



City of Oakland

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

Meeting Agenda - 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, February 6, 2018

5:30 PM

City Council Chamber, 3rd Floor

DEFINITION OF TERMS:

Consent Item: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.

Non-Consent Item: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.

Action Item: any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

Informational Item: an item of the agenda consisting only of an informational report that does not require or permit Council action.

1 PLEDGE OF ALLEGIANCE

2 ROLL CALL / CITY COUNCIL

COUNCILMEMBERS: Desley Brooks, District 6; Vice Mayor Annie Campbell Washington, District 4; Noel Gallo, District 5; President Pro Tempore Abel J. Guillén, District 2; Dan Kalb, District 1; Rebecca Kaplan, At Large; Lynette McElhaney, District 3; Council President Larry Reid, District 7

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):

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF JANUARY 16, 2018

[18-0062](#)

Attachments: [View Report](#)

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:**

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](#)

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](#)

- 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](#)

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE.

FINAL PASSAGE (Second Reading) WILL OCCUR ON TBD.

Legislative History

1/18/18	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
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- 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](#)

Legislative History

10/26/17	*Rules & Legislation Committee	Withdrawn with No New Date
1/16/18	* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Withdrawn and Rescheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

- 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](#)

Legislative History

1/25/18	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
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- 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](#)

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE.

FINAL PASSAGE (Second Reading) WILL OCCUR ON TBD.

Legislative History

11/16/17	*Rules & Legislation Committee <i>This Item was scheduled to be heard at the 1st Committee in January.</i>	Scheduled to the *Community & Economic Development Committee
1/9/18	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the Community and Economic Development Committee <i>The Committee directed staff to change the Article number in the report from 6 to 7</i> <i>There was 3 speakers on this item</i>	Continued to the *Community & Economic Development Committee
1/11/18	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee

1/23/18 *Community & Economic Development Committee Approved as Amended the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

There were 4 speakers for this item

The Staff read into record the following amendments:

1) a title change, to strike VI and change it "VII" and change in Section 1 page 3 from VI to "VII".

2) Section 3 page 14 strike effective thirty (30) days after adoption and add "on May 1, 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](#)

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE.

FINAL PASSAGE (Second Reading) WILL OCCUR ON TBD.

Legislative History

1/11/18 *Rules & Legislation Committee Scheduled to the *Community & Economic Development Committee

1/23/18 *Community & Economic Development Committee Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

There were 8 speakers for this item

AT 2:05 COUNCILMEMBER MCELHANEY WAS OUT HER SEAT; LACK OF A QUORUM WAS NOTED AND NO ACTION COULD BE TAKEN ON ANY ITEMS ON THE AGENDA

COUNCILMEMBER MCELHANEY WAS NOTED PRESENT AT 2:07 P.M. AND A QUORUM WAS DECLARED.

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](#)

Legislative History

1/11/18	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
1/23/18	*Community & Economic Development Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

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](#)

Legislative History

1/11/18	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
1/23/18	*Community & Economic Development Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

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](#)
[87043 CMS](#)

Legislative History

1/11/18	*Rules & Legislation Committee	Scheduled to the *Life Enrichment Committee
1/23/18	*Life Enrichment Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

There was 1 speaker on this item.

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](#)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE.

INTRODUCTION (First Reading) WAS PASSED ON JANUARY 16, 2018; 7 AYES, 1 EXCUSED GALLO.

Legislative History

1/16/18	* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Approved On Introduction and Scheduled for Final Passage to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
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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](#)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE.

INTRODUCTION (First Reading) WAS PASSED ON JANUARY 16, 2018; 7 AYES, 1 EXCUSED GALLO.

Legislative History

11/2/17	*Rules & Legislation Committee	Scheduled to the *Life Enrichment Committee
1/9/18	*Life Enrichment Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
<i>There were 2 speakers on this item.</i>		
1/16/18	* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Approved On Introduction and Scheduled for Final Passage to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

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](#)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE.

INTRODUCTION (First Reading) WAS PASSED ON JANUARY 16, 2018; 7 AYES, 1 EXCUSED GALLO.

Legislative History

11/2/17	*Rules & Legislation Committee	Scheduled to the *Life Enrichment Committee
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1/9/18	*Life Enrichment Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
	<i>There were 2 speakers on this item.</i>	
1/16/18	* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Approved On Introduction and Scheduled for Final Passage to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

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

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](#)

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE.

FINAL PASSAGE (Second Reading) WILL OCCUR ON TBD.

Legislative History

1/11/18	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
1/23/18	*Community & Economic Development Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

The Committee Approved the Recommendation of Staff to have this item forwarded to City Council to be heard as a Public Hearing

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

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](#)

Legislative History

1/25/18	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
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Council President Reid requested to be a co author. Councilmember McElhaney made a motion to schedule this item to the full council.

- 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](#)

Legislative History

11/16/17	*Rules & Legislation Committee	Scheduled to the *Finance & Management Committee
1/9/18	*Finance & Management Committee	Continued to the *Finance & Management Committee
1/23/18	*Finance & Management Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

The Committee forwarded this item to go before The City Council as a Non-Consent item

- 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](#)

Legislative History

1/11/18	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee
1/25/18	*Rules & Legislation Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

There were 4 speakers on this item.

- 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](#)

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)

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