



City of Oakland

Office of the City Clerk
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Oakland, California 94612
LaTonda Simmons, City
Clerk

Meeting Minutes - DRAFT

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>

Tuesday, February 16, 2016

5:30 PM

City Council Chamber, 3rd Floor

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 6:02 p.m.

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)

There were 99 Open Forum speakers.

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

President Pro Tempore Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Miriam Mimi Rogers.

Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Rhonda Rochelle Lee. Councilmember Kalb requested association with this adjournment.

Council President Gibson McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Linda Marie Johnson Howard.

- 4.1 Pursuant to Rule 28(a) of Resolution 82580 C.M.S., this item was removed from this agenda and rescheduled to the March 15, 2016 City Council agenda.

- 4.2** Subject: Honoring African American Leaders For Black History & Heritage Month
From: Council President Gibson McElhaney
Recommendation: Adopt A Resolution In Celebration Of Black History Month Honoring The Following Courageous African American Individuals, Who Through Their Innovative, Groundbreaking Work, Have Promoted Positive Change And Uplift For The City Of Oakland In The Fields Of Social Justice, Advocacy, Arts And Culture, Business And Faith: Bishop Frank Pinkard Jr., Dr. William "Bill" Riley, Paul Cobb, Emory Douglas, Pastor George Cummings, Egypt King, Preston J. Turner, Assata Olugbala, Jean Blacksher, Gloria Jeffery, Ryan Coogler, And Theo Aytchan Williams
[15-0597](#)

Attachments: [View Report](#)
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There was one speaker on this item.

- 5** APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF FEBRUARY 2, 2016
[15-0595](#)

Attachments: [View Report](#)

A motion was made by Gallo, seconded by Kalb, 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):

- 7** **CONSENT CALENDAR (CC) ITEMS:**

There were 5 speakers on this item.

Approval of the Consent Agenda

A motion was made by Gallo, seconded by Reid, 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
[15-0593](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 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
[15-0594](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.3 Subject: Add The Classification Of Director Of Transportation
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Classification Of Director Of Transportation [TITLE CHANGE]
[15-0526](#)

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This Ordinance was Approved for Final Passage.

- 7.4 Subject: Settlement Agreement - Estate of Fletcher Jackson V. City of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of The Estate Of Fletcher Jackson, Et Al. V. City Of Oakland, Et Al., United States District Court Case No. C12-02101 JCS, In The Amount Of Seventy-Five Thousand Dollars And No Cents (\$75,000.00) As A Result Of A Police Shooting On May 18, 2011 (Oakland Police Department)
[15-0612](#)

Attachments: [View Report](#)

A motion was made by Gallo, seconded by Reid, 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

- 7.5** Subject: New California State Laws
From: Councilmember Desley Brooks
Recommendation: Receive An Informational Report And Briefing From The City Attorney's Office On All New California State Laws Which Become Effective In 2016
[15-0430](#)

Attachments: [View Report](#)

This Informational Report was Received and Filed.

- 7.6** Subject: Support For AB 1644: School-Based Early Mental Health Services
From: Councilmember Desley Brooks And Vice Mayor Campbell Washington
Recommendation: Adopt A Resolution In Support Of California Assembly Bill 1644 (Bonta) Which Expands School-Based Mental Health Intervention And Prevention Services Provided Under The Early Mental Health Intervention And Prevention Services For Children Act Of 1991 For Schools And Communities With High Levels Of Childhood Trauma And Adversity
[15-0563](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

This City Resolution was Adopted.

- 7.7** Subject: Policylink Equity Summit Additional Travel Expense Authorization
From: Councilmember Brooks
Recommendation: Adopt A Resolution Authorizing Funding Of Additional Travel Expenses For Council Member Desley Brooks' Travel To The Policylink Equity Summit In Los Angeles, California October 27-29, 2015
[15-0614](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

This City Resolution was Adopted.

S7.8 Subject: Settlement Agreement - Kieu Luu V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Kieu Luu, Et Al. V. City Of Oakland, Et Al., Alameda County Superior Court Case No. Rg15756460, City Attorney's File No. 30361, In The Amount Of Two Million Seven Hundred Fifty Thousand Dollars And No Cents (\$2,750,000.00) (Oakland Police Department-Personal Injury)
[15-0639](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

S7.9 Subject: Oakland Fire Department Lease Amendment
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Negotiate And Execute An Amendment To The Lease Agreement By And Between The City Of Oakland And Western Door & Sash For Property Located At 4450 Tidewater Avenue, Oakland, California, For An Emergency Response Facility For The Oakland Fire Department And California Urban Search And Rescue Task Force 4 To Respond To Structure Collapses And Other Emergencies
[15-0556](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

S7.10 Subject: Sanitary Sewers Root Foaming Construction Contract
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Awarding A Construction Contract To Duke's Root Control, Inc., The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications For On-Call Sanitary Sewer Root Foaming Services FY 2015-16 (Project No. C457112) And With Contractor's Bid In The Amount Of Five Hundred Twenty-Two Thousand Four Hundred Ninety Dollars (\$522,490.00)
[15-0557](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

S7.11 Subject: Bellevue Avenue And Pathway Construction Contract Award
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Awarding A Construction Contract To Beliveau Engineering Contractors, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications For The Construction Of Bellevue Avenue And Pathways Improvements Project (No. C393811) And With Contractor's Bid In The Amount Of Six Hundred Seventeen Thousand Ninety-Five Dollars (\$617,095.00)

[15-0558](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

S7.12 Subject: Measure WW Bond Project Reallocation - Allendale Recreation Center
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing Reallocation Of The East Bay Regional Park District Open Space, Wildlife, Shoreline, And Parks Bond (Measure WW Bond) - Local Grant Program Fund For Laurel Park Project (No. C377110) In The Amount Of Five Hundred Thousand Dollars (\$500,000.00) To The Allendale Recreation Center Project (Number To Be Established); And Authorize The City Administrator Or Designee To Re-Apply For And Reallocate The Grant Funds From East Bay Regional Park District For The Measure WW Bond

[15-0559](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

S7.13 Subject: FY 2015-2017 Park Project Prioritization
From: Oakland Public Works Department
Recommendation: Adopt A Resolution To Adopt The Updated Fiscal Year 2015-17 Park Project Prioritization List For City Of Oakland Capital Improvement Projects And Authorize The City Administrator Or Designee To Apply For Grant Funds For Projects On The Prioritization List Without Further Council Action

[15-0561](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

[View Supplemental Report](#)

This City Resolution was Adopted.

S7.14 Subject: Jack London Square Development Agreement Transfer & Assignment
From: Planning & Building Department
Recommendation: Adopt A Resolution Consenting To A Non-Affiliate Transfer And Assignment Of The Development Agreement (DA) Between The City Of Oakland, Jack London Square Partners LLC, And CEP-JLS I LLC, Dated July 6, 2004 (DA) To CIM Group Acquisitions, LLC Pursuant To The DA And Planning Code Section 17.138.080 (Development Agreement Procedure); Action Taken In Reliance on Previously Certified 2004 Environmental Impact Report (CEQA Guidelines 15162, 15183)
[15-0543](#)

Attachments: [View Report](#)

[2003 - Jack London Square DEIR](#)

[2004 - Jack London Square FEIR](#)

[2014 - Jack London Square Addendum EIR](#)

[2014 - Jack London Square Addendum EIR - Appendix Part A](#)

[2014 - Jack London Square Addendum EIR - Appendix Part B](#)

[2014 - Jack London Square Addendum EIR - Appendix Part C](#)

This City Resolution was Adopted.

S7.15 Subject: Parks & Recreation Management Software (RecWare)
From: Oakland Parks & Recreation Department
Recommendation: Receive An Informational Report On RecWare, The Oakland Parks & Recreation Department's (OPR) Program And Management Software System
[15-0542](#)

Attachments: [View Report](#)

This Informational Report was Received and Filed.

S7.16 Subject: Polygraph Professional Services Agreement
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: (A) Increase The Budget For The Current Contract With Get Polygraphed! From \$95,000 To \$195,000 For The Period January 1, 2015 To October 31, 2016, For Additional Polygraph Tests Needed To Meet Hiring Demands; (B) Extend The Contract For Two Additional Years Plus Two One-Year Extension Options, From October 31, 2016 Through October 31, 2020, For A Total Of \$595,000 For Five Years; And (C) Waiving The City's Request For Proposal/Qualifications Requirements [TITLE CHANGE]
[15-0520](#)

Attachments: [View Report](#)

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 Reid, seconded by Gallo, that the oral report from the Office of the City Attorney of 2 final decisions made during Closed Session be Approved as Submitted. Please refer to Attachment A for the details of the final decision. The motion carried by the following vote:

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

**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 Pursuant to Rule 28(a) of Resolution 82580 C.M.S., this item was
removed from this agenda. The item will be heard in March 2016
at the Public Safety Committee.**

9.2 Subject: Brooklyn Basin Shoreline Park Final Development Permit Appeal
From: Planning & Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A
Resolution Denying Appeal Case File PUD06010-PUDF02-A01 And Upholding The
Decision By The Oakland City Planning Commission To Approve The Brooklyn Basin
Shoreline Park Final Development Permit; Action Taken In Reliance On Previously
Certified 2009 Environmental Impact Report (CEQA Guidelines 15162, 15183)
[15-0599](#)

Attachments: [View Report](#)
[Attachment C Part A](#)
[Attachment C Part B](#)
[Attachment C Part C](#)
[Attachment C Part D](#)
[Attachment C Part E](#)

*Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at
7:35 p.m.*

8 individuals spoke on this item.

*Councilmember Guillén 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 McElhane.*

A motion was made by Guillén, seconded by Gibson McElhane, that this matter
be Adopted. 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: Status Report On Coal
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 In The
Amount Of \$ 208,000 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 And Further Authorizing The City
Administrator To Approve An Additional \$ 45,000 For Other Work As Required
Without Returning To City Council From Undesignated General Purpose Fund
Balance [TITLE CHANGE]
[15-0362](#)

Attachments: [View Report](#)
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There were 172 speakers on this item.

Council directed staff to return in April with an update.

This City Resolution was No Action Taken.

12 Subject: OFD Mandatory Overtime
From: Councilmember Abel Guillén
Recommendation: Receive An Informational Report On Mandatory Overtime For The
Oakland Fire Department And Plans For Reducing Mandatory Overtime
[14-1243](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report](#)
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There were no speakers on this item.

**A motion was made by Guillén, seconded by Campbell Washington, 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

- 13 Subject: Amendments To Transitional And Supportive Housing Regulations
From: Planning & Building Department
Recommendation: Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To: 1) Change Transitional And Supportive Housing Regulations To Comply With State Law; 2) Revise Regulations For Secondary Units; And 3) Make Miscellaneous Minor Changes In Various Chapters Of The Planning Code, And Make Appropriate California Environmental Quality Act Determinations
[15-0357](#)

Attachments: [View Report](#)

[ATTACHMENT A](#)

[ATTACHMENT B](#)

[ATTACHMENT C](#)

[ATTACHMENT D](#)

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[ATTACHMENT A Revised](#)

[ATTACHMENT B Revised](#)

[ATTACHMENT C Revised](#)

[ATTACHMENT D Revised](#)

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[EXHIBIT A Revised](#)

There were 3 speakers on this item.

Additionally, a motion was made by Guillén, seconded by Gibson McElhaney to direct City staff to prepare a report, recommendation, and proposed ordinance that includes, but is not limited to, the following:

- 1) Clarifying amendments that state that the City's zoning regulations do not invalidate stricter regulations that may be imposed by a homeowners' association's Covenants, Conditions and Restrictions (CC&Rs);*
- 2) Clarifying amendments that establish a procedure as a courtesy to homeowners' associations- such as the Lakeshore Homes Association in District 2- that requires additional submittal requirements for Secondary Units, including evidence that the proposed new unit complies with applicable CC&Rs; and*
- 3) Evaluating the designation of the Harrison-Oakland-MacArthur area as a Transit Hub for purposes of relaxing off-site parking requirements for Secondary Units within 1/2 mile of the intersection of Oakland Avenue and MacArthur Boulevard / Santa Clara Avenue.*

Any proposed ordinance will be subject to the notice and hearing requirements that apply to all Zoning Code amendments.

A motion was made by Guillén, seconded by Gibson McElhaney, that this matter be Approved for Final Passage. The motion carried by the following vote:

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

No: 1 - Gallo

S-14 Subject: Amendments To The Ellis Act Ordinance
From: Housing & Community Development Department
Recommendation: Adopt An Ordinance To Amend The Ellis Act Ordinance O.M.C. 12530 C.M.C. To (1) Extend Relocation Payments To All Households Regardless Of Income; (2) Set The Base Amount Of Relocation Payment At \$6,500 Per Studio/One-Bedroom Units, \$8,000 Per Two-Bedroom Units, And \$9,875 Per Three Or More Bedroom Units; (3) Require An Additional Payment Of \$2,500 Per Unit For Units With Tenants Who Are Seniors, Disabled, Low-Income, Or Families With Minor Children; And (4) Require That Half Of The Payment Be Made When The Termination Notice Is Given And The Other Half Of The Payment Made Upon Tenant's Move Out [15-0407](#)

Attachments: [View Report](#)
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There were 6 speakers on this item.

A motion was made by Campbell Washington, seconded by Kalb, that Option 2 be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 3/1/2016. The motion carried by the following vote:

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

No: 1 - Gallo

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 Miriam Mimi Rogers, Rhonda Rochelle Lee, and Linda Marie Johnson Howard at 11:01 p.m.

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