



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 2, 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 5:36 p.m.

2 ROLL CALL / CITY COUNCIL

Present 8 - Desley Brooks, Annie Campbell Washington, 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 17 Open Forum speakers.

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 Christopher Crafty and Andrew Hatch.

Councilmember Abel Guillen took a point of personal privilege and requested that the meeting be adjourned in memory of Patrick Ian Burk.

President Pro Tem Larry Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Aida D. Busby.

Council President Gibson McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Tony Morgan.

- 4.1 Subject: Honoring The Oakland Women's Rowing Club
From: Councilmember Guillén And Council President Gibson McElhaney
Recommendation: Adopt A Resolution Honoring The Oakland Women's Rowing Club On The Occasion Of Its Centennial Resolution
[15-0483](#)

Attachments: [View Report](#)

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

Aye: 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson
McElhanev

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF JANUARY 19,
2016
[15-0533](#)

Attachments: [View Report](#)

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

Aye: 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson
McElhanev

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 17 speakers on the Consent Calendar.

Approval of the Consent Agenda

A motion was made by Reid, seconded by Gallo, to approve the Consent Agenda.
The motion carried by the following vote:

Aye: 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson
McElhanev

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
[15-0534](#)

Attachments: [View Report](#)

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
[15-0535](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

7.3 Subject: Amendments To Transitional And Supportive Housing Regulations
From: Planning & Building Department
Recommendation: Adopt An Ordinance, As Recommended By The City Planning
Commission, Amending The Oakland Planning Code To: 1) Change Transitional And
Supportive Housing Regulations To Comply With State Law; 2) Revise Regulations
For Secondary Units; And 3) Make Miscellaneous Minor Changes In Various Chapters
Of The Planning Code, And Make Appropriate California Environmental Quality Act
Determinations
[15-0357](#)

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[ATTACHMENT A](#)

[ATTACHMENT B](#)

[ATTACHMENT C](#)

[ATTACHMENT D](#)

[View Supplemental Report](#)

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[ATTACHMENT A Revised](#)

[ATTACHMENT B Revised](#)

[ATTACHMENT C Revised](#)

[ATTACHMENT D Revised](#)

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[EXHIBIT A Revised](#)

**A motion was made by Reid, seconded by Gallo, that this matter be * Withdrawn
and Rescheduled to the Meeting of the Oakland City Council, to be heard
2/16/2016 as a Non-Consent Item. The motion carried by the following vote:**

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

7.4 Subject: Implementing A Bike Share Program
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Title 12.08 Of The Oakland Municipal Code To Allow For The Encroachment Of Bike Sharing Stations In The Public Right Of Way; And Amending Ordinance Number 13339 (The FY 2015-16 Master Fee Schedule, Or "MFS") To Establish Fees For The New Permits And Appropriates The New Fees Into The Bay Area Air Quality Management District Fund (2166), Transportation Planning And Funding Organization (30275), Project Number To Be Established; And [15-0472](#)

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This Ordinance was Approved for Final Passage.

2) An Ordinance Granting A Franchise To Bay Area Motivate, LLC To Operate A Bike Share Program, Authorizing The City Administrator Or Designee To Negotiate And Execute A Franchise Agreement, And Certifying CEQA Exemption Findings [15-0473](#)

Attachments: [View Report](#)

This Ordinance was Approved for Final Passage.

7.5 Subject: Settlement Agreement - Elmeda Reed 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 Elmeda Reed V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG14732891, City Attorney's File No. 29942, In The Amount Of Eleven Thousand Five Hundred Dollars (\$11,500.00) (Public Works - Dangerous Condition) [15-0564](#)

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This City Resolution was Adopted.

- 7.6 Subject: Settlement Agreement - Catherine Looper 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 Catherine Looper V. City Of Oakland, Alameda County Superior Court Case No. RG14736572, City Attorney's File No. 29734, In The Amount Of Seventy-Five Thousand Dollars (\$75,000) (Public Works - Motor Scooter Accident)
[15-0565](#)

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This City Resolution was Adopted.

- 7.7 Subject: Settlement Agreement - Ana Biocini 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 Ana Biocini, Et Al. V. City Of Oakland, Et Al., United States Court, Northern District Of California Case No. 14-03315, City Attorney's File No. 29896, In The Amount Of Four Hundred Fifty Thousand Dollars And No Cents (\$450,000.00) (Oakland Police Department)
[15-0566](#)

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

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

No: 1 - Brooks

- 7.8 Subject: Bicyclist & Pedestrian Advisory Commission Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Rosa Villalobos
And Christopher Kidd To The Bicyclist & Pedestrian Advisory Commission
[15-0580](#)

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This City Resolution was Adopted.

7.9 Subject: Civil Service Board Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Yvonne Hudson-Harmon To The Civil Service Board
[15-0581](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

7.10 Subject: Citizen's Police Review Board Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Rev.
Dr. Mauricio J. Wilson And Sharon A. Ball To The Citizen's Police Review Board
[15-0582](#)

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This City Resolution was Adopted.

7.11 Subject: Housing, Residential Rent And Relocation Board Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Benjamin Scott And Edward Lai To The Housing, Residential Rent And Relocation
Board
[15-0583](#)

Attachments: [View Report](#)

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

Abstained: 1 - Kalb

Aye: 7 - Brooks, Campbell Washington, Gallo, Guillén, Kaplan, Reid, and Gibson
McElhane

- 7.12 Subject: Landmarks Preservation Advisory Board Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Peter
Birkholz And The Appointment Lanenna Joiner Of As Members Of The Landmarks
Preservation Advisory Board
[15-0584](#)

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This City Resolution was Adopted.

- 7.13 Subject: Library Advisory Commission Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Ken
Lupoff And Charles Sanchez As Members Of The Library Advisory Commission
[15-0585](#)

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This City Resolution was Adopted.

- 7.14 Subject: Board Of Port Commissioners Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Nominating Andreas Ferreira Cluver And
Arabella Martinez For Appointment To The Board Of Port Commissioners
[15-0272](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.15** Subject: Amend FY 2015-16 GPF Appropriations
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Amending The City Of Oakland's FY 2015-17 Policy Budget Adopted Pursuant To Resolution No. 85672 C.M.S. On July 30, 2015 To 1) Appropriate FY 2015-16 General Purpose Fund Expenditures In An Amount Not To Exceed \$2,876,653 From Undesignated General Purpose Fund Balance For Execution Of The Revenue Share Payment And Other Provisions Per The Recently Negotiated Labor Agreements, And Community Education And Enforcement Of Minimum Wage And Tenants' Protection Ordinances; And 2) Increase The General Purpose Fund Reserve In An Amount Of \$495,817
[15-0521](#)

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This City Resolution was Adopted.

- 7.16** Subject: Transient Occupancy Tax Revenue Allocation To The Affordable Housing Trust Fund
From: Councilmembers Annie Campbell Washington And Abel J. Guillen
Recommendation: Adopt A Resolution Allocating From The General Purpose Fund To The Affordable Housing Trust Fund, \$350,000 Of The Transient Occupancy Tax Revenue Received From Transient Residential Hosting Platforms Over And Above The Amount Budgeted In The Fiscal Year 2015-17 Adopted Budget, Annually In Each Year Of The Fiscal Year 2015-17 Adopted Budget
[15-0528](#)

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This City Resolution was Adopted.

- 7.17** Subject: PolicyLink Professional Services Agreement RFP/Q Waiver
From: Housing & Community Development Department
Recommendation: Adopt A Resolution Waiving The Formal Request For Proposal/Qualification Solicitation Requirement For A Professional Services Agreement In The Amount Of \$50,000 With Policylink For The Oakland Sustainable Neighborhood Initiative
[15-0486](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.18** Subject: Additional Allocation For Winter Relief Efforts
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Authorize An Appropriation Of One Hundred And Eighty Thousand Dollars (\$180,000) From Undesignated General Purpose Fund Balance For Winter Relief Efforts; And 2) Amend The Current Grant Agreement With Society Of St. Vincent De Paul Of Alameda County To Increase Funding In An Amount Not To Exceed \$75,000 For The Provision Of 45 Additional Emergency Winter Shelter Beds For The Period Of February 1, 2016 Through April 30, 2016 For A Total Grant Amount Of \$251,732.35; And 3) Amend The Current Winter Shelter Grant Agreement With Bay Area Community Services To Increase Funding In An Amount Not To Exceed \$75,000 For The Provision Of Case Management Services, Reunification Services, And Rapid Rehousing Funds For Shelter Clients For The Period Of February 1, 2016 Through April 30; For A Total Grant Amount Of \$105,000; And 4) Amend The Current Grant Agreement With Operation Dignity To Increase Funding In An Amount Not To Exceed \$10,000 For The Provision Of Additional Outreach Hours And Transportation Assistance Dedicated To Moving People Into Winter Shelter For The Period Of February 1, 2016 Through April 30 For A Total Amount Of \$270,000
[15-0568](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.19** Subject: Criteria For Allocation Of Raider Ticket Surcharge Funds
From: Oakland Parks And Recreation Department
Recommendation: Receive A Report And Recommendation To The City Council To Accept And Continue With The Current Criteria For Allocation Of Raider Ticket Surcharge Funds Used To Expose Oakland's Youth To Non-Traditional Sports (Tennis, Golf, Girls Sports), Aquatics (Swimming, Tallship Sailing, Sailing And Boating), Outdoor Recreation (Camping, Surfing, Rock Climbing) And Cultural Events
[15-0420](#)

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The Council approved the criteria one year and requested staff return to the Committee at a future date to discuss allocation criteria.

This Report and Recommendation was Approve as Submitted.

7.20 Subject: OFCY Evaluation For Fiscal Year 2014-2015
From: Human Services Department
Recommendation: Adopt A Resolution Adopting The Oakland Fund For Children And Youth Final Evaluation Reports For Fiscal Year 2014-2015
[15-0513](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

7.21 Subject: OUSD MOU On Truancy & Attendance
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Memorandum Of Understanding Between The City Of Oakland And The Oakland Unified School District To Reduce Chronic Absenteeism And Increase Student Attendance For Fiscal Years 2015-2017
[15-0512](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

7.22 Subject: PATH 2014-2017
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Amend The Permanent Access To Housing (PATH) Grant With Abode Services To Increase It By Up To \$47,948 For The Fiscal Year (FY) 2015-2016 Grant Year And, Contingent Upon Receipt Of FY 2016-2017 Grant Funds, To Increase It By Up To \$47,948 For The FY 2016-2017 Grant Year For Housing Retention Services For A Total Grant Amount Of \$637,809 Over The Three Year Term; And 2) Amend The PATH Grant With East Oakland Community Project (EOCP) To Increase It By Up To \$55,000 For The FY 2015- 2016 Grant Year And, Contingent Upon Receipt Of FY 2016-2017 Grant Funds, To Increase It By Up To \$55,000 For The FY 2016-2017 Grant Year For Housing Retention Services Including Case Management To Shelter Plus Care Families For A Total Grant Amount Of \$635,675 Over The Three Year Term; And 3) Accept And Appropriate Additional Funding From Housing And Urban Development (HUD) And Alameda County For Housing Retention Services And Amend The Above Referenced Grant Agreements With Abode Services And EOCP To Increase The Grant Amounts For The Same Purpose Within The Duration Of The Remaining Grant Term, July 1, 2015-June 30, 2017 Without Returning To Council
[15-0514](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

7.23 Subject: Training In And Reporting The Use Of Force
From: Members Of The Public (100 Black Men Of The Bay Area)
Recommendation: Receive The Following:

1) A Report And Recommendations Regarding Adopting Policies And Procedures Which Require OPD To Train Officers More Effectively In The Use Of Force, Especially Lethal Force; Such Training Should Not Only Define Conditions In Which Officers May Use Lethal Force But Also, More Broadly, Show Them How To Avoid It; And

[14-0824](#)

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This Report and Recommendation was Approve as Submitted.

2) A Report And Recommendations Regarding Adopting Officer Reporting And Disclosure Requirements For Both Responding And On-Scene Officers In All Use Of Force Cases; Mandatory Firing And Criminal Prosecution For Failure To Report And/Or Disclose Officer Misconduct And For Providing False Information

[14-0826](#)

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This Report and Recommendation was Approve as Submitted.

7.24 Subject: Towing Services Contract
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Negotiate And Enter Into A Towing Services Contract With Auto Plus Towing (APT) For The Period July 1, 2016 To June 30, 2021, With An Option To Extend The Contract For One Additional Five-Year Term, For Towing And Storage Of Vehicles, Collection And Administration Of Administrative Towing Fees, Lien Sale By Public Auction Of Abandoned Vehicles And Various Administrative Services Related To Towing Operations; 2) Accept And Appropriate An Annual Payment Estimated At One Hundred Seventy-Two Thousand Dollars (\$172,000), As Annually Adjusted Based On The Consumer Price Index (CPI), Plus A Referral Fee Of Fifty-Four Dollars (\$54) Per Towed Vehicle As Annually Adjusted By The CPI; And Plus A Percentage Of Gross Revenue Received By APT In Conducting Tow Services For The City Of Oakland/Oakland Police Department (OPD) From APT For Payment Of Administrative And Other Costs
[15-0518](#)

Attachments: [View Report](#)
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This City Resolution was Adopted.

7.25 Subject: Forensic 3-D Laser Scanner Purchase
From: Oakland Police Department
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator, Or Designee, To Purchase Two Scanstation Forensic 3-D Laser Scanner Systems Manufactured By Leica Geosystems From Precision Survey Supply For Three Hundred Seventeen Thousand Five Hundred Two Dollars (\$317,502); And 2) Waiving The City's Competitive Advertising/Bidding Requirements
[15-0515](#)

Attachments: [View Report](#)

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 Gallo, seconded by Guillén, that this matter be Approve as Submitted the oral report from the Office of the City Attorney of one final decisions made during Closed Session. Please refer to Attachment A for the details of the final decision. The motion carried by the following vote:

Aye: 5 - Brooks, Gallo, Guillén, Kalb, and Reid

Absent: 3 - Campbell Washington, Kaplan, and Gibson McElhane

**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:**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

- 11** Subject: State Legislative Activities & Proposed 2016 State Legislative Priorities
From: Office Of The Mayor
Recommendation: Receive A Report On 2015 State Legislative Activities And
Accomplishments, And Take Possible Action On Proposed 2015-16 State Legislative
Priorities
[15-0412](#)

Attachments: [View Report](#)
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There were 2 speakers on this item.

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

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

- 12** Subject: Electing Vice Mayor Of The City Of Oakland
From: Council President Lynette Gibson McElhaney
Recommendation: Adopt A Resolution Electing The Vice Mayor Of The City Of
Oakland To Serve A One-Year Term Which, Pursuant To City Charter Section 208,
Began On The Date Of The Council's First Meeting In January 2016 (January 5) And
Will End On The Date Of The Council's First Meeting In January 2017
[15-0522](#)

Attachments: [View Report](#)

There was one speaker on this item.

**A motion was made by Gibson McElhaney, seconded by Reid, nominating
Councilmember Campbell Washington as Vice Mayor. The motion carried by the
following vote:**

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

- 13 Subject: Add The Classification Of Director Of Transportation
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of
Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Classification Of
Director Of Transportation [TITLE CHANGE]
[15-0526](#)

Attachments: [View Report](#)
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The Ordinance was amended as follows: 1) The Class No. was changed from EM159 to EM264, and 2) The Department of Transportation and Infrastructure was revised to Department of Transportation.

There were 4 speakers in this item.

A motion was made by Kaplan, seconded by Kalb, that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 2/16/2016. The motion carried by the following vote:

Aye: 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhane

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 Christopher Crafty, Andrew Hatch, Patrick Ian Burk, Aida D. Busby, and Tony Morgan at 7:53 p.m.

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