



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, February 6, 2018

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 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

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

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

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](#)

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](#)

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](#)

The City Council Adopted the Ordinance As Amended To Strike U31 and UJ1

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

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](#)

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; On The March 20, 2018 City Council Agenda As An Consent Item
[17-0415](#)

Sponsors: Office Of The City Attorney

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

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

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

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](#)

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](#)

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](#)

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](#)

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](#)

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

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 Ayes: Brooks, Campbell Washington, Gallo, Kalb, Kaplan, Reid and President Gibson McElhaney - 7, Recused: Guillén - 1

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

There were 25 speakers spoke on this item.

Councilmember McElhaney made a motion, seconded by Vice Mayor Annie Campbell Washington to adopt the resolution as presented. This motion FAILED with a vote of 4 AYES (Campbell Washington, Guillen, McElhaney and Reid), 3 NOES (Brooks, Gallo, Kaplan) and 1 ABSTAINED (Kalb)

Councilmember Kalb made a motion, seconded by Vice Mayor Campbell Washington, to adopt the resolution with the proposed recommendations and to include the following AMENDMENT to Rule 4 on page 5:

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

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](#)

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

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.**