And Its Residents And To Urge Oaklanders To  
Ride Their Bicycles  
[15-0944](#)

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[86138 CMS](#)

*There was 1 speaker on this item.*

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

**Aye:** 7 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, and Gibson  
McElhaney

**Absent:** 1 - Reid

**4.4 Pursuant to Rule 28(a) of Resolution 82580 C.M.S., this item was removed from this agenda and rescheduled to the May 17, 2016 City Council meeting.**

**4.5** Subject: Municipal Clerk's Week  
From: Council President Gibson McElhaney  
Recommendation: Adopt A Resolution Declaring May 1, 2016 Through May 7, 2016  
Municipal Clerk's Week In The City Of Oakland  
[15-0943](#)

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

[86139 CMS](#)

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

**Aye:** 7 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, and Gibson  
McElhaney

**Absent:** 1 - Reid

**5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF APRIL 19, 2016**  
[15-0930](#)

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

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

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson  
McElhaney

**6 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):**

*The agenda will be heard in the following order: Item 11, 16, 9.1, 12-15.*

Subject: Protect Oakland Renters Act Ballot Measure  
From: Members Of The Public  
Recommendation: Receive An Informational Report And Give Staff Direction On Next Steps About A Proposed Ordinance (The "Protect Oakland Renters Act") That Would Establish The Composition And Functions Of The Rent Board; Establish Rent Adjustments For Certain Units; And Establish Procedures For Governance Of Rental Units In The City Of Oakland [TITLE CHANGE]  
[15-0827](#)

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

*A motion was made by Brooks, seconded by Kaplan, that this matter be Scheduled to the Meeting of the Oakland City Council, to be heard 5/17/2016. The motion failed by the following vote:*

**Recused:** 1 - Guillén  
**Aye:** 3 - Brooks, Gallo and Kaplan  
**No:** 3 - Campbell Washington, Kalb Gibson McElhaney  
**Absent:** 1 - Reid

## 7 CONSENT CALENDAR (CC) ITEMS:

### *Approval of the Consent Agenda*

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

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

7.1 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  
[15-0931](#)

**Attachments:** [View Report](#)  
[86140 CMS](#)

- 7.2 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

[15-0932](#)

**Attachments:** [View Report](#)  
[86141 CMS](#)

**This City Resolution was Adopted.**

- 7.3 Subject: NOFA Housing Policy Recommendations  
From: Housing & Community Development Committee  
Recommendation: Adopt An Ordinance Amending Chapter 15.68 Of The Oakland  
Municipal Code To (1) Allow Affordable Housing Trust Funds From Funds Distributed  
To The City Under Redevelopment Dissolution Laws To Be Used For Ownership  
Housing And Mortgage Assistance To Households With Incomes Up To 120% Of  
Area Median Income, And (2) Allow The Use Of Affordable Housing Trust Funds To  
Preserve Affordable Housing That Is At Imminent Risk Of Loss Due To Tax Defaults,  
Rent Increases, Demolition, Or Conversion To Other Uses [TITLE CHANGE]

[15-0768](#)

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[13364 CMS](#)

**This Ordinance was Approved for Final Passage.**

7.4 Subject: Citywide Impact Fees Adoption  
From: Planning And Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The  
Following Pieces Of Legislation:

1) An Ordinance (1) Amending The Oakland Municipal Code To Establish City-Wide Affordable Housing Impact Fees And Make Related And Conforming Amendments, Including Minor Amendments For Consistency Purposes To The Jobs-Housing Impact Fee Codified In OMC Chapter 15.68, (2) Amending The Master Fee Schedule (Ordinance No. 13320, C.M.S., As Amended) To Include The Affordable Housing Impact Fees, And (3) Adopting CEQA Exemption Findings; And [15-0754](#)

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

[Attachment A, January 26, 2016 CED Agenda Report](#)

[Attachment B, February 9, 2016 CED Agenda Report, Supplemental Report](#)

[Attachment C, February 9, 2016 Memo, Motion to Adopt from four Council Members](#)

[Attachment D, Oakland Afford Housing Impact Fee Nexus Analysis](#)

[Attachment E, Oakland Transportation and Cap Imp Impact Fee Nexus Analysis](#)

[Attachment F, Target Impact Fees with Maximum Legal Impact Fees Tables](#)

[Attachment G, Map of Impact Fee Zones for Residential Projects, smaller size](#)

[Attachment H, EBHO On-Site Proposal](#)

[Attachment I, Development Impact Fees Administrative Program Cost Analysis](#)

[Attachment J, Oakland Impact Fee Program CEQA Compliance](#)

[View Supplemental Report](#)

[view supplemental report](#)

[13365 CMS](#)

***There were 44 speakers on this item.***

**A motion was made by Reid, seconded by Kaplan, that this matter be Approved for Final Passage. The motion carried by the following vote:**

**Aye:** 7 - Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

**No:** 1 - Brooks

2) An Ordinance (1) Amending The Oakland Municipal Code To Establish City-Wide Transportation And Capital Improvements Impact Fees And Make Related And Conforming Amendments, (2) Amending The Master Fee Schedule (Ordinance No. 13320, C.M.S., As Amended) To Include The Transportation And Capital Improvements Impact Fees, And (3) Adopting CEQA Exemption Findings [15-0755](#)

**Attachments:** [13366 CMS](#)

**A motion was made by Reid, seconded by Kaplan, that this matter be Approved for Final Passage. The motion carried by the following vote:**

**Aye:** 7 - Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

**No:** 1 - Brooks

**7.5** Subject: 1638-47th Avenue Church And School Conversion To Residential Units  
From: Planning & Building Department  
Recommendation: Adopt An Ordinance, As Recommended By The City Planning Commission, To Rezone The Project Site From RU-1 Urban Residential Zone-1 To RU-4 Urban Residential Zone - 4 With Height Area 45 For 1638-47th Avenue And Adopt CEQA Exemptions

[15-0806](#)

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

[View Presentation](#)

[13367 CMS](#)

**This Ordinance was Approved for Final Passage.**

**7.6** Subject: Settlement Agreement - Claim Of Juan Carlos Pacheco  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Juan Carlos Pacheco, In The Amount Of Thirteen Thousand One Hundred Ninety Nine Dollars And 30/100 Cents (\$13,199.30) As The Result Of Damages Sustained From An Automobile Collision On February 3, 2016 (Oakland Police Department- Automobile Collision)

[15-0939](#)

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

[86142 CMS](#)

**This City Resolution was Adopted.**

- 7.7 Subject: Settlement Agreement - Claim Of Lester Austin  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Lester Austin, In The Amount Of Nine Thousand Five Hundred Dollars And 00/100 Cents (\$9,500.00) As The Result Of Damages Sustained From A Trip And Fall Incident On April 30, 2015 (Public Works Agency- Trip And Fall)  
[15-0940](#)

**Attachments:** [View Report](#)  
[86143 CMS](#)

**This City Resolution was Adopted.**

- 7.8 Subject: Settlement Agreement - Claim Of Erica Jackson  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Erica Jackson, In The Amount Of Seven Thousand Five Hundred Dollars And 00/100 Cents (\$7,500.00) As The Result Of Damages Sustained From An Automobile Collision On May 7, 2015 (Oakland Police Department- Automobile Collision)  
[15-0941](#)

**Attachments:** [View Report](#)  
[86144 CMS](#)

**This City Resolution was Adopted.**

- S7.9 Subject: One-Year Contract For Citywide Check Stock  
From: Finance Department - Controller's Bureau  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Waive Competitive Bidding And Award A One year Contract For The Purchase Of Customized, E-Z Fold Check Stock Needed For Accounts Payable, Payroll, Retirement, And Successor Redevelopment Agency Payments To CTP Solutions, In An Amount Not-To-Exceed Ten-Thousand Dollars (\$10,000)  
[15-0861](#)

**Attachments:** [View Report](#)  
[86145 CMS](#)

**This City Resolution was Adopted.**



**S7.10** Subject: Off-Street Parking Contracts Capacity  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Amending The Fiscal Year 2015-2016 Budget By Appropriating Revenue From Off-Street. Parking Operations By An Additional \$650,000.00 And Expenses For Increased Levels Of Service Of Parking Facility Operations By An Additional \$650,000 In Multipurpose Reserve Fund (1750); Authorizing And Directing The City Administrator To Amend The City's Parking Operations Contracts With City Of Oakland Parking Partners By An Additional \$600,000 And With Montclair Village Association By An Additional \$50,000.00; And Waiving The Request For Qualifications/Proposal Competitive Selection Requirement [15-0846](#)

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[86146 CMS](#)

**This City Resolution was Adopted.**

**S7.11** Subject: FY 2016-17 Landscaping And Lighting Assessment District Intention  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Of Intention To Levy Assessments, Accept The Fy 2016-17 Preliminary Engineer's Report For The City Of Oakland Landscaping And Lighting Assessment District, And Set June 7, 2016 At 6:30pm As The Date And Time For A Public Hearing [15-0914](#)

**Attachments:** [View Report](#)  
[86147 CMS](#)

**This City Resolution was Adopted.**

**S7.12** Subject: Establishment Of Two-Hour And No Parking Restrictions  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution To Establish: 1) Two-Hour Parking Restrictions Between 8:00 A.M. And 6:00 P.M., Monday Through Sunday, On The South Side Of 31st Street From The Westerly Line Of Telegraph Avenue To The CalTrans Property Right-Of-Way Of The Grove Shafter Freeway (Interstate 980); And 2) No Parking Restrictions Between 8:00 P.M. And 6:00 A.M., Monday Through Sunday, On Both Sides Of Covington Street From 215 Feet West Of Marlow Drive To The North Terminus Of Covington Street [15-0845](#)

**Attachments:** [View Report](#)  
[86148 CMS](#)

**This City Resolution was Adopted.**

**S7.13** Subject: Measure DD Interest Allocation  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution To Allocate The Remaining \$3,127,049.00  
Measure DD Series 2003A And 2009B Unallocated Interest Funds To Previously  
Approved Measure DD Series B Projects As The City Administrator Deems Necessary  
To Assure The Timely Completion Of Measure DD Projects  
[15-0908](#)

**Attachments:** [View Report](#)  
[86149 CMS](#)

**This City Resolution was Adopted.**

**S7.14** Subject: TDA Article 3 Funds Approval  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply  
For, Accept, And Appropriate Up To Five Hundred Thousand Dollars (\$500,000.00) In  
Fiscal Year 2016-17 State Transportation Development Act Article 3 Funds To  
Prepare A Bicycle Master Plan  
[15-0915](#)

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[86150 CMS](#)

**This City Resolution was Adopted.**

**S7.15** Subject: Contract Authorizations: On-Call Sewer Cleaning Services  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Awarding Construction Contracts In An  
Amount Not To Exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00),  
Per Contract, From FY 2016-17 To FY 2018-19 To: 1) Nor-Cal Pipeline Services,  
2) Pipe And Plant Solutions, 3) Andes Construction, Inc. And 4) Roto Rooter Sewer  
Services In Accordance With Plans And Specifications For Oncall Sewer Cleaning  
Services (Project No. A481310) For A Cumulative Project Allocation In An Amount  
Not To Exceed Six Million Dollars (\$6,000,000.00) For A Period Of Three Years, With  
Three, One-Year Options To Negotiate And Renew Each Of The Aforementioned  
Construction Contracts  
[15-0848](#)

**Attachments:** [View Report](#)  
[86151 CMS](#)

**This City Resolution was Adopted.**

**S7.16** Subject: On-Call Environmental And Hazardous Materials Consulting Contracts  
From: Oakland Public Works Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator, Or Her Designee, To Enter Into Professional Services Agreements For On-Call Environmental Consulting Services In An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) Each, For A Three-Year Period From July 1, 2016 Through June 30, 2019, With The Firms: (1) Erler & Kalinowski, Inc., (2) Haley & Aldrich, Inc., (3) Northgate Environmental, Inc. (4) Rincon Consultants, Inc., (5) SLR International Corp., (6) Terraphase Engineering, (7) TRC Companies, Inc. And (8) Weiss Associates; And  
[15-0859](#)

Attachments: [View Report](#)  
[86152 CMS](#)

**This City Resolution was Adopted.**

2) A Resolution Authorizing The City Administrator, Or Her Designee, To Enter Into Professional Services Agreements For On-Call Hazardous Materials Consulting Services In An Amount Not To Exceed Two Hundred Fifty Thousand Dollars (\$250,000) Each, For A Three-Year Period From July 1, 2016 Through June 30, 2019, With The Firms: (1) ACC Environmental Consultants, (2) Ninyo & Moore, (3) SCA Environmental, Inc., And (4) Sensible Environmental Solutions, Inc.  
[15-0860](#)

Attachments: [86153 CMS](#)

**This City Resolution was Adopted.**

**S7.17** Subject: 500 Kirkham DDA With TLC  
From: Economic And Workforce Development Department  
Recommendation: Adopt An Ordinance (1) Authorizing The Purchase Of 500 Kirkham Street In West Oakland (The "Property) From CalTrans, (2) Authorizing A Disposition And Development Agreement with TL Partners V, LP., Or A Related Entity, For The Sale And Development Of The Property For A Mixed-Use Project, And (3) Making CEQA Findings For This Action  
[15-0864](#)

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

**This Ordinance was Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council to be heard 5/17/2016**

**S7.18** Subject: Lease Agreement For The City-Owned Property At 1226 73rd Avenue  
From: Human Services Department  
Recommendation: Adopt An Ordinance Authorizing A Lease Agreement With East  
Oakland Community Project For City-Owned Property At 1226-73rd Avenue For Use  
As A Shelter Plus Care Housing Facility, For A Lease Term Of Five Years Until June  
30, 2020  
[15-0865](#)

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

**This Ordinance was Approved On Introduction and Scheduled for Final Passage.  
to the Meeting of the Oakland City Council to be heard 5/17/2016**

**S7.19** Subject: Youth Ventures JPA Amended Agreement & Marcus Foster Education Fund  
From: Human Services Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing An Amended Youth Ventures Joint Powers Authority  
(JPA) Agreement That Focuses The Efforts Of The JPA Primarily On The City Of  
Oakland And Removes References To The Previous Administrative Structure; And  
[15-0910](#)

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

[86154 CMS](#)

**This City Resolution was Adopted.**

2) A Resolution Authorizing The City Administrator To Enter Into A Contract With The  
Youth Ventures Joint Powers Authority (JPA) Fiscal Agent Marcus A. Foster  
Educational Institute DBA Marcus Foster Education Fund, In The Amount Of  
\$150,000 Per Year For Fiscal Years 2015-2016 And 2016-2017 For The City's Annual  
Contribution To Support Operations Of The Youth Ventures JPA  
[15-0911](#)

**Attachments:** [86155 CMS](#)

**This City Resolution was Adopted.**

**S7.20** Subject: Deputizing Task Force Officers  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) With The Department Of Homeland Security (DHS), Office Of Homeland Security Investigations (HSI) For The Purpose Of Allowing Particular Oakland Police Department (OPD) Officers To Be Designated As United States Customs Title 19 Task Force Officers (TFOS), Without Additional Compensation, Until The Expiration Date Of The Agreement, Unless Revoked At An Earlier Date By Either OPD Or HSI  
[15-0812](#)

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

[86156 CMS](#)

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

**Aye:** 7 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Reid, and Gibson McElhane

**No:** 1 - Kaplan

**S7.21** Subject: SMU OPD Information Sharing MOU  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) With Samuel Merritt University (SMU) And Sutter East Bay Hospitals DBA Alta Bates Summit Medical Center (ABSMC) For The Purpose Of Establishing, Information Sharing Protocols Related To The Gathering Of Evidence From Sexual Assault, Violence And Hate Crimes; And To Protect Victims' Confidential Information  
[15-0866](#)

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

[86157 CMS](#)

**This City Resolution was Adopted.**

**S7.22** Subject: OPD Peralta College Agreement  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Amending Resolution No. 84864 C.M.S.  
(Which Authorized The City Administrator To Enter Into An Agreement With The  
Peralta Community College District (PCCD) Regarding Public Safety Training Courses  
With OPD And Accept Funds Worth An Estimated Amount Of Two Hundred  
Thousand Three Hundred Forty-Nine Dollars (\$200,349) For Additional Training Of  
OPD Personnel And The Development Of A Training Facility), And To Accept Future  
Funds That Are Provided By The State Through Reimbursement To PCCD If  
Additional Academies Are Approved So That The Agreement Extends Beyond The  
170th OPD Police Academy Towards Present And Future OPD Police Academies.  
[15-0913](#)

**Attachments:** [View Report](#)  
[86158 CMS](#)

**This City Resolution was Adopted.**

**S7.23** Subject: Support For AB 1957: Release Of Law Enforcement Body Camera Footage  
From: Councilmember Desley Brooks  
Recommendation: Adopt A Resolution In Support Of Assembly Bill 1957 (Quirk)  
Which Requires State Or Local Law Enforcement To Make Available, Upon Request,  
Footage From Law Enforcement Body-Worn Cameras 60 Days After The  
Commencement Of An Investigation Into Misconduct That Uses Or Involves That  
Footage  
[15-0878](#)

**Attachments:** [View Report](#)  
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[View Supplemental Report](#)  
[86159 CMS](#)

**This City Resolution was Adopted.**

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

A motion was made by Guillén, seconded by Reid, that this matter be Approve as  
Submitted. The motion carried by the following vote:

**Aye:** 7 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Reid, and Gibson McElhaney

**Absent:** 1 - Kaplan

**COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE  
THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:**

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

**9.1** Subject: Amendments To Medical Cannabis Ordinances  
From: Office Of The City Administrator  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.80, Medical Cannabis Dispensary Permits, To Align With California's Medical Marijuana Regulation And Safety Act And Adopting CEQA Exemption Findings; And  
[15-0587](#)

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

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 11:03 p.m.*

*47 individuals spoke on this item.*

*Councilmember Brooks made a motion, seconded by President Pro Tempore Reid, to close the Public Hearing, and hearing no objections, the motion passed by 8 Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney.*

*Councilmember Brooks made a motion, seconded by President Pro Tempore Reid, to approve the Ordinance on introduction as amended as follows:*

- 1. Add to Definitions Section 5.80.010 the following: Section M. "General Application permit" shall mean all applications issued under OMC 5.80 with the exception of Dispensary Equity Permits issued under section 5.80.040.*
- 2. DISPENSARY PERMIT APPLICATION:*
  - a. Section 5.80.020 (E) delete the following: "Priority shall be given to dispensary applications owned and operated by Oakland residents, in particular applicants owned and operated by Oakland residents in census tracts identified by the City Administrator as having high unemployment rates."*
  - b. Section 5.80.020(E) add the following: "Fifty percent (50%) of all permits issued under OMC 5.80 shall be issued to an Oakland resident who meets the Dispensary Equity Permit Program requirements set forth in Section 5.80.050. At no time shall the number of new General Application permits exceed the number of Dispensary Equity Permits issued by the City Administrator. The eight (8) existing Dispensary Operators are exempt from the 50% requirement."*
- 3. Add the following to Section 5.80.040 - Performance and Operating Standards:*
  - i. Section G. Fifty percent (50%) of all dispensary applications issued under OMC 5.80 shall be issued to an Oakland resident who meets the Dispensary Equity Permit Program requirements set forth in Section 5.80.050 below.*
  - ii. Section H. At no time shall the number of new General Application permits exceed the number of Dispensary Equity Permits issued by the City Administrator.*



4. **Add new Section 5.80.050 -DISPENSARY EQUITY PERMIT PROGRAM:**
  - i. **Section A: CRITERIA. Applicant must have at least one member who meets all of the following criteria:**
    1. **Be an Oakland resident who,**
    2. **Resides for at least two years prior to the date of application in Oakland Police Department Beats 26Y, 30X, 30Y, 31Z, 32Y, and 34X (Oakland Police Department Beat Map is attached and incorporated herein by reference); or those individuals who, within the last ten years, have been previously incarcerated for marijuana-related offense as a result of a conviction arising out of Oakland, California;**
    3. **Maintains not less than a 50% ownership in the Dispensary applicant entity, partnership, limited liability corporation, collective, corporation, worker cooperative or other recognized ownership entity; and**
    4. **Prior marijuana or cannabis conviction shall not be a bar to equity ownership.**
5. **Add the following: Section 5.80.020(4)(h) - That no cannabis or cannabis odors shall be detectable by sight or smell outside of a permitted facility.**
6. **Renumber the balance of the sections accordingly.**

**The Council directed the City Administrator to include the following in the implementation regulations:**

**1. Strengthened Enforcement of Local Hiring Provisions. Strengthen enforcement of local hiring provisions by creating statutory fines for shortfalls and permit revocation for repeated noncompliance. Additionally, onsite consumption permits should be denied to dispensaries that do not meet the local hiring requirements at the time of their application.**

**5. Advocate for and Assist Formerly Incarcerated Permit Holders with State Suitability Process. Earmark resources for Oakland to proactively lobby on behalf of licensed local businesses during the state licensing process so that business owners with prior criminal offenses will not be frozen out of the state system.**

**A motion was made by Brooks, seconded by Reid, that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council. The motion carried by the following vote:**

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhane

2) An Ordinance Amending Oakland Municipal Code Chapter 5.81, Medical Cannabis Cultivation Facility Permits, To Align With California's Medical Marijuana Regulation And Safety Act And Adopting CEQA Exemption Findings; And [15-0589](#)

Attachments: [View Report](#)

*Councilmember Brooks made a motion, seconded by President Pro Tempore Reid, to approve the Ordinance on introduction as amended as follows:*

*1. Cultivation, Distribution, And Manufacturing Permit Application. Add to Definitions Section 5.81.020 the following: Section W. "General Application permit" shall mean all applications issued under OMC 5.81 with the exception of Dispensary Equity Permits issued under section 5.81.030.*

*2. On page 8, Section 5.81.030 insert: Section G. Fifty percent (50%) of all permits issued under OMC 5.81 shall be issued to an Oakland resident who meets the Equity Permit Program requirements set forth in Section 5.81.030(H) below. At no time shall the number of General Application permits issued under 5.81 in total exceed the number of Equity Permits under 5.81 in total issued by the City Administrator.*

*a. Add Section H. Cultivation, Manufacture, Distribution Equity Permit Program Criteria. Applicant must have at least one member who meets all of the following criteria:*

- 1. Be an Oakland resident who,*
- 2. Resides for at least two years prior to the date of application in Oakland Police Department Beats 26Y, 30X, 30Y, 31Z, 32Y, and 34X (Oakland Police Department Beat Map is attached and incorporated herein by reference); or those individuals who, within the last ten years, have been previously incarcerated for marijuana-related offense as a result of a conviction arising out of Oakland, California;*
- 3. Maintains not less than a 50% ownership in the Dispensary applicant entity, partnership, limited liability corporation, collective, corporation, worker cooperative or other recognized ownership entity; and*
- 4. Prior marijuana or cannabis conviction shall not be a bar to equity ownership.*

**This Ordinance was Approved As Amended On Introduction and Scheduled for Final Passage.to the Meeting of the Oakland City Council to be heard 5/17/2016**

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhanev

3) An Ordinance Amending The FY 2015-16 Master Fee Schedule (Ordinance No. 13320 C.M.S., As Amended) To Modify And Establish Permit Application And Annual Regulatory Fees For City Of Oakland Licensed Medical Cannabis Facilities And Adopting CEQA Exemption Findings [15-0811](#)

Attachments: [View Report](#)

**A motion was made by Brooks, seconded by Reid, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 5/17/2016. The motion carried by the following vote:**

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhane

4) A Resolution Authorizing The City Administrator To Transfer Four Hunder Thousand Dollars (\$400,000) Of Medical Cannabis Cooperative Project (A242610) Funds Within The General Purpose Fund (1010) From The Office Of The City Administrator To The Fire Department And The Planning And Building Department [15-0814](#)

**Attachments:** [86160 CMS](#)

*Councilmember Brooks made a motion, seconded by President Pro Tempore Reid, to adopt the Resolution as amended with the following addition: "And be it Resolved that staff shall report back to City Council no later than one year from the date of adoption of this action, providing information about the implementation, review of effectiveness of the included standards, including equity standards, issues that have arisen, if any, and whether any changes are recommended."*

**A motion was made by Brooks, seconded by Reid, that this matter be Adopted as Amended. The motion carried by the following vote:**

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhane

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

#### **10 THIS NUMBER INTENTIONALLY NOT USED**

**11** Subject: Establishing An Alameda County Community Choice Energy Program  
From: Councilmember Kalb & Alameda County Community Development Agency  
Recommendation: Receive An Informational Status Report On The Process And Progress Of Establishing An Alameda County Community Choice Energy Program, Including Level Of Progress, Process Going Forward, Including Eventual Next Steps From Oakland And Other Participating Cities And The County [15-0820](#)

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

*There were 7 speakers on this item.*

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

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhane

- 12 Subject: Ballot Measure To Impose A Sugar-Sweetened Beverage Distribution Tax  
From: Vice Mayor Campbell Washington And Councilmembers Brooks & Kaplan  
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting  
To The November 8, 2016 Statewide General Election, A Proposed Ordinance To  
Impose A 1 Cent Per Ounce Tax On The Distribution Of Sugar-Sweetened  
Beverages; And Directing The City Clerk To Fix The Date For Submission Of  
Arguments And Provide For Notice And Publication In Accordance With The  
November 8, 2016 Statewide General Election (TITLE CHANGE)

[15-0945](#)

**Attachments:** [View Report](#)  
[View Report](#)  
[View Supplemental Report](#)  
[86161 CMS](#)

*There are 47 speakers on this item.*

**A motion was made by Campbell Washington, seconded by Brooks, that this matter be Adopted. The motion carried by the following vote:**

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhanev

- 13 Subject: Consultant Contract  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution (A) Waiving Advertising, Competitive Bidding,  
And Request For Proposals/Qualification ("RFP/Q") Competitive Selection  
Requirements And (B) Authorizing The City Administrator Or Her Designee To Enter  
Into A Professional Services Contract With Environmental Science Associates Not To  
Exceed\$ 120,000 For The Analysis Of Potential Health And Safety Effects Of Certain  
Commodities Proposed At The Oakland Bulk And Oversized Terminal At The Oakland  
Army Base West Gateway Site Without Returning To City Council From Undesignated  
General Purpose Fund Balance

[15-0877](#)

**Attachments:** [View Report](#)  
[86162 CMS](#)

**A motion was made by Kalb, seconded by Kaplan, that this matter be Adopted as Amended as to the Scope of Work. The motion carried by the following vote:**

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhanev

Subject: Health And Safety Impacts Of Coal In Oakland  
From: Councilmember Rebecca Kaplan  
Recommendation: Conduct A Public Hearing And Upon Conclusion Consider  
Options for Action, Including Whether To Adopt An Ordinance Prohibiting The  
Storage, Loading, Import And Export Of Coal In Oakland [TITLE CHANGE]  
[15-0977](#)

**A motion was made by Gibson McElhane, seconded by Kalb, that this matter be  
Scheduled to the \* Special Meeting of the Oakland City Council, to be heard  
6/27/2016. The motion carried by the following vote:**

**Aye:** 7 - Brooks, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhane

**Absent:** 1 - Campbell Washington

**S-14** Subject: Establishing Policy Regarding Permit Applications For Transient Habitation  
From: Councilmembers Guillen And Kalb  
Recommendation: Adopt A Resolution To Issue An Official Statement Of Policy  
Related To Implementing Oakland Municipal Code And Oakland Planning Code  
Regarding Conditional Use Permit And Major Variance Applications For Transient  
Habitation Development Operations [TITLE CHANGE]  
[15-0756](#)

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

[View Supplemental Report](#)

[86163 CMS](#)

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

**Aye:** 7 - Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhane

**Absent:** 1 - Brooks

**S-15** Subject: Maximize Use Of Available Funds To Benefit Job Seekers & Employers  
From: President Pro Tempore Reid  
Recommendation: Adopt A Resolution Recommending That The Workforce Development Board Consider Reallocation Of FY 2015-16 City Workforce Innovation And Opportunity Act (WIOA) Funds To Previously Approved Service Providers To (1) Utilize Available City Savings In The Current Fiscal Year; (2) Avoid Returning Additional Funds To The State For Failure Of The City To Utilize Said Funds In A Timely Manner; And (3) Achieve Better Alignment Of Actual Reduction Of WIOA Allocation To The City With Reductions To Service Providers  
[15-0713](#)

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

[86164 CMS](#)

*There were 8 speakers on this item.*

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

**Aye:** 7 - Brooks, Campbell Washington, Gallo, Guillén, Kaplan, Reid, and Gibson McElhaney

**Absent:** 1 - Kalb

**S-16** Subject: Covenant House/Alameda Family Services Amended Grant Agreements  
From: Human Services Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend Grant Agreements With Covenant House California And Alameda Family Services To Extend The Grant Term Through 2016 And Increase Grant Funding In An Amount Of \$50,000 Each In Alignment With The Alameda County - Oakland Community Action Partnership 2015-2016 Community Services Block Grant Funding Cycle For The 2016 Program Year  
[15-0909](#)

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

[86165 CMS](#)

*There were 4 speakers on this item.*

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

**Aye:** 7 - Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

**No:** 1 - Brooks

**CONTINUATION OF OPEN FORUM**

**ADJOURNMENT OF COUNCIL SESSION**

**(Meeting Shall Conclude No Later Than 12:00 A.M., Unless Extended By Majority Vote  
Of The Council)**

*There being no further business, and upon the motion duly made, the Council  
adjourned the meeting in memory of "Prince" Roger Nelson, Eileen Hanson,  
Sergio Barja, Dr. Kelly M. Bailey and Mary Lou Behr at 12:51 a.m.*

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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.**