

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, May 17, 2016

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 5:41 pm.

2 ROLL CALL / CITY COUNCIL

Excused 1 - Annie Campbell Washington

Present 7 - Desley Brooks, Noel Gallo, Abel J. Guillén, Dan Kalb, Rebecca Kaplan, Laurence E. Reid, and Lynette Gibson McElhaney

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

There were 16 Open Forum speakers.

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

Councilmember Brooks and Council President Gibson McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Brenisha Lindon Wilkinson.

Councilmembers Gibson McElhaney, Reid, Brooks and Kaplan took a point of personal privilege and requested that the meeting be adjourned in memory of Maria de Jesus de La Fuente.

4.2 Subject: National Public Works Week

From: Councilmember Rebecca Kaplan

Recommendation: Adopt A Resolution Celebrating The Week Of May 15-21, 2016 As

National Public Works Week In The City Of Oakland

15-0942

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

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF MAY 3, 2016 15-0978

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

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

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 Kalb, to approve the Consent Agenda. The motion carried by the following vote:

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

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 15-0979

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

15-0980

7.3 Subject: 500 Kirkham DDA With TLC

From: Economic And Workforce Development Department

Recommendation: Adopt An Ordinance (1) Authorizing The Purchase Of 500 Kirkham Street In West Oakland (The "Property) From CalTrans, (2) Authorizing A Disposition And Development Agreement with TL Partners V, LP.,Or A Related Entity, For The Sale And Development Of The Property For A Mixed-Use Project, And (3) Making CEQA Findings For This Action 15-0864

This Ordinance was Approved for Final Passage.

7.4 Subject: Lease Agreement For The City-Owned Property At 1226 73rd Avenue

From: Human Services Department

Recommendation: Adopt An Ordinance Authorizing A Lease Agreement With East Oakland Community Project For City-Owned Property At 1226-73rd Avenue For Use As A Shelter Plus Care Housing Facility, For A Lease Term Of Five Years Until June 30, 2020

<u>15-0865</u>

This Ordinance was Approved for Final Passage.

7.6 Subject: Public Art Advisory Committee Appointments

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Allison Cummings, Joyce Gordon, Evelyn Orantes, And Appointment Of Yulia Pinkusevich As Members Of The Public Art Advisory Committee 15-0989

This City Resolution was Adopted.

7.7 Subject: Library Advisory Commission Appointments

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Susanne Perkins, Victoria Barbero, Andrew Racle, Rosa Montgomery And The Appointment Of Dr. A. Aurea Lewis As Members Of The Library Advisory Commission 15-0990

This City Resolution was Adopted.

7.8 Subject: Bicyclist And Pedestrian Advisory Commission Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointment OF Reginald K. Burnette Jr. To The Bicyclist And Pedestrian Advisory Commission 15-0991

7.9 Subject: Cannabis Regulatory Commission Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Appointment Of Terryn Buxton

As A Member Of The Cannabis Regulatory Commission

15-0992

This City Resolution was Adopted.

7.10 Subject: Settlement Agreement - Alexis Herron 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 Case Of Alexis Herron V. City Of Oakland, ET AL., Alameda County Superior Court Case NO. RG14723878, City Attorney's File No. 29822, In The Amount Of Six Thousand Five Hundred Dollars And Zero Cents (\$6,500.00) (Public Works- Dangerous Condition) 15-0982

This City Resolution was Adopted.

7.11 Subject: Settlement Agreement - Joanna Stamps 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 Case Of Joanna Stamps V. City Of Oakland, Et Al., Alameda County Superior Court Case No. HG15756338, City Attorney's File No. 30184, In The Amount Of Fourteen Thousand Dollars (\$14,000.00) (Public Works - Dangerous Condition)

15-0986

This City Resolution was Adopted.

7.12 Subject: Travel Reimbursement For The International Council Of Shopping Centers' Recon 2016 Conference

From: Council President Gibson McElhaney

Recommendation: Adopt A Resolution Authorizing Reimbursement For Council President Lynette Gibson Mcelhaney's Costs Of Approximately \$3,104.46 From The Council Contingency Fund For Travel To Las Vegas, NV For Attendance At The International Council Of Shopping Centers' Recon 2016 Conference From May 22nd, 2016 To May 24th, 2016

15-0997

This City Resolution was Adopted as Amended.

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

\$7.13 Subject: Extension Of Storage Services Contract

From: Office Of The City Clerk

Recommendation: Adopt A Resolution Waiving The Request For

Proposals/Qualifications Process And Authorizing The City Administrator To Execute A Third Amendment To The Contract With GRM Information Management Services ("GRM") To Extend The Contract Under The Current Contract Terms Through June 30, 2017 In An Additional Amount Not To Exceed \$200,000 14-0294

This City Resolution was Adopted.

\$7.14 Subject: Data Center Project

From: Information Technology Department

Recommendation: Adopt A Authorizing The City Administrator Or Designee To: 1) Enter Into Lease Agreement, Purchase Agreements And Professional Services Agreements For Phase One Of The Data Center Modernization Project ("Project") For A Total Estimated Five Year Cost Of Three Million Fifty Thousand Dollars (\$3,050,000) Of Which The: A. Lease Agreement To House The Data Center With Digital Realty Trust Is Estimated To Be One Million Two Hundred Thousand Dollars (\$1,200,000) Over Five Years (\$50,000 Upfront And \$230,000 Per Annum), B. Support, Maintenance, Licensing Is Estimated To Be One Million One Hundred Thousand Dollars (\$1,100,000) Over Five Years (\$220,000 Per Annum), And C. Purchase Agreements For Software, Hardware And/Or Licensing, And Professional Service Agreements Are Estimated To Be A One-Time Upfront Cost Of Seven Hundred Fifty Thousand Dollars (\$750,000), All The Above, Without Return To Council; And 2) Waive The Advertising, Proposal/Qualifications Selection Requirements Agreements Bidding And Request For ("Rfp/Q") Competitive For All Of The Above Agreements 15-0963

This City Resolution was Adopted.

S7.15 Subject: Major Encroachment Permit At 233 Broadway

From: Oakland Public Works Department

Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Thunderbird Lodge, Oakland, A California Limited Partnership, To Allow Portions Of The Building At 233 Broadway To Encroach Into The Public Right-Of-Way Along 3rd Street And Along Broadway

15-0926

S7.16 Subject: BRT Project Final Design Phase Actions

From: Oakland Public Works Department

Recommendation: 1) Receive A Bus Rapid Transit (BRT) Project Update From AC

Transit; And <u>15-0970</u>

This Informational Report was * Withdrawn and Rescheduled.to the Meeting of the Oakland City Council to be heard 6/7/2016

2) Adopt A Resolution Approving The Alameda - Contra Costa County (AC) Transit District's Construction Impact Mitigation Plan For The East Bay Bus Rapid Transit (BRT) Project Phase II: Infrastructure And Station Platform Construction Program (Bid Package #3) Dated January 13, 2016, As Appended To Include: BRT Corridor - Beneficial Use And Interim Operations Plan (Appendix F), AC Transit Business Technical Assistance Program Description (Appendix G), And BRT Neighborhood Traffic Management Program Description (Appendix H), All Dated March 10, 2016; And

15-0971

This City Resolution was Withdrawn and Rescheduled.to the Meeting of the Oakland City Council to be heard 6/7/2016

3) Adopt A Resolution Adopting The' Oakland Parking Analysis Dated February 29, 2016 As The Parking Impact Mitigation Plan For The Alameda - Contra Costa County (AC) Transit District's East Bay BRT Project Phase II Construction Program, Adopting The Recommendations Contained Therein, And Authorizing The City Administrator To Reallocate Up To \$300,000 In FY 2015-16 Measure B Funds To Develop A Supplemental BRT Corridor Parking Management Plan 15-0972

This City Resolution was Withdrawn and Rescheduled.to the Meeting of the Oakland City Council to be heard 6/7/2016

\$7.17 Subject: Amend Composition And Functions Of The Rent Board

From: Councilmember Rebecca Kaplan

Recommendation: Adopt An Ordinance Amending Chapter 8.22 (Rent Adjustment Program) Of The Oakland Municipal Code To: (1) Increase The Number Of Alternate Board Members; And (2) Authorize More Cases Be Heard By Board Appeals Panels [TITLE CHANGE]

15-0434

This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the Meeting of the Oakland City Council to be heard 6/7/2016

S7.18 Subject: FEMA Grants For Residential Seismic Retrofits

From: Housing And Community Development Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Up To A Total Of \$6,000,000 In Hazard Mitigation Grant Program Funds From The Federal Emergency Management Agency And The State Of California Governor's Office Of Emergency Services For (1) A Single-Family Seismic Retrofit Grant Program Up To \$3,000,000 And (2) A Soft Story Apartment Retrofit Grant Program Up To \$3,000,000; And Committing A Total Of \$2,000,000 In Funds Currently Allocated For Residential Rehabilitation And Seismic Retrofits As Required Local Matching Funds 15-0964

This City Resolution was Adopted.

\$7.19 Subject: 2016 Summer Food Service Program (SFSP)

From: Human Services Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To 1)
Accept The Summer Food Service Program (SFSP) Grant From The California
Department Of Education, Nutrition Services Division In An Estimated Amount Of
\$416,005 And 2) Enter Into Professional Service Agreements With The San Lorenzo
Unified School District In An Amount Not To Exceed \$90,612 And Revolution Foods In
An Amount Not To Exceed \$94,270 And Children's Empowerment Inc., In An Amount
Not To Exceed \$138,010 To Provide Food Services For The Period June 13,2016
Through August 12, 2016
15-0938

This City Resolution was Adopted.

S7.20 Subject: PMAM Corporation Contract From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To: 1) Award A Contract To PMAM Corporation For The Administration Of The False Alarm Reduction Program For Two (2) Years, Plus Three (3) Discretionary One-Year Extensions, For One Hundred Seventy-Eight Thousand Two Hundred Dollars (\$178,200) Per Year, Contingent Upon Available Funding, For A Total Contract Amount Not To Exceed Eight Hundred Ninety-One Thousand Dollars (\$891,000); And 2) Appropriate Said Funds From The False Alarm Fund (2411) Balance For The Administration Of The False Alarm Reduction Program 15-0927

\$7.21 Subject: Citizen's Police Review Board Appointments

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Mya Whitaker, Howard Tevelson And Thomas Cameron To The Citizen's Police

Review Board

15-0882

This City Resolution was Adopted.

\$7.22 Subject: Citizen's Police Review Board Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of

Colette McPherson To The Citizen's Police Review Board

15-0928

This City Resolution was Adopted.

\$7.23 Subject: City Planning Commission Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Clark

Manus To The City Planning Commission

15-0929

This City Resolution was Adopted.

S7.24 Subject: Housing, Residential Rent And Relocation Board Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Joanne D. Karchmer To The Housing, Residential Rent And Relocation Board 15-0916

This City Resolution was Adopted.

S7.25 Subject: Support For SR 69: Urging The Exoneration Of Port Chicago 50 From: Councilmember Desley Brooks And President Pro Tempore Reid Recommendation: Adopt A Resolution To Support California Senate Resolution 69 (Glazer, Hall, Huff And Mitchell) Which Urges The President And The Congress Of The United States To Exonerate, Clear The Records Of, Restore Honor To, And Rectify Federal Mistreatment Of African American Sailors Unjustly Convicted Of Mutiny Regarding The 1944 Port Chicago Disaster 15-0917

S7.26 Subject: Unites States Embargo On Cuba From: Councilmembers Kaplan And Guillén

Recommendation: Adopt A Resolution Urging The United States Congress To End

The Trade Embargo On Cuba

15-0823

This City Resolution was Adopted.

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

A motion was made by Kalb, seconded by Kaplan, that this was Approve as Submitted. The motion carried by the following vote:

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

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: Housing Element Annual Progress Report For Calendar Year 2015 From: Housing And Community Development Department Recommendation: Conduct A Public Hearing And Upon Conclusion Receive The City of Oakland's Housing Element Annual Progress Report For Calendar Year 2015 15-0966

Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at 7:06 p.m.

No individuals spoke on this item.

Councilmember Kaplan made a motion, seconded by Councilmember Kalb, to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Brooks, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney, 1 Excused: Campbell Washington.

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

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

9.3 2016-2017 Annual Action Plan For CDBG, HOPWA, ESG & HOME Subject: From: Housing And Community Development Department Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution (1) Authorizing The City Administrator To Prepare And Submit To The U.S. Department Of Housing And Urban Development The Consolidated Annual Action Plan For Fiscal Year 2016-2017; (2) Accepting And Appropriating Funds Totaling \$12,061,766 For The Home, Emergency Solutions Grant, Housing Opportunities For Persons With Aids, And The Community Development Block Grant Programs; (3) Authorizing The City Administrator To Negotiate And Execute Community Development Block Grant Agreements And Amendments To Existing Community Development Block Grant Agreements To Extend 2015-2016 Agreements Through Fiscal Year 2016-2017; (4) Appropriating \$950,000 In Revolving Loan Payments Program Income For Fiscal Year 2016-2017 And Any Amounts In Excess Thereof For Housing Rehabilitation Revolving Fund; And (5) Authorizing The Reprograming Of \$174,630 In Carry-Forward And Program Savings Community Development Block Grant Funding For 2016-2017 Projects 15-0969

Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at 7:37 p.m.

Seven individuals spoke on this item.

Councilmember Kaplan made a motion, seconded by Councilmember Brooks, to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Brooks, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney, 1 Excused: Campbell Washington.

Councilmember Brooks made a motion, seconded by Councilmember Kaplan, to adopt the Resolution excluding the \$500K to the Bus Rapid Transit allocation of CDBG funding.

Councilmember Reid made a SUBSTITUTE motion, seconded by Councilmember Gallo, to adopt the Resolution as amended to authorize allocation of the \$500K of CDBG funding to the Bus Rapid Transit project but not authorize expenditure of the allocation, until staff returns with a specific set of criteria, standards, and means as recommendations to help the businesses.

Upon call of the roll on the SUBSTITUTE motion, and hearing no objections, the motion passed by 7 Ayes: Brooks, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney, 1 Excused: Campbell Washington.

A motion was made by Reid, seconded by Gallo, that this matter be Adopted as Amended. The motion carried by the following vote:

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS ITEM INTENTIONALLY LEFT BLANK

11 Subject: Quarterly Reports Regarding Police Training, Policy & Accountability From: Office Of The City Attorney & Oakland Police Department Recommendation: Receive The Quarterly Informational Reports To The City Council From The Office Of The City Attorney And Police Department, Regarding Police Training, Policy And Accountability To Provide: (1) Information From The Office Of The City Attorney Regarding Its Efforts To Support The Police Discipline Process And Recent Developments In Police Discipline; (2) The Following Information From The Office Of The City Attorney Regarding Arbitration Decisions Issued During The Preceding Quarter: The Primary Rule Violation(s) At Issue, The Date Of The Arbitration Decision, The Discipline The City Imposed, And The Arbitrator's Finding Regarding The Level Of Discipline; And (3) Information From The Police Department Regarding IAD Investigations, Police Personnel Trainings, Updates To Police Policy, And Recent Developments In Police Discipline [TITLE CHANGE] 15-0777

Referred to The Rules Committee for scheduling

This Informational Report was Referred.to the *Rules & Legislation Committee to be heard 5/19/2016

12 Subject: Amendments To Medical Cannabis Ordinances

From: Office Of The City Administrator

Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.80, Medical Cannabis Dispensary Permits, To Align With California's Medical Marijuana Regulation And Safety Act And Adopting CEQA Exemption Findings; And 15-0587

This Ordinance was Approved for Final Passage.

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

2) An Ordinance Amending Oakland Municipal Code Chapter 5.81, Medical Cannabis Cultivation Facility Permits, To Align With California's Medical Marijuana Regulation And Safety Act And Adopting CEQA Exemption Findings; And 15-0589

This Ordinance was Approved for Final Passage.

3) An Ordinance Amending The FY 2015-16 Master Fee Schedule (Ordinance No. 13320 C.M.S., As Amended) To Modify And Establish Permit Application And Annual Regulatory Fees For City Of Oakland Licensed Medical Cannabis Facilities And Adopting CEQA Exemption Findings 15-0811

This Ordinance was Approved for Final Passage.

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 Brenisha Lindon Wilkinson and Maria De Jesus De La Fuente at 10:10 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.