



# 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, January 16, 2018

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 5:40p.m.*

#### 2 ROLL CALL / CITY COUNCIL

**Excused** 1 - Noel Gallo

**Present** 7 - Desley Brooks, Annie Campbell Washington, Lynette McElhaney, Abel J. Guillén, Dan Kalb, Rebecca Kaplan, and Laurence E. Reid

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

*21 speakers spoke during Open Forum.*

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

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

*President Pro Tem Guillén took a point of personal privilege and requested that the meeting be adjourned in memory of Ruby Atkins*

*Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Paul Fields*

*Councilmember Brooks, Council President Reid, Vice Mayor Campbell Washington, Councilmember McElhaney and Kalb took a point of personal privilege and requested that the meeting be adjourned in memory of Rachel Townsend.*

*Councilmember McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Edwin Hawkins*

- 4.1 Subject: Resolution Commending And Honoring Lois Gomes  
From: Council President Pro Tem Guillén  
Recommendation: Adopt A Resolution Commending And Honoring Lois Gomes For 30  
Years Of Service To The City Of Oakland  
[17-0457](#)

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

**Excused:** 1 - Gallo

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

**NO VOTE:** 0

- 4.2 Subject: Members Of The Community Police Review Board  
From: Council President Reid  
Recommendation: Adopt A Resolution Recognizing And Honoring The Following Eight  
(8) Outgoing Members Of The Citizen's Police Review Board For Their Services: Chris  
Brown (6 Yrs), Charlette Green (2 Yrs), Sharon Ball (2 Yrs), Brian Bingham (5 Yrs), Jose  
Dorado - (2 Yrs), Colette McPherson - (2 Yrs), Howard Tevelson (8 Yrs), Mauricio Wilson  
(2 Yrs)  
[18-0001](#)

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

**Excused:** 1 - Gallo

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

**NO VOTE:** 0

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF NOVEMBER 7,  
NOVEMBER 28, AND DECEMBER 18, 2017  
[18-0007](#)

**A motion was made by Abel J. Guillén, seconded by Dan Kalb, that this matter be Accepted. The motion carried by the following vote:**

**Excused:** 1 - Gallo

**Abstained:** 2 - Brooks, and Kaplan

**Aye:** 5 - Campbell Washington, McElhaney, Guillén, Kalb, and Reid

**NO VOTE:** 0

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

*There were 28 speakers on the consent calendar*

***Approval of the Consent Agenda***

**A motion was made by Kalb, seconded by Kaplan, to approve the Consent Agenda. The motion carried by the following vote:**

**Excused:** 1 - Gallo

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

**NO VOTE:** 0

- 7.1** Subject: Declaration Of A Local Emergency Due To AIDS Epidemic  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired Immunodeficiency Syndrome ("AIDS") Epidemic  
[18-0004](#)

**This City Resolution was Adopted.**

- 7.2** Subject: Declaration Of Medical Cannabis Health Emergency  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland  
[18-0005](#)

**This City Resolution was Adopted.**

- 7.3 Subject: Ordinance To Enact The Uniform Residential Tenant Relocation Ordinance  
From: Councilmember Kaplan  
Recommendation: Adopt An Ordinance To Enact The Uniform Residential Tenant Relocation Ordinance To (1) Establish An Uniform Schedule Of Relocation Payments; (2) To Extend Relocation Payments To Tenants Displaced By Owner Move-In Evictions; (3) To Extend Relocation Payments To Tenants Displaced By Condominium Conversions; And (4) Conform Existing Ellis Act And Code Compliance Relocation Amounts To Those In The Uniform Schedule  
[17-0111](#)

**This Ordinance was Approved for Final Passage.**

- 7.4 Subject: Graffiti Abatement Grant Authorization For Covenant House California  
From: Councilmember McElhaney  
Recommendation: Adopt A Resolution Authorizing A Grant Not To Exceed \$4,680 From Councilmember McElhaney's Graffiti Abatement Mural And Green Wall Funds To Covenant House California For Installation Of A Mural In The Cul-De-Sac On Jefferson Street South  
Of 5th Street Including The Associated Costs Of Youth Engagement  
[TITLE CHANGE]  
[17-0298](#)

**Sponsors:** McElhaney

**This City Resolution be Withdrawn and Rescheduled to go before the \*  
Concurrent Meeting of the Oakland Redevelopment Successor Agency and the  
City Council to be heard 2/6/2018**

- 7.5 Subject: 2017 State/Federal Legislative Activities & Proposed 2018 Legislative Priorities  
From: Office Of The Mayor  
Recommendation: Receive An Informational Report Regarding 2017 State And Federal Legislative Activities And Proposed Legislative Priorities For 2018  
[17-0393](#)

**Sponsors:** Office Of The Mayor

***The council directed staff to have the City Administrator's office to reach out to the State lobbyist to add to the legislative agenda "not to share citizenship status/ information to the California Department of Justice and the Alameda County Sheriff's Office***

**This Informational Report be Received and Filed.**

**Excused:** 1 - Gallo

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

**NO VOTE:** 0

- 7.6 Subject: Oakland Lobbyist Registration Act  
From: Public Ethics Commission  
Recommendation: Adopt An Ordinance Amending The City Of Oakland Lobbyist Registration Act (Act) Ordinance To (A) Transfer The Responsibility For Collecting And Retaining Lobbyist Forms From The City Clerk To The Public Ethics Commission, (B) Reflect The Current Structure Of The City And The Public Ethics Commission, And (D) Clarify The Provisions Of The Act  
[17-0394](#)

**Sponsors:** Public Ethics Commission

**This Ordinance was Approved for Final Passage.**

- 7.7 Subject: CMEA MOU Ratification and 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 Provide Cost Of Living Adjustments To The Salaries Of Certain Miscellaneous Employees Pursuant To The Memorandum Of Understanding Between The City Of Oakland And The Confidential Management Employees Association; The Cost Of Living Adjustments Shall Be As Follows: Increase Of 4% Effective July 1, 2017; Increase Of 1% Effective January 1, 2019  
[17-0461](#)

**This Ordinance was Approved for Final Passage.**

- 7.8 Subject: IBEW MOU Ratification And 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 Provide Cost Of Living Adjustments To The Salaries Of Certain Miscellaneous Employees Pursuant To The Memorandum Of Understanding Between The City Of Oakland And The International Brotherhood Of Electrical Workers; The Cost Of Living Adjustments Shall Be As Follows: Increase Of 4% Effective July 1, 2017; Increase Of 1% Effective January 1,2019  
[17-0463](#)

**This Ordinance was Approved for Final Passage.**

- 7.9 Subject: Salary Ordinance Amendment For The Neighborhood Law Corps Attorney  
From: Office Of The City Attorney  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Amend The Salary Range For The Classification Of Neighborhood Law Corps Attorney  
[18-0002](#)

**This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/6/2018**

**7.10** Subject: Appointment To The Library Advisory Commission  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Sarah McClung And Tyron Jordan As Members Of The Library Advisory Commission  
[18-0003](#)

**This City Resolution was Adopted.**

**S7.11** Subject: Major Encroachment Permit at 1611 Clay Street  
From: Department Of Transportation  
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Yui Hay Lee And Suzie Lee, Trustees Of The Yui Hay And Suzie Lee 2005 Family Trust To Allow Existing Structural Sidewalk And Sub-Surface Basement At 1611 Clay Street To Encroach. Into The Public Right-Of-Way On Clay Street, Major Encroachment Permit ENMJ17060  
[17-0389](#)

**This City Resolution was Adopted.**

**S7.12** Subject: Major Encroachment Permit At 1937-1943 5th Avenue  
From: Department Of Transportation  
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Cleavon Smith, Tamara R. Dukes, Daniel Levy, And Sarah H. Gailey To Allow Portions Of The Existing Building, Concrete Steps, And Retaining Wall At 1937-1943 5th Avenue To Encroach Into The Public Right-Of-Way Along E 20th Street, Major Encroachment Permit ENMJ17059.  
[17-0390](#)

**Sponsors:** Transportation Department

**This City Resolution was Adopted.**

**S7.13** Subject: Rehabilitation Of Sanitary Sewers  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Awarding A Construction Contract To Pacific Trenchless, Inc., The Lowest Responsive, Responsible Bidder, For The On-Call Sanitary Sewers Emergency Projects FY 2017-18 (Project No. 1000720) In Accordance With Specifications For The Project And With Contractor's Bid In The Amount Of Two Million Three Hundred Eighty-Seven Thousand Two Hundred Fifty Dollars (\$2,387,250.00)  
[17-0401](#)

**This City Resolution was Adopted.**

**S7.14** Subject: Begin Plaza Claim Settlement And Construction Contract Amendment  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To 1) Accept, Appropriate And Allocate Professional Errors & Omission Claim Of Funds In The Amount Of Two Hundred Forty-One Thousand Dollars (\$241,000.00) For The Begin Plaza Renovation Project (No. 1001028) And 2) Waive Further Competitive Bid Processes And Amend The On-Call Construction Contract With Mcguire & Hester By An Amount Not-To-Exceed Two Hundred Sixty-Five Thousand Dollars (\$265,000.00) Increasing The Contract From Seven Hundred Seventy-Five Thousand Dollars (\$775,000.00) To One Million Forty Thousand Dollars (\$1,040,000.00)  
[17-0386](#)

**Sponsors:** Oakland Public Works Department

**This City Resolution was Adopted.**

**S7.15** Subject: Resolution To Issue RFP For Affordable Housing On Barcelona Parcel  
From: Councilmember Kaplan And Council President Reid  
Recommendation: Adopt A Resolution Directing The City Administrator To Issue A Request For Proposals For The Development Of Affordable Housing On The 5.4 Acre Parcel Of Land Owned By The City At Oak Knoll Known As The "Barcelona" Parcel  
[17-0371](#)

**Sponsors:** Kaplan

**This City Resolution was Adopted.**

**S7.16** Subject: Recognized Obligation Payment Schedule 2018-19  
From: Finance Department  
Recommendation: Adopt A Resolution Approving The Submission Of A Recognized Obligation Payment Schedule And Successor Agency Administrative Budget For July 1, 2018, Through June 30, 2019, To The Oakland Oversight Board, The County And The State  
[17-0479](#)

**This City Resolution was Adopted.**

- S7.17** Subject: Agreement With Sequoia Nursery School Inc.  
From: Oakland Parks And Recreation Department  
Recommendations: Adopt An Ordinance Authorizing The City Administrator To Execute A License Agreement With Sequoia Nursery School, Inc. To Operate A Cooperative Nursery School At The Sequoia Lodge For A Five-Year Term For A License Fee Of \$1,457.83 Per Month; And Amend The License Agreement For Two Consecutive Five-Year Terms Without Returning To Council  
[17-0315](#)

**This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/6/2018**

- S7.18** Subject: Agreement With Peter Pan Cooperative Nursery School Inc.  
From: Oakland Parks And Recreation Department  
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Execute A License Agreement With Peter Pan Nursery School, Inc. To Operate A Cooperative Nursery School At The Maxwell House And The Adjacent Play Area At Maxwell Park For A Five-Year Term With A License Fee Of \$1,123.20 Per Month; And Amend The License Agreement For Two Consecutive Five-Year Terms Without Returning To Council  
[17-0318](#)

**This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/6/2018**

- S7.19** Subject: Amendment To HSD MOU With OUSD To Increase Student Attendance  
From: Human Services Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute An Amendment To The Memorandum Of Understanding Between The City And The Oakland Unified School District To Reduce Chronic Absenteeism And Increase Student Attendance In Order To Extend The Agreement For Fiscal Years 2017-2018 And 2018-2019 For The Provision Of Two Case Manager Positions  
[17-0405](#)

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

**Excused:** 1 - Gallo

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

**No:** 1 - Brooks

**NO VOTE:** 0



**S7.20** Subject: City of Oakland Joint Powers Authority (JPA) Contribution  
From: Human Services Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With The Youth Ventures Joint Powers Authority (JPA) Through Its Fiscal Agent Marcus A Foster Educational Institute Dba Marcus Foster Education Fund (MFEF), In The Amount Of \$150,000 Per Year For Fiscal Years 2017-2018 And 2018-2019, For The City Of Oakland's Annual Contribution To The JPA  
[17-0478](#)

**This City Resolution was Adopted.**

**S7.21** Subject: City Alignment With ACLUs Model Law Enforcement Policies And Rules  
From: Council President Pro Tempore Guillén  
Recommendation: Receive An Informational Report From The Oakland Police Department (OPD) On To What Extent The City Of Oakland's Existing Law Enforcement Policies And Rules Align With The American Civil Liberties Union (ACLU) Freedom Cities Nine Model State And Local Law Enforcement Policies And Rules  
[16-1012](#)

**Sponsors:** Guillén

**This Informational Report was Received and Filed.**

**S7.22** Subject: ACDAO HEAT Taskforce MOU  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Negotiate And Enter Into A Memorandum (MOU) Between The Oakland Police Department (OPD) And Alameda County District Attorney's Office (ACDAO) Human Exploitation And Trafficking (Heat) Taskforce For The Purpose Of Bringing Together Local, State, Federal Government And Non-Governmental Agencies To Improve The Safety And Recovery Outcomes For Victims Of Sex-Trafficking And Labor-Trafficking, And To Hold Traffickers Accountable, For The Period Of October 1,2017 Through October 1, 2020  
[17-0398](#)

**Sponsors:** Oakland Police Department

**This City Resolution was Adopted.**

**S7.23** Subject: Sexual Assault Victim Services MOU  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) Between The Alameda County Health Care Services (Ahs) Sexual Assault Response And Recovery Team (SARRT) And The Oakland Police Department (OPD) To Provide Comprehensive Services To Victims Of Sexual Assault, Between September 1, 2017 And August 31, 2020  
[17-0397](#)

**Sponsors:** Oakland Public Works Department

**This City Resolution was Adopted.**

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

*No final decisions were made during Closed Session*

A motion was made by Abel J. Guillén, seconded by Annie Campbell Washington, that this matter be Accepted. The motion carried by the following vote:

**Excused:** 1 - Gallo

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

**NO VOTE:** 0

**COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:**

**9 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:**

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

**10 THIS NUMBER INTENTIONALLY NOT USED**

**Items 11 and 12 were taken together**

**S11** Subject: HSI/ICE Raid In West Oakland On August 16, 2017  
From: Councilmembers Brooks And Kaplan  
Recommendation: Receive A Report And Recommendation Regarding The HSI/ICE  
Raid In West Oakland On August 16, 2017. Said Report Shall Include 1.) A Chronological  
Timeline And Review Of The August 16, 2017 HIS/ICE Raid; 2.) The Date The OPD/ICE  
Memorandum Of Understanding Was Officially Terminated; 3.) Specifically Set Forth Any  
And All Oakland Police Department Involvement In, And Tasks, At The HIS/ICE West  
Oakland Raid On August 16, 2017; 4.) Number Of Officers And Associated Cost Of OPD  
Involvement; 5.) Respond To Each Question Raised In The Privacy Commission's Memo  
Dated October 5, 2017; And 6.) Recommendations For Improvement In Transparency,  
And Compliance With Council Approved Policy Regarding Involvement With ICE  
[17-0252](#)

**Sponsors:** Ms. Brooks and Kaplan

***There were 12 speakers on this item***

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

**Excused:** 1 - Gallo

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

**NO VOTE:** 0

**S12** Subject: Resolution Clarifying And Reaffirming Policy On Non-Cooperation With ICE  
From: Councilmembers Kaplan, Brooks And Gallo  
Recommendation: Adopt A Resolution Supplementing And Amending Resolutions  
63950, 80584 And 86498 In Order To Strengthen The Policy Of The City Of Oakland Not  
To Cooperate With Or Provide Support For Immigration And Customs Enforcement  
Actions  
[17-0370](#)

**Sponsors:** Kaplan, Gallo and Ms. Brooks

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

**Excused:** 1 - Gallo

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

**NO VOTE:** 0

**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 Ruby Atkins, Rachel Townsend and Paul  
Fields 9:09 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.**