



# 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, March 21, 2017

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

**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)

*There were 7 speakers during open forum*

#### 4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

*Councilmember Kalb took a point of personal privilege and requested that the meeting be adjourned in memory of Natalie Byrd.*

*Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Waleen Gallette.*

*Councilmember McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Sultan Bey and Louis Annette Davis.*

*Council President Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Annie May Acre, William Bell, Sergeant Mark Dunakin, Officer John Hege, SWAT Sergeant Ervin Romans, and SWAT Sergeant Daniel Sakai*

- 4.2** Subject: Honoring The Oakland Jr. Raiders Youth Football And Cheer Program  
From: Vice Mayor Annie Campbell Washington  
Recommendation: Adopt A Resolution Honoring The Oakland Jr. Raiders Youth Football And Cheer Program On Their 2016 State Championship  
[16-0851](#)

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

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

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

- 4.1** Subject: Honoring Donald R. White Upon His Retirement As Alameda County Treasurer  
From: Council President Larry Reid  
Recommendation: Adopt A Resolution Recognizing And Honoring The Honorable Donald R. White Upon His Retirement As Alameda County Treasurer After 32 Years Of Dedicated Service  
[16-0822](#)

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

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

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

- S4.3** Subject: The Month Of March As Red Cross Month  
From: Council President Larry Reid And Councilmember Kalb  
Recommendation: Adopt A Resolution Recognizing The Month Of March (2017) As Red Cross Month  
[16-0835](#)

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

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

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

- 5** APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF FEBRUARY 21, 2017 AND MARCH 7, 2017  
[16-0814](#)

**A motion was made by Abel J. Guillén, seconded by Desley Brooks, 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

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

- 6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS  
(Requests To: Reschedule Items From Consent To Non-Consent  
To The Next Council Agenda, Speak On Consent Calendar, Register Votes,  
Change Order Of Items, Reconsiderations, Pull Items Held In Committee):**
- 7 CONSENT CALENDAR (CC) ITEMS:**

*There were 16 speakers on the consent calendar.*

- 7.1** Subject: Declaration Of 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  
[16-0815](#)
- 7.2** Subject: 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  
[16-0816](#)
- 7.3** Subject: Mayor's Appointment To The Library Advisory Commission  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of  
Kerrick Goodman-Lucker And Reginald Constant As Members Of The Library  
Advisory Commission  
[16-0845](#)
- 7.4** Subject: Mayor's Appointment To The Commission On Persons With Disabilities  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Alicia  
Contreras To The Commission On Persons With Disabilities  
[16-0846](#)
- 7.5** Subject: Mayor's Appointment To The Selection Panel Established By Measure LL  
(Police Commission)  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of  
Arnold X. C. Perkins To The Selection Panel Established By Measure LL (Police  
Commission)  
[16-0847](#)

- 7.6** Subject: Salary Ordinance Amendment  
From: Human Resources Management Department  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance. No. 12187 C.M.S. ("Salary Ordinance") To Add The Full-Time Classification Of Head Start ERSEA (Eligibility, Recruitment, Selection, Enrollment And Attendance) And Data Program Coordinator; To Add The Part-Time Classification Of Fireboat Attendant, PT; To Add The Full-Time And Permanent Part-Time Classifications Of US&R Warehouse And Logistics Specialist; To Add The Fulltime Classification Of Van Driver; To Amend The Title Of Head Start Nutrition Coordinator To Head Start Health And Nutrition Coordinator; To Adjust The Representation Unit Of The Classification Of Energy Engineer III; And To Delete The Full-Time Classifications Of Zoo Keeper And Zoo Keeper III  
[16-0706](#)
- 7.7** Subject: MacArthur BART Revision To PUD And Amendment To Development Agreement  
From: Planning And Building Department  
Recommendation: Adopt An Ordinance, As Recommended By The City Planning Commission, (A) Amending The Development Agreement By And Between City Of Oakland And MacArthur Transit Community Partners, LLC Regarding The Property And Project Known As "MacArthur Transit Village" To Allow For Increased Height On Parcel B, And (B) Relying On The 2008 MacArthur Station Project Environmental Impact Report And Addenda, Finding That No Additional Environmental Review Is Needed Pursuant To California Environmental Quality Act Guidelines Sections 15162-15164, 15168 And 15180, 15183, And 15183.3 And Adopting Related CEQA Findings, For Parcel B, Located At 532-391th Street, Oakland, Ca (Assessor Parcel Numbers 012 102501100 And 012 102501200)  
[16-0709](#)
- 7.8** Subject: Resolution Honoring The Life And Legacy Of Anne Woodell  
From: Vice Mayor Annie Campbell Washington  
Recommendation: Adopt A Resolution Honoring The Life And Legacy Of Anne Woodell And Recognizing Her Everlasting Impact On The City Of Oakland, Its Parks, And Its Citizens  
[16-0842](#)

- 7.9** Subject: Workenesh Demeku-Ousman V. City Of Oakland  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Related Cases: (1) Workenesh Demeku-Ousman V. City Of Oakland, Et Al., Alameda County Superior Court No. RG15788993 In The Amount Of Twenty Six Thousand Dollars And No Cents (\$26,000.00) And (2) Allstate Northbrook Indemnity V. City Of Oakland, Alameda County Superior Court, Case No. RG15794570 In The Amount Of Seven Thousand Dollars And No Cents (\$7,000.00), For A Total Settlement Amount Of Thirty-Three Thousand Dollars And No Cents (\$33,000.00), As A Result Of An Auto Collision On February 13, 2015 (Oakland Police Department- Auto Collision)  
[16-0840](#)
- 7.10** Subject: ORSA Audit Report  
From: Oakland Finance Department  
Recommendation: Receive An Informational Report On The Oakland Redevelopment Successor Agency (ORSA) Audit Report For The Year Ended June 30, 2016  
[16-0837](#)
- 7.11** Subject: Comprehensive Annual Financial Report (CAFR) Audit Report  
From: Oakland Finance Department  
Recommendation: Receive An Informational Report On The Comprehensive Annual Financial Report (CAFR) And The Management Letter For The Year Ended June 30, 2016  
[16-0836](#)
- 7.12** Subject: Travel Authorization - Councilmember Kalb  
From: Councilmember Dan Kalb  
Recommendation: Adopt A Resolution Authorizing Councilmembers Dan Kalb & Lynette Gibson McElhaney And President Pro Tempore Abel Guillen To Travel To Ontario, California To Attend League Of California Cities' Policy Committee Meetings On March 30 And 31,2017  
[16-0848](#)
- S7.13** Subject: Resolution Prohibiting Hiring Discrimination Based On Non-Work-Related Cannabis Use  
From: Councilmember Kaplan  
Recommendation: Adopt A Resolution Declaring That Past Non-Work-Related Cannabis Use Shall Not Be Considered In The Selection Process For Any City Job Except Police Officer Trainee, Police Officer And Public Safety Dispatcher And Any Other Position For Which Such Consideration Is Legally Required  
[16-0692](#)

- S7.14** Subject: ITD Project Support  
From: Information Technology Department  
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator Or Designee To Enter Into Professional Services Agreements And/Or Purchase Agreements For Hardware Or Software To Support A) Phase II Of The Oracle Reimplementation Project ("Oracle Project"), B) Related Technology Upgrades For City Departments, And C) The Final Implementation Phase Of The Performance, Reporting, Information And Metrics Environment (Prime) Project In An Amount Not To Exceed One Million Two Hundred And Fifty Thousand Dollars (\$1,250,000) Without Return To Council; And 2) Waive The Multiple-Step Solicitation Process Requirements When Necessary.  
[16-0783](#)
- S7.15** Subject: Sanitary Sewer Root Foaming  
From: Oakland Public Works  
Recommendation: Adopt A Resolution Rejecting All Bids, Waiving Further Competitive Bidding, And Authorizing The City Administrator, Or Designee, To Negotiate With Duke's Root Control, Inc., The Lowest Bidder, And Execute A Construction Contract For Sanitary Sewer Root Foaming Services Fiscal Year 2016 To 2019 (Project No. 1000922) In The Amount Of One Million Eight Hundred Twelve Thousand Four Hundred Twenty Dollars And Fifty Cents (\$1,812,420.50)  
[16-0757](#)
- S7.16** Subject: Major Encroachment Permit at 1814 Franklin Street  
From: Department Of Transportation  
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To 1814 Franklin Investors, LLC To Allow Portions Of Existing Basement And Awning At 1814 Franklin Street To Encroach Into The Public Right-Of-Way Along Franklin Street And 19th Street, Major Encroachment Permit ENMJ16057  
[16-0768](#)
- S7.17** Subject: High Street, Courtland, Ygnacio Intersection Improvement Project  
From: Oakland Public Works  
Recommendation: Adopt A Resolution Awarding A Construction Contract To Beliveau Engineering, The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications And Contractor's Bid For The High Street, Courtland Avenue, And Ygnacio Avenue Intersection Improvements Project (Project No. C490610) In The Amount Of One Million One Hundred Seventy-One Thousand One Hundred Sixty-One Dollars And Fifty Cents (\$1,171,161.50)  
[16-0769](#)

**S7.18** Subject: Certificate Of Completion For Public Improvements at 2847 Peralta Street  
From: Department Of Transportation  
Recommendation: Adopt A Resolution Accepting Public Improvements In The  
Right-Of-Way At 2847 Peralta Street Per Subdivision Improvement Agreement Dated  
October 16, 2012 And Directing The Filing Of The Unconditional Certificate Of  
Completion For The Subdivision  
[16-0770](#)

**S7.19** Subject: Visiting Professional Initiative  
From: Transportation Department  
Recommendation: Adopt A Resolution Directing The City Administrator To Enter Into  
A Memorandum Of Understanding (MOU) With The Chicago Transit Authority  
Regarding The Visiting Professional Initiative  
[16-0812](#)

**S7.20** Subject: California Farmers Market Association  
From: Councilmember Desley Brooks  
Recommendation: Adopt A Resolution Granting A Conditional And Revocable  
Encroachment Permit To Occur For A Farmers' Market In The Public Right-Of-Way At  
7700 Mountain Boulevard Each Saturday Between The Hours Of 6:00 A.M. And 4:00  
P.M.  
[16-0746](#)

**S7.21** Subject: Housing Related Parks Program Grant 2016  
From: Housing And Community Development  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City To Apply For, Accept And Appropriate Grant  
Funds From The California Department Of Housing And Community Development In  
An Amount Not To Exceed \$500,000 Under The Housing Related Parks Program For  
Improvements To The Tassafaronga Recreation Center Gymnasium; And  
[16-0762](#)

2) A Resolution Amending Resolution Nos. 85407 And 86029 C.M.S, Which  
Authorized The City To Apply For, Accept And Appropriate Grant Funds From The  
California Department Of Housing And Community Development Under The Housing  
Related Parks Program, To Change One Of The Funded Projects From Curt Flood  
Field To Rainbow Recreation Center  
[16-0763](#)



**S7.22** Subject: MacArthur Bart Transit Village - Consent To Property Conveyance  
From: Economic And Workforce Development  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Amending Resolution No. 86266 C.M.S. Which Authorized Consent To The Assignment Of MacArthur Transit Community Partners, LLC's (MTCP) Right To Acquire Parcels B-1 And B-2 From Bart And The Partial Assignment Of A Development Agreement Between The City Of Oakland And MTCP To A Joint Venture Between McGrath Properties, Inc., Or Related Entity, And Boston Properties LP, Or Related Entity ("BP"), And Instead Authorize The Consent To The Assignment Of MTCP's Right To Acquire Parcels B-1 And B-2 From Bart And Partial Assignment Of The Development Agreement To BP, Pursuant To A Long-Term Ground Lease With An Option To Purchase Between MPI MacArthur, LLC, Or Related Entity, And BP For The Development Of Parcels B-1 And B-2 Of The MacArthur Station Project (Formerly Known As The MacArthur Transit Village), Relying On The 2008 MacArthur Transit Village Project Environmental Impact Report And Addenda, And Other Documents, Finding That No Additional Environmental Review Is Needed Pursuant To California Environmental Quality Act Guidelines Sections 15162-15164, 15168, 15180, 15183, 15183.3 And 15061, And Adopting Related CEQA Findings; And [16-0764](#)

2) A Resolution: 1) Amending Resolution No. 2016-005 C.M.S., Which Authorized Consent To The Assignment Of MacArthur Transit Community Partners, LLC's ("MTCP") Right To Acquire Parcels B-1 And B-2 From Bart And The Partial Assignment Of An Owner Participation Agreement (OPA) Between ORSA And MTCP To A Joint Venture Between McGrath Properties, Inc., Or Related Entity, And Boston Properties LP, Or Related Entity, And Instead Authorize The Consent To The Assignment Of MTCP's Right To Acquire Parcels B-1 And B-2 From Bart And Partial Assignment Of The OPA To Boston Properties LP, Or A Related Entity ("BP") Pursuant To A Long Term Ground Lease With An Option To Purchase Between MPI MacArthur, LLC, Or A Related Entity, And BP For The Development Of Parcels B-1 And B-2 Of The MacArthur Station Project ("Project"), 2) Authorizing A Third Amendment To The OPA To (A) Waive A Performance And Payment Bond Requirement For Development Of The Project In Exchange For An Additional Payment Of Up To \$500,000 For Community Benefits; (B) Extend OPA Performance Deadlines; (C) Increase The Net Worth Requirement For The Entity That Will Provide The Completion Guaranty For The Project; And (D) Amend Section 2.2.3 To Limit Placement Of The Below Market Rate Units For The Parcel B Project To Floors Five Through Nine; And (3) Relying On the 2008 MacArthur Station Project Environmental Impact Report And Addenda, And Other Documents, Finding That No Additional Environmental Review Is Needed Pursuant To California Environmental Quality Act Guidelines Sections 15162-15164, 15168, 15180, 15183, 15183.3 And 15061, And Adopting Related CEQA Findings [16-0765](#)



- S7.23** Subject: Gift-In-Place: Lincoln Square Basketball Courts  
From: Parks And Recreation Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept A Gift Of In-Kind Services From The Warriors Community Foundation For The Lincoln Square Basketball Court Renovation Project Valued At Ninety Five Thousand Dollars (\$95,000.00)  
[16-0759](#)
- S7.24** Subject: Contract Award To Motiv Power Systems  
From: Oakland Public Library  
Recommendation: Adopt A Resolution Waiving The Advertising And Competitive Bidding Requirements And The Local And Small Local Business Enterprise (L/SLBE) Program Requirements And Awarding A Contract To Motiv Power Systems In An Amount Not To Exceed One Hundred Ten Thousand Dollars (\$110,000) For The Purchase Of An Electric Vehicle To Be Used As The Oakland Public Library's Mobile Library Vehicle  
[16-0760](#)
- S7.25** Subject: Head Start Subcontract With Oakland Unified School District, FY 2016-2017  
From: Human Services Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To: (1) Enter Into A Sub-Contract With Oakland Unified School District To Receive State Funding In An Amount Not To Exceed \$200,000 To Provide California General Child Care And Development Services To Eligible Participants, Ages Birth To Three Years Old, Effective February 1, 2017 Through June 30, 2017; And Accept And Appropriate Said Funding; (2) Renew This Sub-Contract For Fiscal Year July 1, 2017 Through June 30, 2018 Pending Funding Availability And Accept And Appropriate Additional Funding In An Amount Not To Exceed \$200,000; And (3) Amend The Sub-Contract, And Accept And Appropriate Any Additional State Funding That Becomes Available From Oakland Unified School District For The Same Purpose Within The Contract Term Ending June 30, 2018  
[16-0761](#)
- S7.26** Subject: CA DOJ Stop Data MOU  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) With The California Department Of Justice (CA DOJ), To Assist In The Development Of Preliminary Guidelines And Best Practices For Law Enforcement Data Collection, Analysis, And Reporting, From January 3, 2017 To September 30, 2018  
[16-0758](#)

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

*The City attorney reported there were 2 items that had final decisions. The items were listed under item 7.9 on this evening's agenda.*

**A motion was made by Noel Gallo, seconded by Dan Kalb, 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

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

**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: Sale Of Oakport Property To Oakland Acura At \$5.2 Million  
From: Economic And Workforce Development  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing The City Administrator Or Designee, Without Returning To The City Council, To Negotiate And Execute A Disposition And Development Agreement And Related Documents Between The City Of Oakland And Oakland Acura, Or A Related Entity For The Sale Of The Oakport Property (APN 041-3902-021) At The Agreed Upon Sales Price Of \$5.2 Million For The Development Of An Acura Dealership And Adopting CEQA Exemption Findings  
[16-0832](#)

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 7:10 p.m.*

*1 individual spoke on this item.*

*Councilmember Gallo made a motion, seconded by Councilmember McElhaney, 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 Noel Gallo, seconded by Lynette McElhaney, 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 3/28/2017. The motion carried by the following vote:**

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

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

- 9.2** Subject: New Citywide Mobile Food Vending Program  
From: Planning And Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Amending The Oakland Municipal Code ("OMC") To Adopt A New Citywide Food Vending Program, Delete Chapters 5.49 Push Cart Food Vending Pilot Program, 5.51 Food Vending Group Site Pilot Program, And 8.09 Vehicular Food Vending, Adopt New Chapter 5.51 Food Vending Program And Various Conforming Changes To The OMC And City Planning Code, And Adopting CEQA Findings [16-0707](#)

*Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 7.20 p.m.*

*22 individuals spoke on this item.*

*Vice Mayor Campbell Washington 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, Reid and President Gibson McElhaney*

*Vice Mayor Campbell Washington made a motion to approve the ordinance as amended to the language as follows:*

*B. A location for an individual food vending facility or group site shall not be permitted if it is proposed to be closer than the distance specified below.*

*3. Three hundred (300) feet from the primary entrance of a Full Service or Limited Service Restaurant. This separation requirement shall only apply during the normal hours of operation of the Full Service or Limited Service Restaurant. As an exception, food vending facilities may locate: (a) if the restaurant owner has provided the vehicular food vendor with permission to locate on the same lot as his/her restaurant, or if all applicable restaurant owners in the buffer area provide a waiver to the food vendor; (b) one hundred (100) feet from a Full Service or Limited Service Restuarant located on Telegraph Avenue between West MacArthur Boulevard and Alcatraz Avenue; (c) two hundred (200) fee from a Full Service or Limited Services Restuarant located on Leimert Boulevard, between Clemens Road and Oakmore Road; (d) on the lot at the corner of the intersection of Mountain Boulevard and Werner Court; exempting areas of District 6 on Foothill; and providing notice to affected businesses and owners in the buffer zone.*

*A motion was made by Annie Campbell Washington, seconded by Dan Kalb, 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 3/28/2017. The motion carried by the following vote:*

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

**No:** 1 - Guillén

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

**No:** 1 - Guillén

**9.3** Subject: Mandatory Trash Delinquent Fees And Special Assessment Charges 2016  
From: Finance Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The  
Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator For  
Delinquent Trash Service Fees With Administrative And Special Assessment Charges  
As Necessary Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And  
Directing The Notice Of Special Assessment Charges Be Turned Over To The County  
Tax Collector For Collection; And

[16-0829](#)

*Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at  
8:39 p.m.*

*3 individuals spoke on this item.*

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

**A motion was made that this matter be Adopted. The motion carried by the  
following vote:**

**Excused:** 1 - Brooks

**Aye:** 6 - Campbell Washington, Gallo, McElhaney, Guillén, Kalb, and Reid

**No:** 1 - Kaplan

**Excused:** 1 - Brooks

**Aye:** 6 - Campbell Washington, Gallo, McElhaney, Guillén, Kalb, and Reid

**No:** 1 - Kaplan

2) A Resolution Continuing Hearing Of The Reports Of The City Administrator On  
Delinquent Trash Service Fees With Administrative And Special Assessment Charges  
As Necessary Pursuant To Chapter' 8.28 Of The Oakland Municipal Code; Or

**16-0854**

**This City Resolution be No Action Taken.**

3) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator For Delinquent Trash Service Fees With Administrative And Special Assessment Charges As Necessary Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Special Assessment Charges Be Turned Over To The County Tax Collector For Collection  
**16-0855**

**This City Resolution be No Action Taken.**

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

**10 THIS NUMBER INTENTIONALLY NOT USED**

**11** Subject: Equity Analysis And Proposed Medical Cannabis Ordinances  
From: Office Of The City Administrator  
Recommendation: Receive A Race And Equity Report On Medical Cannabis Regulations And Adopt The Following Pieces Of Legislation:

1. An Ordinance Amending Oakland Municipal Code Chapter 5.80, Medical Cannabis Dispensary Permits, To Clarify And Strengthen The City's Equity Permit Program And Provide Additional Updates Consistent With State Law; And  
[16-0784](#)

*The ordinances were amended resulting in REINTRODUCTION of the ordinances to:  
change the general residency requirement and to remove the word consecutive providing for clarity in the 10 year residency requirement!*

**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 3/28/2017**

**Aye:** 6 - Campbell Washington, Gallo, McElhaney, Guillén, Kalb, and Reid

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

**Aye:** 6 - Campbell Washington, Gallo, McElhaney, Guillén, Kalb, and Reid

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

2. An Ordinance Amending Oakland Municipal Code Chapter 5.81, Medical Cannabis Cultivation Facility Permits, To Clarify And Strengthen The City's Equity Permit Program And Provide Additional Updates Consistent With State Law

[16-0785](#)

*The ordinances were amended resulting in REINTRODUCTION of the ordinances to:*

*change the general residency requirement and to remove the word consecutive providing for clarity in the 10 year residency requirement.*

*There were 67 speakers on the item.*

**A motion was made by Rebecca Kaplan, seconded by Desley Brooks, 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 3/28/2017. The motion carried by the following vote:**

**Aye:** 6 - Campbell Washington, Gallo, McElhaneey, Guillén, Kalb, and Kaplan

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

**Aye:** 6 - Campbell Washington, Gallo, McElhaneey, Guillén, Kalb, and Kaplan

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

**12** Subject: Amendments To The Salary Schedule  
From: Human Resources Management Department  
Recommendation: Adopt The Following Six (6) Pieces Of Legislation:

1) An Ordinances An Ordinance Setting Forth The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") Effective July 1,2012; And

[16-0823](#)

*There were 1 speaker on this item.*

**A motion was made by Noel Gallo, seconded by Dan Kalb, that this matter be Approved 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 4/18/2017. The motion carried by the following vote:**

**Excused:** 1 - Brooks

**Aye:** 7 - Campbell Washington, Gallo, McElhaneey, Guillén, Kalb, Kaplan, and Reid

**Excused:** 1 - Brooks

**Aye:** 7 - Campbell Washington, Gallo, McElhaneey, Guillén, Kalb, Kaplan, and Reid

2) An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S.  
("Salary Ordinance") Effective July 1, 2013; And  
[16-0824](#)

**A motion was made by Noel Gallo, seconded by Dan Kalb, that this matter be Approved 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 4/18/2017. The motion carried by the following vote:**

**Excused:** 1 - Brooks

**Aye:** 7 - Campbell Washington, Gallo, McElhane, Guillén, Kalb, Kaplan, and Reid

**Excused:** 1 - Brooks

**Aye:** 7 - Campbell Washington, Gallo, McElhane, Guillén, Kalb, Kaplan, and Reid

3) An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S.  
("Salary Ordinance") Effective July 1, 2014; And  
[16-0825](#)

**A motion was made by Noel Gallo, seconded by Dan Kalb, that this matter be Approved 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 4/18/2017. The motion carried by the following vote:**

**Excused:** 1 - Brooks

**Aye:** 7 - Campbell Washington, Gallo, McElhane, Guillén, Kalb, Kaplan, and Reid

**Excused:** 1 - Brooks

**Aye:** 7 - Campbell Washington, Gallo, McElhane, Guillén, Kalb, Kaplan, and Reid

4) An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S.  
("Salary Ordinance") Effective July 1, 2015; And  
[16-0826](#)

**A motion was made by Noel Gallo, seconded by Dan Kalb, that this matter be Approved 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 4/18/2017. The motion carried by the following vote:**

**Excused:** 1 - Brooks

**Aye:** 7 - Campbell Washington, Gallo, McElhane, Guillén, Kalb, Kaplan, and Reid

**Excused:** 1 - Brooks

**Aye:** 7 - Campbell Washington, Gallo, McElhane, Guillén, Kalb, Kaplan, and Reid



5) An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") Effective July 1, 2016; And  
[16-0827](#)

**A motion was made by Noel Gallo, seconded by Dan Kalb, that this matter be Approved 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 4/18/2017. The motion carried by the following vote:**

**Excused:** 1 - Brooks

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

**Excused:** 1 - Brooks

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

6) An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") Effective January 14, 2017  
[16-0828](#)

*There was 1 speaker on the item.*

**A motion was made by Noel Gallo, seconded by Dan Kalb, that this matter be Approved 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 4/18/2017. The motion carried by the following vote:**

**Excused:** 1 - Brooks

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

**Excused:** 1 - Brooks

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

**S13** Subject: Presidential Executive Order - Border Wall - No Support To Contractors  
From: Council President Pro Tem Guillén, Council President Reid, Councilmember McElhaney And Councilmember Gallo

Recommendation: Adopt A Resolution Denouncing The Presidential Executive Order To Build A Wall Along The U.S.-Mexico Border, Establishing A Policy That Requires The City To Refrain From Entering Into Any New Or Amended Contracts To Purchase Goods, Materials, Labor Or Professional, Technical, Scientific, Financial Or Any Other Services From Any Business That Provides Such Goods, Materials, Labor Or Services In Support Of The Building Of Said Border Wall, And Directing The City Administrator To Return With An Ordinance To Establish The Policy By Law

[16-0697](#)

*There were 5 speakers on the item.*

**A motion was made by Abel J. Guillén, seconded by Noel Gallo, that this matter be Adopted. The motion carried by the following vote:**

**Excused:** 1 - Brooks

**Aye:** 7 - Campbell Washington, Gallo, McElhane, Guillén, Kalb, Kaplan, and Reid

**Excused:** 1 - Brooks

**Aye:** 7 - Campbell Washington, Gallo, McElhane, Guillén, Kalb, Kaplan, and Reid

- S14** Subject: 500 Kirkham DDA Assignment  
From: Economic And Workforce Development  
Recommendation: Adopt An Ordinance Amending Ordinance No. 13368 C.M.S.,  
Which Authorized A Disposition And Development Agreement (DDA) With TL  
Partners V, L.P., For Disposition And Development Of 500 Kirkham Street As A  
Mixed-Use Project, To Assign The DDA To Panoramic Interests, LLC, Or An Affiliate.  
[16-0766](#)

*There was 1 speaker on the item.*

**This Ordinance 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 3/28/2017**

**Excused:** 1 - Brooks

**Aye:** 7 - Campbell Washington, Gallo, McElhane, Guillén, Kalb, Kaplan, and Reid

**Excused:** 1 - Brooks

**Aye:** 7 - Campbell Washington, Gallo, McElhane, Guillén, Kalb, Kaplan, and Reid

- S15** Subject: Resolution In Support Of SB 687 - Keeping Hospitals Open  
From: Councilmembers Dan Kalb  
Recommendation: Adopt A Resolution In Support Of Senate Bill 687 (Skinner) That  
Would (1) Extend Existing Attorney General Notice And Consent Requirements  
Concerning The Disposition Of Assets By Nonprofit Corporations Controlling Health  
Facilities To Include Lease Or Transfer Of An Emergency Center To For-Profit Entities  
Or Mutual Benefit Corporations And (2) Require Nonprofit Corporations Providing  
Emergency Center Services To Obtain The Consent Of The Attorney General Prior To  
Reducing Or Eliminating Service Levels  
[16-0810](#)

**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 3/28/2017**

- S16** Subject: Support of SB 711 - Local-State Sustainable Investment Incentive Program  
From: Councilmembers Dan Kalb  
Recommendation: Adopt A Resolution In Support Of Senate Bill 711 (Hill) That Would Establish A Six-Year Pilot Program Authorizing The Strategic Growth Council To Approve Reductions In Required Property Tax Contributions To The Educational Revenue Augmentation Fund In Order For Local Governments To Use The Funds On Projects For Affordable Housing, Disadvantaged Communities, And Other Approved Uses  
[16-0811](#)

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

**Excused:** 1 - Brooks

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

**Excused:** 1 - Brooks

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

- S17** Subject: Resolution In Support Of Assembly Bill 1506  
From: Councilmembers Kaplan, Kalb, And Pro Tem Guillen  
Recommendation: Adopt A Resolution (1) Supporting Assembly Bill 1506 That Would Repeal The Costa-Hawkins Rental Housing Act, Setting Statewide Limits On Local Rent Controls; (2) If Not Repealed, Urging Reform Of Costa-Hawkins To Permit Expansion Of Local Rent Controls; And (3) Urging The State Legislature To Preserve The Costa-Hawkins' Requirement For A Landlord's 90 Day Notice To Tenants Following Termination Of A Rent Limitation Agreement With A Government Agency  
[16-0780](#)

*There were 2 speakers on this item.*

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

**Excused:** 1 - Brooks

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

**Excused:** 1 - Brooks

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

## 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 Sergeant Mark Dunakin, Office John Hege, SWAT Sergeants Evin Romans and Daniel Sakai, Annie May Acre, Jan Sinnon, William Bell, Sultan Bey, Lousin Annette Davis, Wallen Gallette, and Natalie Byrd at 10:50 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.**