



# 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 - 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>

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Tuesday, February 6, 2018

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 5:39 P.M.*

#### 2 ROLL CALL / CITY COUNCIL

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

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

*15 speakers spoke during Open Forum.*

#### 4 ACTIONS ON SPECIAL ORDERS OF THE DAY (Ceremonial Presentations, Reports/Presentations From The Mayor, Council Acknowledgements/Announcements):

*Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Concheta Tucker Sr.*

*Council President Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Elsa H. Paraballo, Danny Liggins and Leonard "Googi" Simmons*

**This be Approve as Submitted.**

#### 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF JANUARY 16, 2018 [18-0062](#)

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

A motion was made by Rebecca Kaplan, seconded by Lynette McElhaney, that this matter be Accepted. The motion carried by the following vote:

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

**NO VOTE:** 0

**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:**

***Approval of the Consent Agenda***

***Approval of the Consent Agenda***

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

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

**NO VOTE:** 0

- 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  
[18-0063](#)

**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  
[18-0064](#)

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

**This City Resolution was Adopted.**

- 7.3 Subject: Unrepresented Employee Salary Increases And Select Terms And Conditions  
From: Human Recourses Management Department  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide Cost Of Living Adjustments To The Salaries Of Certain Unrepresented Employees In Units Con, U51, UG1, TL1, UK1, UK2, UP1, And US1 As Follows: Increase Of 4% Effective July 1, 2017; Increase Of 1% Effective The First Pay Period After January 1, 2019  
[18-0051](#)

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

[View Revised Report 2-7-18](#)

***Staff Recommends That The City Council Adopt An Ordinance Amending The Salary Schedule of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide Cost Of Living Adjustments To The Salaries Of Certain Unrepresented Employees In Units CON, U51, U31 (STRIKE), UG1, UJ1(STRIKE), TL1, UK1, UK2, UP1, And US1 As Follows: Increase Of 4% Effective July 1, 2017; Increase Of 1% Effective The First Pay Period After January 2, 2019.***

**A motion was made that this matter be Approved As Amended 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 2/20/2018. The motion carried by the following vote:**

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

**NO VOTE:** 0

- 7.4 Subject: Graffiti Abatement Grant Authorization For Covenant House California  
From: Councilmember McElhaney  
Recommendation: Adopt A Resolution Authorizing A Grant Not To Exceed \$4,680 From Councilmember McElhaney's Graffiti Abatement Mural And Green Wall Funds To Covenant House California For Installation Of A Mural In The Cul-De-Sac On Jefferson Street South  
Of 5th Street Including The Associated Costs Of Youth Engagement  
[TITLE CHANGE]  
[17-0298](#)

**Sponsors:** McElhaney

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

**This City Resolution was Adopted.**

- 7.5 Subject: Tibetan Uprising Day Resolution  
From: Councilmember Kalb  
Recommendation: Adopt A Resolution Commemorating The 59th Anniversary Of Tibetan Uprising Day And Affirming Support For The People Of Tibet  
[18-0071](#)

**Attachments:** [View Report](#)  
[View Supplemental Report 2/1/18](#)

**This City Resolution was Adopted.**

- 7.6 Subject: Ordinance To Enact The Tenant Move Out Agreement Ordinance  
From: Office Of The City Attorney, President Pro Tem Guillén And Councilmember Kalb  
Recommendation: Adopt An Ordinance Adding A New Article VI To O.M.C. Chapter 8.22 To (1) Regulate Tenant Move Out Agreements And Negotiations, (2) Create Disclosure And Reporting Requirements For Such Agreements And Negotiations, And (3) Provide Remedies For Violations  
[17-0415](#)

**Sponsors:** Office Of The City Attorney

**Attachments:** [View Report](#)  
[View Supplemental 1-19-2018](#)

**This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/20/2018**

- 7.7 Subject: Ordinance Re: Betti Ono And Pro Arts Galleries  
From: Economic And Workforce Development  
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Negotiate And Execute Below Market Rent Leases For The Betti Ono And Pro Arts Galleries Located At 150 Frank H. Ogawa Plaza For The Term Of Five Years In Exchange For In-Kind Services And Cultural Benefits As Authorized By O.M.C. Section 2.42.110  
[18-0037](#)

**Sponsors:** Economic & Workforce Development Department

**Attachments:** [View Report](#)  
[View Supplemental 01-19-2018](#)

**This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/20/2018**

- 7.8 Subject: On-Call Plan Check Services  
From: Planning And Building  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Negotiate, Award And Execute Professional Services Agreements For Two-Year Terms For On-Call Plan Check Services With 4Leaf, Inc., And West Coast Code Consultants, Inc. In The Amount Of One Million Five Hundred Thousand Dollars (\$1,500,000) For Each Agreement; And, To Amend The Term And Amount For Existing Professional Service Agreements With CSG Consultants, Inc., And TRB + Associates, Inc. To Add An Additional Two-Years To The Term For Each Firm With An Amount Of One Million Five Hundred Thousand Dollars (\$1,500,000) For Each Agreement  
[18-0041](#)

**Sponsors:** Planning & Building Department

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

**This City Resolution was Adopted.**

- 7.9 Subject: Adjustment to FY 2017-18 Appropriations  
From: Planning And Building  
Recommendation: Adopt A Resolution Amending Resolution No. 86179 C.M.S. To Authorize The City Administrator To (A) Transfer Federal Emergency Management Agency (FEMA) Appropriations From The Housing And Community Development Department (HCDD) To The Planning And Building Department (PBD); And To (B) Fund The Addition Of 3.0 FTES To PBD FY 2017-18 Adopted Budget To Support The Two FEMA Grant-Funded Seismic Retrofit Programs For The City Of Oakland  
[18-0042](#)

**Sponsors:** Planning & Building Department

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

[View Supplemental 01-19-2018](#)

**This City Resolution was Adopted.**

- 7.10** Subject: FY 2017-2018 And 2018-2019 Moving To Work Local Housing Assistance Program  
From: Human Services Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Enter Into A Fifteen-Year Agreement With The Oakland Housing Authority (OHA) To Implement The Moving To Work Local Housing Assistance Program (LHAP), And Accept Funds In An Amount Not To Exceed \$965,400 Each Year For Fiscal Year (FY) 2017-2018 And 2018-2019; And Appropriate Said Funds; 2) Enter Into Grant Agreements With East Oakland Community Project In An Amount Not To Exceed \$318,120 And Bay Area Community Services In An Amount Not To Exceed \$647,280 For The Provision Of Transitional Housing Services For The LHAP Each Year For FY 2017-18 And 2018-2019; And 3) Accept And Appropriate Additional Funds That Become Available From OHA In FY 2017-2018 And 2018-2019 And Amend The Grant Agreements To Adjust The Grant Amounts Without Returning To Council  
[18-0045](#)

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

**This City Resolution was Adopted.**

- 7.11** Subject: Salary Ordinance Amendment For The Neighborhood Law Corps Attorney  
From: Office Of The City Attorney  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Amend The Salary Range For The Classification Of Neighborhood Law Corps Attorney  
[18-0002](#)

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

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

- 7.12** Subject: Agreement With Sequoia Nursery School Inc.  
From: Oakland Parks And Recreation Department  
Recommendations: Adopt An Ordinance Authorizing The City Administrator To Execute A License Agreement With Sequoia Nursery School, Inc. To Operate A Cooperative Nursery School At The Sequoia Lodge For A Five-Year Term For A License Fee Of \$1,457.83 Per Month; And Amend The License Agreement For Two Consecutive Five-Year Terms Without Returning To Council  
[17-0315](#)

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

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

**7.13** Subject: Agreement With Peter Pan Cooperative Nursery School Inc.  
From: Oakland Parks And Recreation Department  
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Execute A License Agreement With Peter Pan Nursery School, Inc. To Operate A Cooperative Nursery School At The Maxwell House And The Adjacent Play Area At Maxwell Park For A Five-Year Term With A License Fee Of \$1,123.20 Per Month; And Amend The License Agreement For Two Consecutive Five-Year Terms Without Returning To Council  
[17-0318](#)

Attachments: [View Report](#)

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

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  
[18-0063](#)

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**

*There were 2 speakers*

A motion was made by Abel J. Guillén, seconded by Lynette McElhaney, that this matter be Accepted. The motion carried by the following vote:

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

**NO VOTE:** 0

**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: Rezoning Of 4432-4434 And 4444 Telegraph Avenue  
From: Planning And Building Department  
Recommendation: Adopt An Ordinance, To Rezone Portions Of Two Parcels Located At 4432-4434, And 4444 Telegraph Avenue From The RM-1 Mixed Housing Type Residential Zone To The CN-2 Neighborhood Center Zone And To Adopt Related California Environmental Quality Act (CEQA) Findings  
[18-0040](#)

**Sponsors:** Planning & Building Department

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

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 7:26 p.m.*

*1 individual spoke on this item.*

*Councilmember Kalb made a motion, seconded by Councilmember McElhaney, to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Brooks, Campbell Washington, Gallo, Kalb, Kaplan, Reid and President Gibson McElhaney*

*1 Recused: Guillén*

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

**Recused:** 1 - Guillén

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

**NO VOTE:** 0

**10 THIS NUMBER INTENTIONALLY NOT USED**



- 11 Subject: Amending Rule 7.6 And 4 Of Council Rules Of Procedure  
From: Councilmember McElhaney, Vice Mayor Campbell Washington And Council President Reid  
Recommendation: Adopt A Resolution Amending And Superseding The Council's Rules Of Procedure Currently Set Forth In Resolution No. 86034 C.M.S, As Amended By Resolution No. 86862 C.M.S., To Amend: 1) Rule 4 To Authorize The Council President To Change Committee Membership And Committee Chair Assignments, And 2) Rule 7.6 To Provide That Any Stems Pulled From The Consent Calendar Are Moved To The Beginning Of The Non-Consent Calendar And Will Be Heard The Same Evening, Subject To The Discretion Of The Council President To Determine The Order Of Agenda Items [18-0081](#)

**Sponsors:** Campbell Washington

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

*There were 25 speakers spoke on this item.*

*Councilmember Kalb made a motion seconded by Campbell Washington, to adopt the resolution as amended to revise Rule 4 on page 5 to read as follows:*

*The President of The Council shall appoint all committees subject to confirmation by Council resolution, provided that a majority of the members of the Council may direct the appointment of a committee by the President of the Council. Committee chairs also shall be appointed by the President of the Council and confirmed by City Council resolution. The Council may establish such other ad hoc or standing committees as it deems appropriate by Council Resolution (e.g., City/Port Liaison Committee and the Education Partnership Committee).*

**A motion was made by Dan Kalb, seconded by Annie Campbell Washington, that this matter be Adopted as Amended. The motion carried by the following vote:**

**Abstained:** 1 - Kaplan

**Aye:** 5 - Campbell Washington, McElhaney, Guillén, Kalb, and Reid

**No:** 2 - Brooks, and Gallo

**NO VOTE:** 0

- 13      Subject:    Legislation To Place A Library Parcel Tax Measure On The June 5, 2018  
Ballot  
From:        Oakland Public Library  
Recommendation: Adopt 1) A Resolution On The City Council's Own Motion Submitting  
To The June 5, 2018 Statewide Primary Election, A Proposed Ordinance To Adopt A  
Special Parcel Tax To Maintain, Protect And Improve Direct Library Services Throughout  
Oakland; And Directing The City Clerk To Fix The Date For Submission Of Arguments  
And Provide For Notice And Publication In Accordance With The June 5, 2018 Statewide  
Primary Election; OR  
[18-0035](#)

**Sponsors:** Oakland Public Library

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

[View Supplemental Report 1/26/18](#)

[View Supplemental Report 2/1/18](#)

**This City Resolution be Not Adopted.**

2) A Resolution On The City Council's Own Motion Submitting To The June 5, 2018 Statewide Primary Election, A Proposed Ordinance To Adopt A Special Parcel Tax To Maintain Toe Library's General Purpose Fund At The Appropriation For Fiscal Year 2017-2018, And To Protect And Improve Direct Library Services Throughout Oakland; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The June 5, 2018 Statewide Primary Election

[18-0093](#)

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

*There were 19 speakers on this item.*

*Councilmember Kaplan made a motion seconded by Brooks, to adopt the resolution as amended to revise the ballot question in the resolution on page 11 to read as follows;*

*"To maintain, protect and improve library services throughout Oakland, including: Providing safe places for children, teens after school; Preventing library closures; Maintaining youth reading programs, senior services; Keeping libraries safe/welcoming; Providing evening/weekend hours for students/working families, and Providing literacy services for adults; shall the City of Oakland establish a \$75 per parcel taxes for 20 years, providing about \$10,000,000 annually, subject to independent audits and citizens' oversight with exemptions for seniors/low-income residents?"*

*Upon call of the roll the item passed by 8 ayes: Brooks, Vice Mayor Campbell Washington, Gallo, President Pro Tempore Guillén, Kalb, Kaplan, McElhaney and President Reid*

**This City Resolution be Adopted as Amended.**

- 12** Subject: Budget Advisory Commission (BAC) Budget Process Recommendations  
From: Finance Department  
Recommendation: Receive An Informational Report From The Budget Advisory Commission's (BAC) Recommendations For Continual Improvement Of The Budget Process, And Staff Response To Those Recommendations  
[17-0391](#)

**Sponsors:** Finance Department

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

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

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

**NO VOTE:** 0

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

**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 Conchita Tucker Sr., Elsa H. Caraballo, Danny  
Liggins and Nelson Burns at 10:28 p.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.**