



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>

Tuesday, February 7, 2017

5:30 PM

City Council Chamber, 3rd Floor

1 PLEDGE OF ALLEGIANCE

The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 5:39 p.m.

2 ROLL CALL / CITY COUNCIL

Excused 1 - Annie Campbell Washington

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

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

There were 19 speakers during open forum.

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

Councilmember Gibson McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Rosa V. James and Queen Mother Makinyah Kouate.

Councilmember Kaplan took a point of personal privilege and requested that the meeting be adjourned in memory of Frederick Douglas.

Council President Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Ernestine Limbrick Gale.

- 4.1 Subject: Honoring Brooke A. Levin
From: Vice Mayor Campbell Washington, President Reid, Pro Tem Guillén, &
Councilmember Gibson McElhaney
Recommendation: Adopt A Resolution Honoring Brooke A. Levin For 26 Years Of
Exemplary Service To Oakland Public Works Department And Congratulating Her On
Her Retirement
[16-0534](#)

Sponsors: Campbell Washington, Mr. Reid, Gibson McElhaney and Guillén

Attachments: [View Report](#)

There were no speakers on this item.

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

Excused: 1 - Campbell Washington

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

4.2 The item regarding "Gregory Chan Of EBMUD" was withdrawn by Rules and Legislation Committee February 2, 2017

- 4.3 Subject: Honoring 2016 Youth Poet Laureate Azariah Cole-Shephard
From: Councilmember Dan Kalb And Councilmember Gibson McElhaney
Recommendation: Adopt A Ceremonial Resolution Honoring Azariah Cole-Shephard
For Receiving 2016 Youth Poet Laureate And For Her Artistic Contributions To The
City Of Oakland
[16-0657](#)

Sponsors: Dan Kalb

Attachments: [View Report](#)
[View Supplemental Report](#)

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

Excused: 1 - Campbell Washington

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

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF JANUARY 9, 17,
23 AND 31, 2017
[16-0620](#)

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

A motion was made by Abel J. Guillén, seconded by Lynette Gibson McElhaney, that this matter be Accepted as Amended to the correct item 9 of the January 31, 2017 Minutes and reflect the assignment date to February 7, 2017. The motion carried by the following vote:

Excused: 1 - Campbell Washington

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

- 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):

There were no changes to the order of the agenda items.

There was no action necessary for this item.

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

- 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
[16-0632](#)

Sponsors: Office Of The City Attorney

Attachments: [View Report](#)

This City Resolution be Approve as Submitted.

- 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
[16-0633](#)

Sponsors: Office Of The City Attorney

Attachments: [View Report](#)

This City Resolution be Adopted.

- 7.3 Subject: Appointments To The Public Art Advisory Committee
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of
Bryan Cain, And Appointment Of Patricia Carino, Chris Treggiari, Charmin
Roundtree-Baaqee And Jennifer Kessler As Members Of The Public Art Advisory
Committee
[16-0640](#)

Sponsors: Office Of The Mayor

Attachments: [View Report](#)

This City Resolution be Adopted.

- 7.4 Subject: Appointments To The Bicyclist And Pedestrian Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of
Midori Tabata, Fred McWilliams And Kenya Wheeler To The Bicyclist And Pedestrian
Advisory Commission
[16-0641](#)

Sponsors: Office Of The Mayor

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.5 Subject: Reappointment To The Youth Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Amending Resolution No. 86496 C.M.S.
Confirming The Mayor's Reappointment Of Rachel Dharmapalan, Addison Duchin,
Elena Larsen, Ryan Hunt, Gloria Guzman, And Bethania Tadesse As Members Of
The Youth Advisory Commission In Order To Correct The Appointments
[16-0665](#)

Sponsors: Office Of The Mayor

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.6 Subject: Appointment To The Youth Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Kamar Nelson, Roxana Perez, Abel Regalado, Natalie Dharmapalan, Kian Nouri And
Rahma Mahdi As Members Of The Youth Advisory Commission
[16-0666](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.7 Subject: Parking And Mobility Initiatives
From: Transportation Services Division
Recommendation: Adopt A Resolution Authorizing The City Administrator Or
Designee To Negotiate, Finalize And Execute A Non-Exclusive Agreement With
Streetline Inc. For A Smart Parking System At No Direct Cost To The City For A Term
Of Three Years
[16-0220](#)

Sponsors: Transportation Department

Attachments: [View Report](#)

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This City Resolution was Adopted.

7.8 Subject: ENA For 3 City Owned Parcels On The Oak Knoll Development Site
From: Economic And Workforce Development
Recommendation: Adopt A Resolution Authorizing An Exclusive Negotiating Agreement With Oak Knoll Venture Acquisitions LLC, Or Affiliates, For One Year, With One Optional Six Month Administrative Extension, For The Disposition And Development Of City-Owned Parcels At Oak Knoll
[16-0574](#)

Sponsors: Economic & Workforce Development Department

Attachments: [View Report](#)

This City Resolution was Adopted.

7.9 Subject: Public Space Maintenance Services Contracts
From: Economic And Workforce Development
Recommendation: Adopt A Resolution Waiving Advertising And Competitive Bidding Requirements And Authorizing The City Administrator To Negotiate And Enter Into The Following Proposed Contracts For Maintenance Services:

(1) A Contract Or Contracts With The Lake Merritt-Uptown District Association For Maintenance Of (A) The Bart 17th Street Gateway Entrance To The 19th Street Bart Station Fronting Broadway And Telegraph Avenue Between 17th And 19th Streets And (B) The Property Located At 1911 Telegraph Avenue (Collectively, "Uptown Sites"), In An Amount Not To Exceed \$24,950 For Each Of The Uptown Sites; And

(2) A Contract With The Downtown Oakland Association For Maintenance Of The Civic Center T-5/6 Parcels Located On The Block Bounded By Broadway, 11th Street, 12th Street And Clay Street ("T -5/6 Site") In An Amount Not To Exceed \$24,950
[16-0575](#)

Sponsors: Economic & Workforce Development Department

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.10** Subject: FY16-17 Cultural Funding Grants
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into Eighty-Nine (89) Cultural Services Grant Agreements To Seventy-Nine (79) Oakland-Based Individual Artists And Nonprofit Organizations Providing Arts And Cultural Services In Oakland During Fiscal Year 2016-17, In A Total Amount Not To Exceed \$1,121,853
[16-0571](#)

Sponsors: Economic & Workforce Development Department

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.11** Subject: Cell Site Simulator Policy
From: Oakland Police Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) Adopt Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) With The Alameda County District Attorney's Office (ACDA) To Allow Members Of The Oakland Police Department (OPD) To Use Cellular Site Simulator Technology, For Five Years From The Effective Date Of The MOU At No Cost To OPD ; And

[16-0576](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

2) Approve A Resolution Establishing The City Of Oakland's Cellular Site Simulator Usage And Privacy Policy

[16-0577](#)

This City Resolution was Adopted.

7.12 Subject: Rent Adjustment Ordinance And Regulation Changes
From: Housing And Community Development
Recommendation: Adopt An Ordinance Amending The Rent Adjustment Ordinance (Article I Of O.M.C Chapter 8.22) To (1) Facilitate Implementation Of The Requirements For Owner Petitions For Rent Increases In Excess Of The CPI Rent Adjustment And Banking; (2) Enhance The Reporting Requirements Due From The Owner To A Tenant Where The Owner Is Not Permitted To Set The Initial Rent At The Commencement Of A Tenancy; And (3) Make Clarifying Amendments For Internal Consistency And Efficient Program Operation
[16-0558](#)

Sponsors: Housing And Community Development Department

Attachments: [View report](#)

Councilmember Gibson McElhaney was noted absent at 7:58 p.m.

This Ordinance was Approved for Final Passage.

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

There were no final decisions made during closed session.

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

Excused: 1 - Campbell Washington

Aye: 6 - Brooks, Guillén, Kalb, Reid, Kaplan, and Gallo

Absent: 1 - 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:

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 8:01 p.m.

9.1 Subject: Plug In Electrical Vehicle Readiness Code Update
From: Oakland Public Works
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The
Following Pieces Of Legislation;

1) A Resolution Of Findings Supporting Local Amendments To Sections 4.106.4 And
5.106.5.3 Of The 2016 Edition Of The California Green Building Standards Code To
Comply With Changes To State Law And Adopting California Environmental Quality
Act (CEQA) Exemption Findings; And
[16-0359](#)

Sponsors: Oakland Public Works Department

Attachments: [View report](#)
[View Supplemental Report](#)
[View Supplemental Report](#)

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

Excused: 1 - Campbell Washington

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

Subject: Plug In Electrical Vehicle Readiness Code Update
From: Oakland Public Works Department
Recommendatio: Adopt An Ordinance Adopting Local Amendments To Sections
4.106.4 And 5.106.5.3 Of The 2016 Edition Of The California Green Building
Standards Code And Amending Oakland Municipal Code Chapter 15.04 To Include
New Requirements For Plug-In Electric Vehicle Infrastructure To Comply With
Changes To State Law And Adopting CEQA Exemption Findings
[16-0370](#)

Attachments: [View Report](#)

One individual spoke on this item.

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

**A motion was made by Dan Kalb, seconded by Larry Reid, 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 2/21/2017. The motion carried by the following vote:**

Excused: 1 - Campbell Washington

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

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: Downtown Oakland Specific Plan And EIR
From: Planning And Building Department
Recommendation: Adopt One Of The Following Two pieces Of Legislation

1) A. Execute A Professional Services Contract With I-SEED Team Of Consultants, In An Amount Not To Exceed \$255,000 For Services Related To The Downtown Oakland Specific Plan Social Equity Strategy Without Returning To Council; And

B. Amend The Professional Services Contract Between The City Of Oakland And Dover, Kohl & Partners In The Amount Of Four Hundred Fifty Three Thousand Four Hundred Forty Dollars (\$453,440), Plus An Additional Project Contingency Amount Of Forty-Five Thousand Dollars (\$45,000) For An Overall Amount Not To Exceed The Amount Of Four Hundred Ninety Eight Thousand Four Hundred Forty (\$498,440), For Enhanced Services Related To The Downtown Oakland Specific Plan And Environmental Impact Report Without Returning To Council; And

C. Apply For, Accept, And Appropriate Six Hundred Thousand Dollars (\$600,000) From The Federal Transit Administration (FTA) Transit-Oriented Development Pilot Program Funds For Enhanced Transportation, Economic And Environmental Analysis To Develop A Comprehensive Transit-Oriented Development Strategy For Downtown Oakland That Will Help Increase Transit Ridership By Encouraging Reverse Commuting To Oakland Without Returning To Council; And

D. Enter Into A Memorandum Of Understanding With Bay Area Rapid Transit (BART) For The FTA Transit-Oriented Development Pilot Program Funds Without Returning To Council; Or

[16-0557](#)

Sponsors: Planning & Building Department

Attachments: [View Report](#)

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[View Supplemental Report](#)

This City Resolution be Not Adopted.

2) A Resolution Authorizing The City Administrator To: A. Execute A Professional Services Contract With The I-SEED Team Of Consultants, In An Amount Not To Exceed \$255,000, For Services Related To The Downtown Oakland Specific Plan Social Equity Strategy Without Returning To Council; And

B. Amend The Professional Services Contract Between The City Of Oakland And Dover, Kohl & Partners In The Amount Of Four Hundred Fifty Three Thousand Four Hundred Forty Dollars (\$453,440), Plus An Additional Project Contingency Amount Of Forty-Five Thousand Dollars (\$45,000) For An Overall Amount Not To Exceed The Amount Of Four Hundred Ninety Eight Thousand Four Hundred Forty Dollars (\$498,440), For Enhanced Services Related To The Downtown Oakland Specific Plan And Environmental Impact Report Without Returning To Council; And

C. Apply For, Accept, And Appropriate Six Hundred Thousand Dollars (\$600,000) From The Federal Transit Administration (FTA) Transit-Oriented Development Pilot Program Funds For Enhanced Transportation, Economic And Environmental Analysis To Develop A Comprehensive Transit-Oriented Development Strategy For Downtown Oakland That Will Help Increase Transit Ridership By Encouraging Reverse Commuting To Oakland Without Returning To Council;

D. Enter Into A Memorandum Of Understanding With Bay Area Rapid Transit (BART) For The FTA Transit-Oriented, Development Pilot Program Funds To Include An In-Kind Contribution Of \$100,000 Towards The Project As A Local Match, Through The Provision Of Services City Staff, Without Returning To Council.

[16-0667](#)

Attachments: [View Report](#)

There was 1 speaker on this item.

A motion was made by Dan Kalb, seconded by Lynette Gibson McElhaney, that this matter be Adopted as Amended to strike the language " Without Returnig To Council" at the end of sections A, B, and C of the title and relevant clauses of the resolution.. The motion carried by the following vote:

Excused: 1 - Campbell Washington

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

- 12 Subject: Programmatic Agreement With SHPO Relating To The Hotel Menlo/Empyrean Towers
From: Bureau Of Planning
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Negotiate And Execute A Programmatic Agreement, Pursuant To Section 106 Of The National Historic Preservation Act, With The California State Historic Preservation Officer Regarding The Rehabilitation Of The Hotel Menlo/ Empyrean Towers Located At 340-344 13th Street, Oakland, California, Without Returning To The City Council
[16-0627](#)

Sponsors: Planning & Building Department

Attachments: [View Report](#)

There was 1 speaker on this item.

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

Excused: 1 - Campbell Washington

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

- 13 Subject: Worker's Compensation Third Party Administrator Agreement Extension (March 1, 2017 Through February 28, 2018)
From: Human Resources Management
Recommendation: Adopt One Of The Following Pieces Of Legislation

1) A Resolution Authorizing The City Administrator To Extend The Professional Services Agreement With JT2 Integrated Resources To Continue Provision Of Worker's Compensation Administration Services For The Period March 1, 2017, Through February 28, 2018, In An Amount Of \$2,511,538.40 For A Total Amount Over The Four Year Term Of The Contract Of \$9,943,374.86; Or

[16-0578](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

This City Resolution be No Action Taken.

2) Resolution Authorizing The City Administrator To Extend The Professional Services Agreement With JT2 Integrated Resources To Continue Provision Of Worker's Compensation Administration Services For The Period Of March 1, 2017, Through February 28, 2019, In An Amount Of \$5,058,021.56 For A Total Amount Over The Five Year Term Of The Contract Of \$12,489,858.02

[16-0663](#)

Sponsors: Human Resources Management Department

Attachments: [View Report](#)

There were 4 speakers on this item,

This City Resolution be Adopted.

Excused: 1 - Campbell Washington

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

14 The item regarding "Healthy Vending Ordinance" was withdrawn by Rules and Legislation Committee February 2, 2017

15 Subject: Contract Agreement For Anne Kirkpatrick As Oakland Police Chief
From: Office Of The City Administrator
Recommendation: Adopt The Following Pieces OF Legislation

1. A Resolution Authorizing The City Administrator To Execute An Employment Agreement Between The City Of Oakland And The Chief Of Police, Anne Kirkpatrick, For A Total Annual Compensation Of \$299,675.00 Which Includes An Annual Salary Of \$270,000.00 And Premium Pay Required By The Memorandum Of Understanding Between The City Of Oakland And The Oakland Police Management Association In The Amount Of \$29,675.00; And

[16-0660](#)

Sponsors: Office Of The City Administrator

Attachments: [View Report](#)

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

Excused: 1 - Campbell Washington

Abstained: 1 - Brooks

Aye: 6 - Guillén, Kalb, Reid, Gibson McElhaney, Kaplan, and Gallo

Subject: Contract Agreement For Anne Kirkpatrick As Oakland Police Chief
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance
No. 12187 C.M.S. ("Salary Ordinance") To Increase The Salary For Chief Of Police
And The City Administrator
[16-0661](#)

Sponsors: Office Of The City Administrator

There were 5 speakers on the item.

A motion was made by Larry Reid, seconded by Abel J. Guillén, 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 2/21/2017. The motion carried by the following vote:

Excused: 1 - Campbell Washington

Abstained: 1 - Brooks

Aye: 6 - Guillén, Kalb, Reid, Gibson McElhaney, Kaplan, and Gallo

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 Rosa V. James, Queen Mother Makinyah Kouate, Fredrick Douglas, and Ernestine Limbrick Gail at 9:25 p.m.

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