



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 - FINAL

* 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, November 7, 2017

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 5:39 pm

2 ROLL CALL / CITY COUNCIL

Present 7 - Desley Brooks, Annie Campbell Washington, Noel Gallo, Lynette McElhaney, Abel J. Guillén, Rebecca Kaplan, and Laurence E. Reid
Absent 1 - Dan Kalb

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

There were 4 open forum speakers

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

Council President Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Leif Eric Eide

The following items were taken out of order

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

- 4.2 Subject: Commending The Sigma Gamma Rho Sorority's Beta Theta Sigma Chapter
From: Councilmember McElhaney
Recommendation: Adopt A Resolution Congratulating Beta Theta Sigma Chapter Of The
Sigma Gamma Rho Sorority On Their 70th Anniversary
[17-0250](#)

Attachments: [View Report](#)
[86946 CMS](#)

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

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

NO VOTE: 0

- 4.4 Subject: Honoring Tora Rocha For 36 Years Of Dedicated Service To Oakland
From: Vice Mayor Campbell Washington And President Pro Tem Guillen
Recommendation: A Resolution Honoring Tora Rocha For 36 Years Of Service To The
City Of Oakland And Congratulating Her On Her Retirement
[17-0246](#)

Attachments: [View Report](#)
[86947 CMS](#)

This City Resolution be Adopted.

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

NO VOTE: 0

- 4.1 Subject: Update On 2017-2018 State Budget And Legislative Activities
From: President Reid
Recommendation: Receive An Informational Presentation From Assembly Member Rob
Bonta On 2017-2108 State Legislative And Budget Activities
[17-0338](#)

Attachments: [View Report](#)

Council heard the presentation by Assembly Rob Bonta

There were two speakers on this item.

This Informational Report be No Action Taken.

- 4.3 Subject: Honoring Rosalinda Advincula
From: Councilmember Gallo
Recommendation: Adopt A Resolution Recognizing And Honoring The Life And Legacy
Of Rosalinda Advincula For Her Dedicated Community Leadership And Exemplary
Family Values
[17-0248](#)

Attachments: [View Report](#)
[Supplemental Report 10-27-2017](#)

This City Resolution be Withdrawn and Rescheduled.to go before the Special
Concurrent Meeting of the Oakland Redevelopment Successor Agency/City
Council to be heard 11/28/2017

**The item regarding "Commending The Omega Boys Club" was moved to the November
28, 2017 Special City Council Agenda By the Rules and Legislation Committee on
November 2, 2017**

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF OCTOBER 17, 2017
[17-0273](#)

Attachments: [View Report](#)

This Report and Recommendation be Approved.

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):

*The City Clerk announced modifications to the consent calendar. Items 7.3 and 7.4
(Mayoral appointments to City Boards and commissions) will be referred to the
November 28, 2017 Special City Council meeting.*

*Pro Temp Guillen made a motion seconded by Councilmember Kalb to continue
item 9.2 to the November 28, 2017 Special City Council meeting, upon call of the
roll the item failed by Ayes: Gallo, Guillen, Kalb;Noes: Brooks, Campbell
Washington, McElhaney, Reid; Abstain: Kaplan*

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

- 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
[17-0274](#)

Attachments: [View Report](#)
[86948 CMS](#)

A motion was made 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

- 7.2 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
[17-0275](#)

Attachments: [View Report](#)
[86949 CMS](#)

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

- 7.3 Subject: Appointment To The Community Jobs Oversight Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Doug Bloch To The Community Jobs Oversight Commission
[17-0266](#)

Attachments: [View Report](#)
[Supplemental 11-17-2017](#)
[86971 CMS](#)

This City Resolution be Withdrawn and Rescheduled to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council

- 7.4 Subject: Reappointment To The Budget Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Lori Erin Andrus, Kenneth Benson, Margurite Fuller, Brandon Baranco, Geoffrey Johnson, And Jennifer West To The Budget Advisory Commission
[17-0267](#)

Attachments: [View Report](#)
[Supplemental 11-17-2017](#)
[86972 CMS](#)

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

7.5 The item regarding the "Moratorium On Substantial Rehabilitation Exemption" was moved to the Non Consent Calendar of this agenda by the Rules and Legislation Committee on November 2, 2017

- 7.6 Subject: Oakland Plaid Friday Weekend
From: President Reid
Recommendation: Adopt A Resolution Declaring November 24-26, 2017, As Oakland Plaid Friday Weekend, The Launch Of Our Holiday Shop Local Campaign.
[17-0270](#)

Attachments: [View Report](#)
[86950 CMS.pdf](#)

This City Resolution was Adopted.

- 7.7 Subject: Lucio G. Pelayo & Alberto Pelayo V. Matthew Jung & The City Of Oakland, Et Al.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Lucio G. Pelayo & Alberto Pelayo V. Matthew Jung & The City Of Oakland, Et Al., Alameda County Superior Court Case No. RG16829240, In The Amount Of Thirty Thousand Dollars And No Cents (\$30,000.00) As A Result Of A Vehicle Collision On February 2, 2016 (Oakland Police Department - Negligence)
[17-0271](#)

Attachments: [View Report](#)
[86951 CMS](#)

This City Resolution was Adopted.

- 7.8 Subject: Brooklyn Basin Affordable Housing Agreements
From: Housing And Community Development Department
Recommendation: Adopt an Ordinance (1) Authorizing A Master Housing Agreement With The Oakland Housing Authority And Midpen Housing Corporation, Or Affiliated Entities, For Development Of Affordable Housing At Brooklyn Basin, (2) Authorizing Lease Disposition And Development Agreements With Midpen Housing Corporation And The Oakland Housing Authority, Or Affiliated Entities, For The Long-Term Ground Lease Of Parcel F At Brooklyn Basin For The First Phases Of Development, And (3) Making Ceqa Findings For This Action
[17-0150](#)

Attachments: [View Report](#)
[13458 CMS](#)

This Ordinance was Approved for Final Passage.

- 7.9 Subject: Arbor Day 2017
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution Proclaiming Thursday November 9, 2017, To Be Arbor Day 2017 In Oakland
[17-0302](#)

Attachments: [View Report](#)
[86952 CMS](#)

This City Resolution was Adopted.

- 7.10 Subject: Agreements With Caltrans And Attitudinal Healing
From: Councilmember McElhaney
Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Submit An Application And Enter Into An Agreement With The State Of California Department Of Transportation For The Sponsorship And Maintenance Of The "Oakland Super Heroes Mural No. 4," Project For West Street Under Interstate 580 - East Wall, As Proposed By Attitudinal Healing Connection; And 2) Enter Into An Agreement With Attitudinal Healing Connection For Installation Of The Mural Project And Ongoing Maintenance
[17-0291](#)

Attachments: [View Report](#)
[View Supplemental 11-07-2017](#)
[86953 CMS](#)

This City Resolution was Adopted.

7.11 Subject: Prohibit Contracting With Companies Bidding On The Border Wall
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code To Prohibit The City From Contracting With Companies That Contract With The Federal Government To Provide Services Or Goods To Construct The Border Wall Referenced In Executive Order No. 13767, Dated January 25, 2017
[16-1293](#)

Attachments: [View Report](#)
[Supplemental 10-12-17](#)
[13459 CMS](#)

This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 11/28/2017

Subject: FY 2016-17 4TH Quarter Revenue And Expenditure Report
From: Finance Department
Recommendation: Receive An Informational Report On The Unaudited Fiscal Year (FY) 2016-17 Fourth Quarter Revenue and Expenditure Results And Year-End Summaries For The General Purpose Fund (GPF, 1010) and Eight Selected Funds; And General Purpose Fund (GPF, 1010) Carryforward for FY 2017-18; And Overtime Analysis For The General Purpose Fund (GPF, 1010) And All Funds
[17-0021](#)

Attachments: [View Report](#)

This Informational Report was Received and Filed.

7.13 Subject: Amendment To Ordinance No. 12187 C.M.S.
From: Human Resources Management
Recommendation: Adopt An Ordinance Amending Ordinance No. 12187 C.M.S.("Salary Ordinance") And Amending The Salary Schedule Of The Salary Ordinance To Increase The Salary For City Clerk
[17-0234](#)

Attachments: [View Report](#)
[13460 CMS](#)

This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 11/28/2017

- 7.14 Subject: Resolution Calling For Utility User Taxes Based On Greenhouse Gas
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Urging Pacific Gas And Electric To Allow The City
To Set Utility User Taxes Based On Greenhouse Gas Pollution
[17-0188](#)

Attachments: [View Report](#)
[10-20-17 Supplemental](#)
[86954 CMS](#)

This City Resolution was Adopted.

7.15 Subject: Ordinance To Enact The Uniform Residential Tenant Relocation Ordinance
From: Councilmember Kaplan
Recommendation: Adopt An Ordinance To Enact The Uniform Residential Tenant Relocation Ordinance To (1) Establish An Uniform Schedule Of Relocation Payments; (2) To Extend Relocation Payments To Tenants Displaced By Owner Move-In Evictions; (3) To Extend Relocation Payments To Tenants Displaced By Condominium Conversions; And (4) Conform Existing Ellis Act And Code Compliance Relocation Amounts To Those In The Uniform Schedule
[17-0111](#)

Attachments: [View Report](#)

[Supplemental 10/12/17](#)

[View Supplemental 11/08/17](#)

[View Kaplan Supplemental 12/14/17](#)

[View Campbell Wasqington Supplemental 12/14/17](#)

[View Revised 01/05/18](#)

The ordinance was amended to modify section 8.22.810 on page 2 of the attachment to the report as follows:

to read: "Minor child(ren)" means a person(s) who is eighteen (18) years or younger at the time the notice is served."

also amending the 2nd paragraph to read:

"Owner or Property Owner means a person, persons, corporation, partnership, limited liability company, or any other entity holding any portion of the fee interest in the property, and the property owner's obligations in the chapter shall be joing and several as to each property owner."

Modifying ordinance section 8.22.850(C)1 on page 4 of attachment to the report to read as follows:

"The Owner must pay the Tenant half of the relocation payment provided for in Section 8.22.820(A) when the termination notice is given to the household and the remaining half when the Tenant vacates the unit provided that the Tenant agrees, in writing, not to contest an unlawful detainer based on the notice of terminate tenancy for the Owner or relative moving in to the Tenant's Rental Unit. If the Tenant does not so agree, then the entirety of the relocation payment is not due unless the Owner prevails in the unlawful detainer. If the Owner prevails in the unlawful detainer, the relocation payment must be paid to the Tenant prior to the Owner seeking a writ of possession for the Tenant to vacat the unit."

This Ordinance was Approved As Amended On Introduction and Scheduled for Final Passage. to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 11/28/2017

7.16 Subject: 2017 Mills Act Contract Recommendations
From: Planning And Building Department
Recommendation: Adopt A Resolution, As Recommended By The Landmarks Preservation Advisory Board, Approving Five (5) Mills Act Contracts Between The City Of Oakland And The Properties At 836 Trestle Glen Road (Estimated \$8,669/ Year Property Tax Reduction), 3130 Union Street (Estimated \$294/Year Property Tax Reduction), 1630-32 Myrtle Street (Estimated \$5,285/Year Property Tax Reduction), 783 20th Street (Estimated \$2,255/Year. Property Tax Reduction, And 863 Cleveland Street (Estimated \$12,889/Year Property Tax Reduction), Pursuant To Ordinance No. 12987 C.M.S., To Provide Property Tax Reductions In Exchange For Owners' Agreement To Repair And Maintain Historic Properties In Accordance With Submitted Work Programs
[17-0205](#)

Attachments: [View Report](#)
[86955 CMS](#)

This City Resolution was Adopted.

7.17 Subject: Oakland Museum Of California Policies
From: Office Of The City Administrator
Recommendation: Adopt The Following Pieces Of Legislation;

1) An Ordinance Amending Oakland Municipal Code Title II To Add Chapter 2.05, Which Will Establish Procedures For The Acquisition (Also Referenced As "Accession") And Disposition (Also Referenced As "Deaccession") Of Artifacts And Other Items For/From The Listed Holdings Of The Oakland Museum Of California (OMCA), And
[17-0098](#)

Attachments: [View Report](#)
[Supplemental Report 10/12/17](#)
[13461 CMS](#)

This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 11/28/2017

2) An Ordinance Amending Oakland Municipal Code Chapter 2.04 To Exempt Acquisition (Accession) And Disposition (Deaccession) Of City Of Oakland Personal Property Known As The Oakland Museum Of California Collection, From The Provisions Of The Purchasing Ordinance, Oakland Municipal Code Chapter 2.04, Applicable To Purchase And To Disposition And Disposal Of Surplus Property
[17-0101](#)

Attachments: [View Report](#)
[Supplemental Report 10/12/17](#)
[13462 CMS](#)

This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 11/28/2017

- 7.18** Subject: Grant Agreement To Administer A Safe Haven Outdoor Navigation Center
From: Vice Mayor Campbell Washington
Recommendation: Adopt A Resolution Authorizing The City Administrator To:
1. Enter Into A Grant Agreement With Bay Area Community Services In An Amount Not To Exceed \$200,000 Each Year For Fiscal Year (FY) 2017-2018 And FY 2018-2019 To Provide Housing Navigation Services At An Outdoor Navigation Center Site; And
 2. Enter Into A Grant Agreement With Operation Dignity In An Amount Not To Exceed \$300,000 Each Year For FY 2017-2018 And FY 2018-2019 To Provide Site Management Services At An Outdoor Navigation Center Site; And
 3. Accept And Appropriate Any Funds Or Donations For Outdoor Navigation Centers That May Become Available From Alameda County, The City Of Emeryville, And Any Other Sources Without Returning To Council For The Period Of FY2017-2018 And FY 2018-2019; And
 4. Amend The Above Grant Agreements To Increase The Grant Amounts For Additional Outdoor Navigation Center Services And Efforts Without Returning To Council Within The Grant Term Of FY 2017-2018 And FY 2018- 2019

[17-0158](#)

- Attachments:** [View Report](#)
[View Report Attachment A](#)
[View Report Attachment B](#)
[View Report Attachment C](#)
[View Report Attachment D](#)
[View Report Attachment E](#)
[Supplemental Report 10-20-17](#)
[Supplemental 11-02-17](#)
[86956 CMS](#)

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

7.19 Subject: Winter Shelter Strategy
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Take The Following Actions To Provide Winter Shelter And Winter Relief Efforts For The Period Of November 1, 2017 Through June 30, 2018:

1. Accept And Appropriate Up To \$150,000 From Alameda County And Up To \$15,000 From City Of Emeryville;
2. Enter Into Grant Agreements With The Following Agencies In The Following Amounts: Society Of Saint Vincent De Paul Of Alameda County In An Amount Not To Exceed \$250,000; Bay Area Community Services In An Amount Not To Exceed \$108,000;
3. Amend The Grant Agreements With The Following Agencies In The Following Amounts: St. Mary's Center In An Amount Not To Exceed \$15,000; East Oakland Community Project (EOCP) In An Amount Not To Exceed \$22,000; And
4. Accept And Appropriate Any Additional Winter Relief Funds From Alameda County, The City Of Emeryville, And Any Other Sources During The Period Of November 1, 2017 Through June 30, 2018; And Amend The Grant Agreements Above To Increase The Grant Amounts, And Execute New Grant Agreements For Additional Winter Relief Efforts For The Period Of November 1, 2017 Through June 30, 2018 Without Returning To Council

[17-0220](#)

Attachments: [View Report](#)
[86957 CMS](#)

This City Resolution was Adopted.

7.20 Subject: Reallocate Funding For The CPRB Database And Case Management System
From: Citizens' Police Review Board
Recommendation: Adopt A Resolution To Rescind Resolution No. 86489 C.M.S. And Adopt A Resolution To Waive The Multiple-Step Solicitation Process Requirements And Authorize The City Administrator, Or Designee, To Enter Into A Contract With Outsystems Or An Outsystems Certified Partner - Doitlean For The Purchase Of Professional Services To Build And Maintain The Citizens' Police Review Board Database And Case Management System For An Amount Not To Exceed Four Hundred-Ten Thousand Dollars (\$410,000)

[17-0241](#)

Attachments: [View Report](#)
[86958 CMS](#)

This City Resolution was Adopted.

7.21 Subject: Fiscal Year 2017 FEMA Urban Search and Rescue Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To: A) Enter Into A Grant Cooperative Agreement With The Federal Emergency Management Agency (FEMA) To Accept And Appropriate Federal FEMA Funds For The Period September 1, 2017 To August 31, 2020, In The Amount Of One Million Two Hundred Forty Thousand And Thirteen Dollars (\$1,240,013) To Meet Continuing Management, Training And Equipment Needs Of The Fire Department's Urban Search And Rescue (US&R) Task Force Four; B) To Host The US&R Medical Team Training In June 2018; C) Expend The FEMA Funds In Accordance With The Preliminary Spending Plan Without Further Council Approval, Including Funding For Training And The Purchase Of Equipment From The General Services Administration And Other Government Pricing Schedules; D) Waiving The City's Advertising And Competitive Bidding And Purchasing Requirements For Procurement Of Equipment When Required By The Grant Funds; And E) Approve Travel For City Personnel That Provide Services Under The FEMA Cooperative Agreement Program On Short Notice Without Further Council Authorization

[17-0243](#)

Attachments: [View Report](#)

[86959 CMS](#)

This City Resolution was Adopted.

Approval of the Consent Agenda

A motion was made by Kaplan, seconded by Kalb, 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

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

The report of the City Attorney of 1 final decision approved during closed session.

A motion was made by Abel J. Guillén, seconded by Noel Gallo, that this matter be Approve as Submitted. 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: Brooklyn Basin Community Facilities
From: Planning And Building
Recommendation: Conduct A Public Hearing On Formation Of Community Facilities District No. 2017-1 (Brooklyn Basin Public Services) And Upon Conclusion, Consider Adopting:

1. A Resolution Of Formation Of Community Facilities District No. 2017-1 (Brooklyn Basin Public Services) And Authorization Of Levy Of Special Tax Therein; And [16-1288](#)

Attachments: [View Report](#)
[86960 CMS](#)

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 8.06 p.m.

4 individuals spoke on this item.

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

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

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

NO VOTE: 0

2. A Resolution Of The Council Of The City Of Oakland Calling Special Election For Qualified Electors Of Community Facilities District No. 2017-1 (Brooklyn Basin Public Services); And [16-1289](#)

Attachments: [View Report](#)
[86961 CMS](#)

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

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

NO VOTE: 0

At this time the Council paused action, the Clerk opened the ballots and announced that 3 ballots were submitted from 3 property owners and the measure prevailed.

3. A Resolution Determining The Result Of The Special Election Held In Community Facilities District No. 2017-1 (Brooklyn Basin Public Services), On November 7, 2017;
And

[16-1290](#)

Attachments: [View Report](#)
[86962 CMS](#)

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

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

NO VOTE: 0

Subject: Brooklyn Basin Community Facilities

From: Planning And Building

Recommendation: Adopt An Ordinance Levying Special Taxes Within Community Facilities District No. 2017-1 (Brooklyn Basin Public Services)

[16-1291](#)

Attachments: [View Report](#)
[13463 CMS](#)

A motion was made by Lynette McElhaney, seconded by Dan Kalb, that this matter be Approved On Introduction and Scheduled for Final Passage to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 11/28/2017. The motion carried by the following vote:

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

NO VOTE: 0

S9.2 Subject: Oak Knoll Project And City Owned Barcelona Parcel
From: Council President Reid
Recommendation: Adopt The Following Pieces Of Legislation;

1) A Resolution (A) Certifying The Environmental Impact Report And Adopting Related CEQA Findings, Including Adoption Of A Statement Of Overriding Considerations; (B) Amending The General Plan Land Use Diagram For The Oak Knoll Site To Match The Project's Parcel-By-Parcel Specificity And Existing Site Conditions; (C) Adopting Planned Unit Development Permit, Preliminary Development Plan And Design Guidelines, Final Development Plan For Master Developer Site Improvements, Final Development Plan For Club Knoll Relocation And Rehabilitation, Vesting Tentative Tract Map, Conditional Use Permit For Shared Access Facilities, Creek Permit, Tree P Permit And Other Development Related Land Use Permits For Oak Knoll Mixed Use Community Plan Project, Located On The Former Oak Knoll Naval Medical Center Property At 8750 Mountain Boulevard; And
[17-0208](#)

Attachments: [View Report](#)

[Att 1 PC Staff Report for 10-18](#)

[Att 2 6-21-17 PC Staff Report](#)

[Att 2-A Illustrative Site Plan](#)

[Att 2-B PUD Preliminary Dev. Plan](#)

[Att 2-C PUD Design Guidelines](#)

[Att 2-D Exist General Plan Diagram](#)

[Att 2-E Proposed General Plan Diagram](#)

[Att 2-F Exist Zoning](#)

[Att 2-F\(b\) 17.13 RH Hillside Residential Zones 5-12-17](#)

[Att 2-G Proposed Re-Zone Diagram](#)

[Att 2-G\(b\) Zoning Text](#)

[Att 2-H \(b\) VTM Barcelona.Reduced September 2017](#)

[Att 2-H VTM Barcelona.Reduced September 2017](#)

[Att 2-I Master Dev. Improvement FDP](#)

[Att 2-J Club Knoll FDP \(1\)](#)

[Att 2-K Hydrology and Creeks Plan](#)

[Att 2-L Removal of Development Agreement](#)

[Att 2-L-Letter to Heather Klein 10-6-17 Regarding the Development Agreement](#)

[Att 2-M Tree Removal and Mitigation Plan](#)

[Att 2-N General Plan Conformity and Land Use Diagram Amendment](#)

[Att 2-O Planning Findings-Final](#)

[Att 2-P SCAs and MMRP](#)

[Att 2-Q CEQA Findings](#)

[Att 2-Q\(b\) Oak Knoll Economic Benefit Report 6.13.17](#)

[Att 2-R -Oak Knoll COA Exhibit A EDUs](#)

[Att 2-R -Oak Knoll COA Exhibit B-Ownership maintenance matrix](#)

[Att 2-R Oak Knoll Conditions of Approval - Final Clean](#)

[Att 2-R Oak Knoll Conditions of Approval - Final Redline](#)

[Att 2-R -Oak Knoll Exhibit C and D](#)

[Att 2-R -Oak Knoll Exhibit E Extension of Barcelona Street](#)

[Att 2-S Public Comments -2](#)

[Att 2-S Public Comments](#)

[Att 2-T Fire Department Memo- Revised](#)

[Att 3 T1500124 - Oak Knoll Permit](#)

[Att S Public Comments -1](#)

[View Supplemental 11-03-17](#)

[CMS 86963](#)

Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 8:33 p.m.

126 individuals spoke on this item.

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

Councilmember McElhaney made a motion seconded by Council President Reid to adopt items 1 and 2 on the public hearing and refer actions 3 and 4 on the Barcelona Parcel to the December 5, 2017 Special Community and Economic Development Committee; upon call of the roll the matter passed by Ayes: Brooks, Campbell Washington, Kaplan, McElhaney, and Reid; Noes: Gallo, Guillén, and Kalb

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

Aye: 5 - Brooks, Campbell Washington, McElhaney, Kaplan, and Reid

No: 3 - Gallo, Guillén, and Kalb

NO VOTE: 0

Subject: Oak Knoll Project And City Owned Barcelona Parcel

From: Council President Reid

Recommendation: Adopt An Ordinance (A) Adopting CEQA Findings, Including Certification Of Environmental Impact Report; And (B) Rezoning, Including New Zoning Districts, New Zoning Text And Zoning Map Changes For Oak Knoll Mixed Use Community Plan Project, Located On The Former Oak Knoll Naval Medical Center Property At 8750 Mountain Boulevard, Oakland

[17-0209](#)

Attachments: [View Report](#)

[13466 CMS](#)

A motion was made by Lynette McElhaney, seconded by Larry Reid, that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 11/28/2017. The motion carried by the following vote:

Aye: 5 - Brooks, Campbell Washington, McElhaney, Kaplan, and Reid

No: 3 - Gallo, Guillén, and Kalb

NO VOTE: 0

3) A Resolution (A) Certifying The Supplemental Environmental Impact Report And Adopting Related CEQA Findings And (B) Amending The General Plan From Hillside Residential And Resource Conservation To Detached Unit Residential For The City Owned Barcelona Parcel Located At Barcelona Street And St. Andrews Road, Oakland;
And

17-0210

Attachments: [View Report](#)

This City Resolution be Referred.to go before the * Special Concurrent Meeting of the Oakland Redevelopment Successor Agency and Community & Economic Development Committee to be heard 12/5/2017

Aye: 5 - Brooks, Campbell Washington, McElhaney, Kaplan, and Reid

No: 3 - Gallo, Guillén, and Kalb

NO VOTE: 0

4) An Ordinance (A) Adopting CEQA Findings, Including Certification Of The Supplemental Environmental Impact Report And (B) Rezoning From RH-3 Hillside Residential Zone -3 To The Proposed D-OK-1 Oak Knoll District Residential Zone - 1 And The D-OK-7 Passive Open Space Zoning For The City-Owned Barcelona Parcel Located At Barcelona Street And St. Andrews Road, Oakland

[17-0211](#)

Attachments: [View Report](#)

This Ordinance be Referred.to go before the * Special Concurrent Meeting of the Oakland Redevelopment Successor Agency and Community & Economic Development Committee to be heard 12/5/2017

Aye: 5 - Brooks, Campbell Washington, McElhaney, Kaplan, and Reid

No: 3 - Gallo, Guillén, and Kalb

NO VOTE: 0

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

- 11 Subject: Economic Development Strategy
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Adopting An Economic Development Strategy for
2018-2020
[17-0156](#)

Attachments: [View Report](#)
[Color Copy Strategy](#)
[Color Copy Appendices](#)
[Supplemental 11-03-17](#)
[86984 CMS](#)

**This City Resolution be Referred to go before the *Rules & Legislation Committee
to be heard 11/9/2017**

- 12 Subject: Adult-Use Cannabis Regulations
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Chapters 5.80 And 5.81 Of The Oakland Municipal Code To: (1) Authorize The Retail Sale, Cultivation, Distribution, Testing, And Manufacturing Of Adult-Use (Recreational) Cannabis; (2) Clarify Allowed Locations For Delivery Only Cannabis Dispensaries; (3) Expand The Types Of Documentation An Equity Program Applicant Can Use To Show Income And Local Residency; And (4) Clarify What Local Authorization Means For The Purposes Of A Business Obtaining A Temporary State License To Engage In Commercial Cannabis Activity.
[17-0237](#)

Attachments: [View Report](#)
[Supplemental Report 10-27-2017](#)
[Supplemental 11-02-17](#)
[Supplemental 11-17-2017](#)
[KaplanKalbCannabisAmendments11.7.2017](#)
[13464 CMS](#)

There were 11 speakers on the item.

The ordinance was amended to sections 5.80 and 5.81 of the October 24, 2017 Public Safety committee's recommendation with the following additional minor changes accordingly:

*On page 10, section 5.80.045(B)(2) striking the 9th bullet that read, " * Lease agreement with proof of landlord's property ownership during relevant time periods."*

On page 14, under section 5.80.120(A), the 2nd to last line, replacing the word "may" with "shall";

*On page 20, striking the 8th bullet under section 5.81.060(B)(2) that read, " * Lease agreement with proof of landlord's property ownership pduring relevant time periods.;"*

On page 26, under section 5.81.140(A), the 2nd to last line, replacing the word "may" with "shall".and directing the amendments of Councilmembers Kalb, Gallo and Kaplan handed out on the floor to the December 5, 2017 Public Safety Committee

Councilmember Kaplan made a motion, seconded by Councilmember Kalb to add additional amendments referenced as "Kaplan's Revised Additional Proposed Amendments" (attached as Attachment A to the ordinance), the motion tied by Ayes: Gallo, Guillen, Kalb, Kaplan; Noes: Brooks, Campbell Washington, McElhaney, Reid.

Pursuant to Charter section 200, the Mayor was requested to cast the tie breaking vote. Mayor Schaaf appeared and cast a vote of "aye" resulting in 5 ayes. As a result of Mayor Schaaf's affirmative vote the Kaplan/Kalb amendments passes.

This Ordinance be Approved As Amended On Introduction and Scheduled for Final Passage to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 11/28/2017

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

NO VOTE: 0

S13 Subject: Moratorium On Substantial Rehabilitation Exemption
From: Councilmembers Kalb And Kaplan
Recommendation: Adopt An Ordinance Imposing A 180-Day Moratorium On Substantial Rehabilitation Exemptions Pursuant To Chapter 8.22 Of The Oakland Municipal Code ("Residential Rent Adjustment Program") Section 8.22030.B.2.
[17-0268](#)

Attachments: [View Report](#)

[View Supplemental 11-02-17](#)

[View Supplemental 11-08-17](#)

[13465 CMS](#)

There were 16 speakers on this item.

At 11:56pm a motion was made by Councilmember McElhaney, seconded by Council President Reid to extend the meeting ast midnight. The motion carried.

The ordinance was amended to change the date from 2017 to 2018.

A motion was made by Lynette McElhaney, seconded by Larry Reid, that this matter be Approved On Introduction and Scheduled for Final Passage to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 11/28/2017. The motion carried by the following vote:

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

NO VOTE: 0

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 Leif Eric Eide at 12:01 a.m.

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