



# 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 Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council

---

Tuesday, November 19, 2019

4:30 PM

City Council Chamber, 3rd Floor

---

### **DEFINITION OF TERMS:**

**Consent Item:** *any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.*

**Non-Consent Item:** *any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.*

**Action Item:** *any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.*

**Informational Item:** *an item of the agenda consisting only of an informational report that does not require or permit Council action.*

### **1 PLEDGE OF ALLEGIANCE**

*The Special 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 4:37 p.m.*

### **2 ROLL CALL / CITY COUNCIL**

**Present** 8 - Dan Kalb, Larry Reid, Lynette McElhaney, Noel Gallo, Sheng Thao, Loren Taylor, Nikki Bas, and Rebecca Kaplan

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

*14 speakers spoke during Open Forum.*

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

*Vice Mayor Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Mark Gagliardi and Raymond Chang. Council President Kaplan and President Pro Tempore Kalb requested to be associated with these adjournment*

*Councilmember Taylor took a point of personal privilege and requested that the meeting be adjourned in memory of Misty Smith Wilton*

*Councilmember Thao took a point of personal privilege and requested that the meeting be adjourned in memory of Xy Lee, Phia Vang, Kou Xiong, Kalaxiong Thao, Trevor Leopold and Victims of Saugus High School Mass Shooting*

*Councilmember McElhaneey took a point of personal privilege and requested that the meeting be adjourned in memory of T'Shonti Rollerson*

**5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF NOVEMBER 5,  
2019  
[18-2433](#)**

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

*There were 2 speakers on this item*

A motion was made by Noel Gallo, seconded by Sheng Thao, that this matter be Approved. The motion carried by the following vote:

**Aye:** 8 - Kalb, Reid, McElhaneey, Gallo, Thao, Taylor, Bas, and Kaplan

**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):**

*Councilmember Taylor requested to have 9.5 to be heard after item 9.1*

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

*There were 11 speakers on this item*

***Approval of the Consent Agenda***

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

**Aye:** 8 - Kalb, Reid, McElhaneey, Gallo, Thao, Taylor, Bas, and Kaplan

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  
[18-2434](#)

**Attachments:** [View Report](#)  
[87920 CMS](#)

**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  
[18-2435](#)

**Attachments:** [View Report](#)  
[87921 CMS](#)

**This City Resolution was Adopted.**

- 7.3 Subject: Declaration Of A Local Emergency On Homelessness  
From: Council President Kaplan  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of The City's Homelessness Crisis  
[18-2436](#)

**Attachments:** [View Report](#)  
[87922 CMS](#)

**This City Resolution was Adopted.**

- 7.4 Subject : 2019 Arbor Day Resolution  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Proclaiming Thursday, November 21, 2019, To Be The City Of Oakland's Arbor Day 2019 And Authorizing An Official Tree Planting Ceremony At Defremery Park  
[18-2425](#)

**Attachments:** [View Report](#)  
[87923 CMS](#)

**This City Resolution was Adopted.**

- 7.5 Subject: Bicyclist And Pedestrian Advisory Commission  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Grey Gardner, Patricia Schrader, And Diane Yee To The Bicyclist And Pedestrian Advisory Commission  
[18-2459](#)

**Attachments:** [View Report](#)  
[87924 CMS](#)

**This City Resolution was Adopted.**

- 7.6 Subject: Sugar-Sweetened Beverage Distribution Tax Board  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Pamela Alston, Raphael Breines, And Michael Hammock As Members Of The Sugar-Sweetened Beverage Distribution Tax Community Advisory Board  
[18-2460](#)

**Attachments:** [View Report](#)  
[87925 CMS](#)

**This City Resolution was Adopted.**

- 7.7 Subject: Youth Advisory Commission  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's (1) Appointment Of Yarency Lizbeth Avelar, Julia Basch, Francesca Berlow, Brandon Frith, Aa'jahlee-Soleil Long, Nia Mcmillan, Alessandra Mohar, Ahmed Muhammad, Kimora Oliver, Jessica Ramos, Benjamin Salop, Jiahui Su, Barrett Valentine, And Harper Valentine; And (2) Reappointment Of Ivan Garcia And Maxwell Stern, As Members Of The Youth Advisory Commission  
[18-2461](#)

**Attachments:** [View Report](#)  
[87926 CMS](#)

**This City Resolution was Adopted.**

- 7.8 Subject: IFPTE Local 21 MOU  
From: Office Of The City Administrator  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide A 1% Wage Increase To The Salary Schedule Of Represented Units In TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, And U41 Effective The First Full Pay Period After July 1, 2019; 2) Provide A 1% Wage Increase To The Salary Schedule Of Represented Units In TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, AND U41 Effective The First Full Pay Period After November 1, 2019; 3) Provide A 2% Wage Increase To The Salary Schedule Of Represented Units In TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, AND U41 Effective The First Full Pay Period After July 1, 2020; 5) Provide A 1% Wage Increase To The Salary Schedule Of Represented Units In TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, AND U41 Effective The First Full Pay Period After January 1, 2021  
[18-2390](#)

**Attachments:** [View Report](#)  
[13567 CMS](#)

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

**7.9** Subject: SEIU Local 1021 MOU  
From: Office Of The City Administrator  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide A 1% Wage Increase To The Salary Schedule Of Represented Units In SB1, SC1, SD1, And SI1 Effective The First Full Pay Period After July 1, 2019; 2) Provide A 1% Wage Increase To The Salary Schedule Of Represented Units In SB1, SC1, SD1, And SI1 Effective The First Full Pay Period After November 1, 2019; 3) Provide A 1% Wage Increase To The Salary Schedule Of Represented And Unrepresented Units In SB1, SC1, SD1, SI1, IE1, TV1, U31, CON TI1, U51, US1, UG1, UP1, UK1, And UK2 Effective The First Full Pay Period After January 1, 2020; 4) Provide A 2% Wage Increase To The Salary Schedule Of Represented Units In SB1, SC1, SD1, And SI1 Effective The First Full Pay Period After July 1, 2020; 5) Provide A 1% Wage Increase To The Salary Schedule Of Represented And Unrepresented Units In SB1, SC1, SD1, SI1, IE1, TV1, U31, CON, TL1, U51, US1, UG1, UP1, UK1, And UK2 Effective The First Full Pay Period After January 1, 2021  
[18-2392](#)

**Attachments:** [View Report](#)  
[13568 CMS](#)

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

**7.10** Subject: Salary Ordinance Amendment For Various Classifications  
From: Human Resources 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 Fire Inspection Supervisor, To Add The Permanent Part-Time And Part-Time Classification Equivalents Of Special Assistant To The Mayor III, And To Amend The Salary Format For Deputy Chief Of Violence Prevention  
[18-2300](#)

**Attachments:** [View Report](#)  
[13569 CMS](#)

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

- 7.11 Subject: Salary Amendments For Certain Unrepresented Employees  
From: Human Resources Management Department  
Recommendation: Adopt An Ordinance Amending Ordinance No. 13543 C.M.S., Which Amended The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance"), To Correct The Salary Information For Certain Unrepresented Employees In Representational Units Ur1 (Fire Chief) And Uu1 (Deputy Chief And Assistant Chief Of Fire)  
[18-2426](#)

**Attachments:** [View Report](#)  
[13570 CMS](#)

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

- 7.12 Subject: Vacant Property Tax Implementation Ordinance & Administration  
From: Finance Department  
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Title 4, Chapter 4.56 To Clarify And Further Define Various Sections Of The Oakland Vacant Property Tax And Establish A Method For Identifying Vacant Property  
[18-2201](#)

**Attachments:** [View Report](#)  
[View Supplemental Report 10/11/2019](#)  
[View Supplemental Report 11/15/2019](#)  
[13571 CMS](#)

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

**Aye:** 6 - Kalb, Gallo, Thao, Taylor, Bas, and Kaplan

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

**NO VOTE:** 0

- 7.13** Subject: Francisco & Associates, Inc. Contract Amendment- District Engineer  
From: Finance Department  
Recommendation: Adopt A Resolution Approving 1) Amendment Of A Professional Services Agreement Regarding Engineering Services For Various Local Measures With Francisco & Associates, Inc. To Increase The Not-To-Exceed Contract Amount To Five Hundred Fifty Thousand Dollars (\$550,000.00); 2) Extension Of The Term Of The Agreement To Calendar Year 2023 And, If Appropriate, For Two Additional Years; And 3) Waiver Of Advertising, Competitive Bidding, And Request For Proposals/Qualifications Selection Requirements  
[18-2429](#)

**Attachments:** [View Report](#)  
[87927 CMS](#)

**This City Resolution was Adopted.**

- 7.14** Subject: Major Encroachment Permit At 1919 Market Street  
From: Transportation Department  
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To CC1919 Market, L.P., To Allow Portions Of The Existing Building Above Grade And New Canopies At 1919 Market Street To Encroach Into The Public Right-Of-Way On Market Street And Myrtle Street, Major Encroachment Permit ENMJ19191  
[18-2368](#)

**Attachments:** [View Report](#)  
[87928 CMS](#)

**This City Resolution was Adopted.**

- 7.15** Subject: Leimart Boulevard Bridge Retrofit Project  
From: Transportation Department  
Recommendation: Adopt A Resolution Waiving Further Competitive Request For Proposal (RFP) Requirements And Increasing The Contract With Biggs Cardosa Associates By Two Hundred Forty-Nine Thousand Four Hundred Nine Dollars And Twenty Cents (\$249,409.20) For A Total Contract Amount Not-To-Exceed One Million Five Hundred Thirty Thousand Two Hundred Seventy-Nine Dollars And Twenty Cents (\$1,530,279.20) For The Leimert Boulevard Bridge Seismic Retrofit Project  
[18-2428](#)

**Attachments:** [View Report](#)  
[87929 CMS](#)

**This City Resolution was Adopted.**



- 7.16** Subject: Predevelopment Loan Authorization For 1707 Wood Street  
From: Housing And Community Development Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Or Her Designee To Enter Into Two Unsecured Predevelopment Loans Not To Exceed A Combined Total Amount Of \$650,000 From The Affordable Housing Trust Fund (Fund 1870); One Loan To Midpen Housing Corporation And One Loan To Habitat For Humanity East Bay/Silicon Valley, Inc. To Support The Development Of Affordable Housing At The City-Owned Property Located At 1707 Wood Street Between 18th And 20th Streets; And Making California Environmental Quality Act Findings For This Action [18-2383](#)

**Attachments:** [View Report](#)  
[87930 CMS](#)

**This City Resolution was Adopted.**

- 7.17** Subject: Updating The Oakland Building Maintenance Code  
From: Planning & Building Department  
Recommendation: Adopt An Ordinance (1) Repealing The Oakland Building Maintenance Code (Oakland Municipal Code 15.08) And (2) Reenacting The Oakland Building Maintenance Code With Amendments To Conform To The 2019 California Building Standards Code And Adopting CEQA Exemption Findings [18-2373](#)

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

**This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 12/10/2019**

- 7.18** Subject: Montclair BID Annual Report And Intention To Levy FY 2020-2021 Assessment  
From: Economic And Workforce Development Department  
Recommendation: Adopt A Resolution: 1) Approving The Annual Report Of The Montclair Business Improvement District Advisory Board; 2) Declaring The Intention To Levy And Collect An Annual Assessment For Fiscal Year 2020-2021 For The Montclair Business Improvement District; And 3) Scheduling A Public Hearing For December 10, 2019 [18-2370](#)

**Attachments:** [View Report](#)  
[87931 CMS](#)

**This City Resolution was Adopted.**

- 7.19** Subject: Rockridge BID Annual Report And Intention To Levy FY 20-21  
From: Economic And Workforce Development Department  
Recommendation: Adopt A Resolution: 1) Approving The Annual Report Of The Rockridge Business Improvement District Advisory Board; 2) Declaring The Intention To Levy And Collect An Annual Assessment For Fiscal Year 2020-2021 For The Rockridge Business Improvement District; And 3) Scheduling A Public Hearing For December 10, 2019

[18-2371](#)

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

[87932 CMS](#)

**This City Resolution was Adopted.**

- 7.20** Subject: Affordable Housing Impact Fees  
From: Council President Kaplan  
Recommendation: Adopt Resolution Requesting The City Administrator Or Designee To Include 1) All Affordable Housing Impact Fees Deposited Into The Affordable Housing Trust Fund Up To And During This Fiscal Year Through December 31, 2019, To The Extent Not Previously Allocated, In The Next Allocation Request Submitted To The City Council For Approval Pursuant To Chapter 15.62.050, And 2) All Such Approved Allocations In The Next Notice Of Funds Availability (NOFA) Issued By The City Administrator

[TITLE CHANGE]

[18-2212](#)

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

[View Supplemental Report 11/1/2019](#)

[View Supplemental Legislation 11/15/2019](#)

[87933 CMS](#)

**This City Resolution was Adopted.**

**7.21** Subject: State Boating And Waterways Grant  
From: Oakland Parks, Recreation And Youth Development Department  
Recommendation: Adopt A Resolution To: 1) Authorize The City Administrator To Apply For Grant Funds From The State Of California Department Of Parks And Recreation Division Of Boating And Waterways Aquatic Center Grant Program; And 2) Accept And Appropriate Said Funds In The Amount Not To Exceed \$95,000 For The Fiscal Year 2021-2022 Through 2022-2023 Grant Cycle And \$95,000 For The Fiscal Year 2023-2024 Through 2024-2025 Grant Cycle For Funding For Oakland Parks, Recreation & Youth Development Department Boating Program Equipment, Financial Assistance For Boating Program Participants, Staff Training, And Event Support  
[18-2378](#)

**Attachments:** [View Report](#)  
[87934 CMS](#)

**This City Resolution was Adopted.**

**7.22** Subject: National Fish And Wildlife Foundation Grant  
From: Oakland Parks, Recreation And Youth Development Department  
Recommendation: Adopt A Resolution To: 1) Authorize The City Administrator To Apply For Grant Funds From The National Fish And Wildlife Foundation - Cosco Busan Oil Spill Settlement-Recreational Use Grant Program; And 2) Accept And Appropriate Said Funds In An Amount Not To Exceed \$243,000 For Funding For Oakland Parks, Recreation & Youth Development Department Jack London Aquatic Center Launch Dock Replacement Project  
[18-2379](#)

**Attachments:** [View Report](#)  
[87935 CMS](#)

**This City Resolution was Adopted.**

- 7.23** Subject: Fiscal Year 2019 Urban Search And Rescue (US&R) Grant Funding  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution: (1) Authorizing The City Administrator, Or Her Designee To: (A) Enter Into An Agreement With The Federal Emergency Management Agency (FEMA) For Receipt Of 2019 Urban Search And Rescue (US&R) Grant Funds In The Amount Of One Million Two Hundred Thirty-Five Thousand And One Hundred Four Dollars (\$1,235,104) And Supplemental Funding Not To Exceed Fifty Percent (50%) Of Said Amount, For Operational Costs And Equipment Purchase For The Fire Department's US&R Task Force (US&R Task Force); (B) Expend Said Grant Funds In Accordance With The Preliminary Spending Plan Without Further Council Approval; (2) Accepting And Appropriating Said FEMA Grant For US&R Task Force; (3) Waiving The City's Purchasing Requirements For Procurement Of US&R Task Force Equipment When Required By Said Grant; And (4) Authorizing Use Of The General Purpose Fund To Cover The Cost Of Internal Service Fund Charges Affiliated With Said Grant  
[18-2350](#)

**Attachments:** [View Report](#)  
[87936 CMS](#)

**This City Resolution was Adopted.**

- 7.24** Subject: OPD ShotSpotter Privacy Policy  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Approving The Oakland Police Department (OPD) Gunshot Location Detection (GLD) Use Policy And Surveillance Impact Report  
[18-2377](#)

**Attachments:** [View Report](#)  
[View Supplemental Report 11-7-2019](#)  
[87937 CMS](#)

**This City Resolution was Adopted.**

- 7.25** Subject: Citizens Options For Public Safety Grant Fiscal Year 2019  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee,  
To: 1) Accept And Appropriate The Fiscal Year (FY) 2019 State Of California "Citizens  
Options For Public Safety And Multi-Agency Juvenile Justice Funds" (State Cops Grant  
XXII) Allocation In The Amount Of Six Hundred Fifty-Six Thousand Seventy Dollars  
(\$656,070) Plus Accrued Interest Earnings Of Up To Ten Thousand Dollars For A Total  
Amount Not To Exceed Six Hundred Sixty-Six Thousand Seventy Dollars (\$666,070), To  
Fund Helicopter Maintenance And Purchase Equipment, Including Pursuit Management  
Technology, Security Cameras, Van Alarms, Evidence Lockers, And  
Technology/Computer Upgrades; And 2) Waive The City's Competitive Advertising And  
Bidding Requirements To Allow OPD To Enter Into A Contract With Starchase To  
Purchase Pursuit Management Technology For A Total Amount Not To Exceed One  
Hundred Seventy-Five Thousand Dollars  
[18-2381](#)

**Attachments:** [View Report](#)  
[View Supplemental Report 11-7-2019](#)  
[87938 CMS](#)

**This City Resolution was Adopted.**

- 7.26** Subject: Pursuit Mitigation System Privacy Policy  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Approving The Oakland Police Department  
(OPD) Pursuit Mitigation System Use Policy And Surveillance Impact Report  
[18-2382](#)

**Attachments:** [View Report](#)  
[View Supplemental Report 11-7-2019](#)  
[87939 CMS](#)

**This City Resolution was Adopted.**

**7.27** Subject: Designating Wildfire Prevention A Top Priority For The City Of Oakland  
From: Councilmember Thao  
Recommendation: Adopt A Resolution Designating Wildfire Prevention A Top Priority For The City Of Oakland And Requesting The City Administrator To Present A Comprehensive Report To The Public Safety Committee That Addresses Oakland's Wildfire Prevention Strategies And Planning For Oakland's Wildland Urban Interface  
[18-2424](#)

**Attachments:** [View Report](#)  
[View Supplemental Report 11-7-2019](#)  
[87940 CMS](#)

**This City Resolution was Adopted.**

**7.28** Subject: Salary Ordinance Amendment  
From: Human Resource Management Department  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide A Wage Increase To Represented Employees In Representation Units TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, And U41 Pursuant To The Tentative Agreement To The Memorandum Of Understanding Between The City Of Oakland And The International Federation Of Professional And Technical Engineers, Local 21; The Wage Increase Shall Be As Follows: An Increase Of 1% Effective The First Full Pay Period Following January 1, 2020  
[18-2463](#)

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

**This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 12/10/2019**

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

*The oral report from the Office of the City Attorney of 2 final decisions made during Closed Session.*

**1. Ariel Spritzer-Satomi v. The State of California Department of Transportation (Caltrans), City of Oakland, and DOES 1-10, inclusive Alameda County Superior Court Case No. RG16825731. The council authorized settlement in the amount of \$1,670,000.00 This case arose out of incidents occurring on October 19, 2015. The Motion Authorizing the Settlement was Made by Councilmember Loren Taylor Seconded by Vice Mayor Larry Reid, and passed with 8 Ayes**

**2. Oakland Police and Fire Retirement System – Captains and Deputy Chiefs Holiday Pay Settlement. The Council authorized a settlement in which retired police captains and deputy chiefs will receive 104 hours of holiday pay per year until July 1, 2024 or until there are changes to the holiday provisions in the current Oakland Police Management Association labor agreement. The Motion Authorizing the Settlement was Made by Vice Mayor Larry Reid Seconded by President Pro Tempore Dan Kalb, and passed with 8Ayes**

*There were 3 speakers on this item*

**A motion was made by Noel Gallo, seconded by Loren Taylor, that this matter be Accepted. The motion carried by the following vote:**

**Aye:** 8 - Kalb, Reid, McElhaney, Gallo, Thao, Taylor, Bas, and Kaplan

**NO VOTE:** 0

**9 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING AT 6:30 P.M.:**

- 9.1** Subject: Local Amendments To 2019 California Model Building Construction Code  
From: Planning And Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following  
Pieces Of Legislation:

1) A Resolution Of Findings Supporting Local Amendments To The 2019 Editions Of The California Building Standards Code To Comply With Changes To State Law And Adopting California Environmental Quality Act (CEQA) Exemption Findings; And [18-2374](#)

**Attachments:** [View Report](#)  
[View Supplemental Report 11/8/2019](#)  
[87941 CMS](#)

*Council President Kaplan made a scheduling motion seconded by Councilmember McElhaney to Scheduled The following at the 1st Community & Economic Development Committee Meeting in January 2020: an analysis on Joint Live Works Quarters in the California Building Standards Code*

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 6:49 p.m.*

*25 individuals spoke on this item.*

*Councilmember Taylor made a motion, seconded by Councilmember Bas to close the Public Hearing objections, the motion passed by 8 Ayes: Taylor, Thao, Gallo, Bas, Kalb, Gibson McElhaney, Reid and President Kaplan*

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

**Aye:** 8 - Kalb, Reid, McElhaney, Gallo, Thao, Taylor, Bas, and Kaplan

**NO VOTE:** 0



Subject: Local Amendments To 2019 California Model Building Construction Code  
From: Planning And Building Department  
Recommendation: Adopt An Ordinance (1) Repealing The Oakland Amendments To The 2016 Edition Of The California Building Standards Code, (2) Adopting Local Amendments To The 2019 Edition Of The California Building Standards Code, And (3) Amending Oakland Municipal Code Chapter 15.04 To Comply With Changes To State Law And Adopting CEQA Exemption Findings  
[18-2375](#)

**Attachments:** [View Report](#)  
[View Supplemental Report 11/8/2019](#)

***Council President Kaplan made a scheduling motion seconded by Councilmember McElhaney to Scheduled The following item at the 1st Community & Economic Development Committee Meeting in January 2020: An analysis on Joint Live Works Quarters in the California Building Standards Code***

***Upon the reading of Item 9.1-2 by the City Clerk, the Public Hearing was opened at 6:49 p.m.***

***25 individuals spoke on this item.***

***Councilmember Taylor made a motion, seconded by Councilmember Bas to close the Public Hearing objections, the motion passed by 8 Ayes: Taylor, Thao, Gallo, Bas, Kalb, Gibson McElhaney, Reid and President Kaplan***

**A motion was made by Loren Taylor, seconded by Nikki Bas, 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 12/10/2019. The motion carried by the following vote:**

**Aye:** 8 - Kalb, Reid, McElhaney, Gallo, Thao, Taylor, Bas, and Kaplan

**NO VOTE:** 0

Subject: Informational Report On Amendments To 2019 California Model Building Code  
From: Council President Kaplan  
Recommendation: Receive A Informational Report On Building Code Amendments For Joint Live Work Quarters  
**18-2520**

***President Kaplan made a scheduling motion seconded by McElhaney to schedule this item to 1st Community and Economic Development Committee in January 2020***

**This City Resolution be Referred to go before the \*Community & Economic Development Committee**

- 9.5** Subject: Ordinance Amending Cannabis Business Tax Rates  
From: Pro Tempore Kalb And Council President Kaplan  
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Title 5, Chapter 5.04, Section 5.04.480 And Section 5.04.481, To Create A Tiered And Category Based Tax Structure For Cannabis Businesses, Merge Medical And Non-Medical Cannabis Business Classifications, And Reduce Tax Rates For Cannabis Businesses  
[18-1900](#)

**Attachments:** [View City Administrator Report](#)  
[View Supplemental Report 5/3/2019](#)  
[View Supplemental Finance Report 5/3/2019](#)  
[View Supplemental Finance Report 5/10/2019](#)  
[View Supplemental Legislation 5/17/2019](#)  
[View Supplemental Finance Report 5/17/2019](#)  
[View Supplemental Report 7/3/2019](#)  
[View Report](#)  
[View Supplemental Report - Kalb 7/3/2019](#)  
[View Supplemental Report - Kalb 7/12/2019](#)  
[View Supplemental Report 9/12/2019](#)  
[View Supplemental Report - Kalb 10/4/2019](#)  
[View Supplemental Report - Taylor 10/4/2019](#)  
[View Supplemental Finance Report - 10/4/2019](#)  
[View Supplemental Report - Taylor 10/18/2019](#)  
[View Supplemental Report - Kaplan 10/18/2019](#)  
[View Supplemental Report 10/17/2019](#)  
[View Supplemental Report 11/1/2019](#)  
[View Supplemental Report - Thao & Kalb 11/1/2019](#)  
[View Supplemental Report - Thao & Kalb 11/15/2019](#)  
[View Supplemental Report 11/26/2019](#)

***Upon the reading of Item 9.5 by the City Clerk, the Public Hearing was opened at 7:49 p.m.***

***16 individuals spoke on this item.***

***Councilmember Taylor made a motion as amended, seconded by Councilmember McElhane. Original Motion Failed due to prevailing substitute motion***

***Councilmember Kalb made a substitute motion as amended to approve the Thao & Kalb 11/15/2019 Amendemnts and include the following:***

*1) Requirement for city administrative or his/her designee to report back to council at the end of each year on the state of the Cannabis industry in Oakland and the performance of the equity program against its stated goals.*

*2) Change the title to reflect focus on equity.*

*3) In Year 1 10% is changes to 9.5%*

*4) Any cap on the incentives @12.5 million*

*Councilmember Taylor and McElhaney withdraw their motion.*

*The substitute motion was seconded by Councilmember Thao and by the same motion closing the Public hearing and hearing no objections, the motion passed by 7 Ayes: Taylor, Thao, Bas, Kalb, Gibson McElhaney, Reid, President Kaplan and 1 No*

A motion was made by Dan Kalb, seconded by Sheng Thao, 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 12/10/2019. The motion carried by the following vote:

**Aye:** 7 - Kalb, Reid, McElhaney, Thao, Taylor, Bas, and Kaplan

**No:** 1 - Gallo

**NO VOTE:** 0

- 9.2** Subject: Amendments To The Oakland Fire Code, Chapter 15.12  
From: Oakland Fire Department  
Recommendation: Adopt An Ordinance (1) Repealing Current Oakland Municipal Code Chapter 15.12, Oakland Fire Code, (2) Making Findings To Substantiate Modifications To California Building Standards Code Due To Local Climatic, Geological Or Topographical Conditions, (3) Adopting And Making Local Amendments To The 2019 Edition Of The California Fire Code, California Code Of Regulations Title 24, Part 9, And (4) Recodifying Said Code At Oakland Municipal Code Chapter 15.12 As The Oakland Fire Code And Adopting CEQA Exemption Findings  
[18-2380](#)

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

*Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 8:57 p.m.*

*5 individuals spoke on this item.*

*Councilmember McElhaneey made a motion Seconded by Gallo to close the Public Hearing and also directed staff to return in April 2020 to The Community & Economic Development Committee with recommended revisions to the Oakland Municipal Code Chapter 15.12 Oakland Fire Code. Seconded by Councilmember Gallo to close the Public Hearing objections, the motion passed by 8 Ayes: Taylor, Thao, Gallo, Bas, Kalb, Gibson McElhaneey, Reid and President Kaplan*

**A motion was made by Lynette McElhaneey, seconded by Noel Gallo, 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 12/10/2019. The motion carried by the following vote:**

**Aye:** 8 - Kalb, Reid, McElhaneey, Gallo, Thao, Taylor, Bas, and Kaplan

**NO VOTE:** 0

**9.3** Subject: 0 Mandela Parkway Appeal  
From: Planning And Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The  
Following Three Options:

1) A Resolution Denying The Appeal By Unite Here Local 2850, And Thus Upholding The  
Oakland Planning Commission's Approval Of 1) A Major Conditional Use Permit To  
Construct A Six Story Building Consisting Of 220 Rooms Measuring Approximately  
142,813 Square Feet Of Floor Area, 2) A Minor Conditional Use Permit For Transient  
Habitation (Hotels) And Non-Residential Tandem Parking, 3) A Variance Of The Front  
Setback And 4) Related California Environmental Quality Act (CEQA) Findings For The  
Proposed Building Located At 0 Mandela Parkway Oakland Ca. (Project Case No.  
PLN16394); Or

[18-1391](#)

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

[View Supplemental Report 11/15/2019](#)

*45 individuals spoke on this item.*

*Councilmember McElhaney made a motion Seconded by President Pro Tempore  
Kalb to continue this item to the 2nd City Council meeting February 2020 with  
direction to return with a supplemental report that include the following:*

*1. Analysis related to the impact on employees on the demanded for affordable  
housing and Social Services in Oakland*

*2. Analysis of how many cities in Alameda County have the same Planning Code  
Section*

*3. Measure Z Monitoring*

**A motion was made by Lynette McElhaney, seconded by Dan Kalb, that this  
matter be Continued to go before the \* Concurrent Meeting of the Oakland  
Redevelopment Successor Agency and the City Council. The motion carried by  
the following vote:**

**Excused:** 1 - Taylor

**Aye:** 7 - Kalb, Reid, McElhaney, Gallo, Thao, Bas, and Kaplan

**NO VOTE:** 0

Provided The City Council Can Make The Appropriate Findings:

2) A Motion To Direct Staff To Prepare A Resolution For Future City Council  
Consideration To Deny the Appeal With Additional Conditions; Or  
[18-2464](#)

*Councilmember McEhane*y made a motion Seconded by President Pro Tempore  
Kalb to continue this item to the 2nd City Council meeting February 2020 with  
direction to return with a supplemental report that include the following:

**1. Analysis related to the impact on employees on the demanded for affordable  
housing and Social Services in Oakland**

**2. Analysis of how many cities in Alameda County have the same Planning Code  
Section**

**3. Measure Z Monitoring**

A motion was made by Lynette McElhaney, seconded by Dan Kalb, that this  
matter be Continued to go before the \* Concurrent Meeting of the Oakland  
Redevelopment Successor Agency and the City Council. The motion carried by  
the following vote:

**Excused:** 1 - Taylor

**Aye:** 7 - Kalb, Reid, McElhaney, Gallo, Thao, Bas, and Kaplan

**NO VOTE:** 0

3) A Motion To Direct Staff To Prepare A Resolution For Future City Council  
Consideration To Uphold The Appeal  
[18-2465](#)

*Councilmember McEhane*y made a motion Seconded by President Pro Tempore  
Kalb to continue this item to the 2nd City Council meeting February 2020 with  
direction to return with a supplemental report that include the following:

**1. Analysis related to the impact on employees on the demanded for affordable  
housing and Social Services in Oakland**

**2. Analysis of how many cities in Alameda County have the same Planning Code  
Section**

**3. Measure Z Monitoring**

A motion was made by Lynette McElhaney, seconded by Dan Kalb, that this  
matter be Continued to go before the \* Concurrent Meeting of the Oakland  
Redevelopment Successor Agency and the City Council. The motion carried by  
the following vote:

**Excused:** 1 - Taylor

**Aye:** 7 - Kalb, Reid, McElhaney, Gallo, Thao, Bas, and Kaplan

**NO VOTE:** 0

Subject: Amendment To The MOU Between The City Of Oakland And IAF Local 55  
From: Councilmember Thao  
Recommendation: Adopt A Resolution Approving An Amendment To Section 4.2 Of The Memorandum Of Understanding Between The City Of Oakland And Internation Association Of Firefighters Local 55 To Add An Additional Fire Engine, Accompanying Staff Of One Officer, One Engineer, One Firefighter/ Paramedic, And One Firefighter, And Two Additional Resource Officers.

**18-2513**

*Councilmember Thao made a scheduling motion seconded by Council President Kaplan to Scheduled The following at the 1st Public Safety Committee Meeting in January 2020:*

*Resolution Approving An Amendment To Section 4.2 Of The Memorandum Of Understanding Between The City Of Oakland And Internation Association Of Firefighters Local 55 To Add An Additional Fire Engine, Accompanying Staff Of One Officer, One Engineer, One Firefighter/ Paramedic, And One Firefighter, And Two Additional Resource Officers.*

:

**Excused:** 1 - Taylor

**Aye:** 6 - Kalb, McElhaney, Gallo, Thao, Bas, and Kaplan

**Absent:** 1 - Reid

**NO VOTE:** 0

- 14 Subject: Business Tax Exemption For Small Landlords  
From: President Pro Tempore Kalb And Councilmember Gallo  
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code, Chapter 5.04, Section 5.04.420, To Fully Or Partially Exempt From The Business Tax On Residential Property Rentals Those Landlords With Household Income Of 150 Percent Of Area Median Income Or Less Who Rent Out: (1) Three Or Fewer Rooms In Their Single Family Home Of Personal Residence; Or (2) A Unit From Their Owner-Occupied Duplex, Or Single-Family Home With One Or Two Accessory Dwelling Unit(S)  
[18-1769](#)

**Attachments:** [View Report](#)  
[View Finance Report](#)  
[View Supplemental Report 6/7/2019](#)  
[View Kalb Supplemental Report 10/10/2019](#)  
[View Kaplan Supplemental Report 10/18/2019](#)  
[View Supplemental Report 10/17/2019](#)  
[View Supplemental Report 11-7-2019](#)  
[View Supplemental Report 11-26-2019](#)

***Councilmember Thao made a motion seconded by President Pro Tempore Kalb to approve the recommendation with the following amendments:***

***1. Page 3 of the legislation, Item D(b) strike the 2 year and add 1 year***

***2. Section 9, make clarifying language change for rebate in the first year and exemption in the second year***

**A motion was made by Sheng Thao, seconded by Dan Kalb, 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 12/10/2019. The motion carried by the following vote:**

**Excused:** 1 - Taylor

**Abstained:** 1 - McElhaney

**Aye:** 5 - Kalb, Gallo, Thao, Bas, and Kaplan

**Absent:** 1 - Reid

**NO VOTE:** 0



- 9.4** Subject: Amendments To OMC 15.24 Earthquake Damaged Structures  
From: Planning And Building Department  
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code, Chapter 15.24, Entitled Earthquake Damaged Structures, Delegating To The City Administrator or Designee The Authority To Establish An Administrative Regulatory Program For Abatement And Upgrade Of Earthquake Damaged Structures, Which Program May Be Updated As Needed In Response To Changes In Laws, Codes, Or Local Circumstances [18-2372](#)

Attachments: [View Report](#)

*Upon the reading of Item 9.4 by the City Clerk, the Public Hearing was opened at 11:45 p.m.*

*6 individuals spoke on this item.*

*Councilmember Gallo made a motion, seconded by Councilmember Kaplan to close the Public Hearing objections, the motion passed by 5 Ayes: Gallo, Bas, Kalb, Gibson McElhaney, President Kaplan, 2 Excused Taylor and Thao, 1 Absent Reid*

*A motion was made by Noel Gallo, seconded by Rebecca Kaplan, 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 12/10/2019. The motion carried by the following vote:*

**Excused:** 2 - Thao, and Taylor

**Aye:** 5 - Kalb, McElhaney, Gallo, Bas, and Kaplan

**Absent:** 1 - Reid

**NO VOTE:** 0

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

**10 THIS NUMBER INTENTIONALLY NOT USED**

- 12** Subject: Eliminate Obsolete Requirements For The City's Official Newspaper  
From: Council President Kaplan  
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The March 3, 2020 Special Municipal Election, An Amendment To City Charter Article XII, Section 1205, To Eliminate Obsolete Requirements For Designating The City's Official Newspaper And Requiring That The Council Establish By Ordinance Requirements For Designating The City's Official Newspaper Or Newspapers, And Directing The City Clerk To Take All Actions Necessary Under Law To Prepare For And Conduct A March 3, 2020 Municipal Election  
[18-2349](#)

**Attachments:** [View Report](#)  
[87942 CMS](#)

*There was 1 speakers on this item*

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

**Excused:** 2 - Thao, and Taylor

**Aye:** 5 - Kalb, McElhaney, Gallo, Bas, and Kaplan

**Absent:** 1 - Reid

**NO VOTE:** 0

- 13** Subject: Ballot Measure - Appropriations Limit Increase  
From: Finance Department  
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At A March 3, 2020 Municipal Election, An Ordinance To Increase The Appropriation Limit For Fiscal Years 2020-21 Through 2023-24 To Allow The City To Expend Funds Collected From Eight Voter-Approved General And Special Tax, Ballot Measures - For Emergency Medical Services, Paramedic Services, Library Services, Public Safety And Violence Prevention Services, Homeless Services And Other Lawful Governmental Purposes; And Directing The City Clerk To Take All Actions Necessary Under Law To Prepare For And Conduct A March 3, 2020 Municipal Election  
[18-2243](#)

**Attachments:** [View Report](#)  
[View Supplemental Report 11/1/2019](#)  
[87943 CMS](#)

*There were 5 speakers on this item*

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

**Excused:** 2 - Thao, and Taylor

**Aye:** 5 - Kalb, McElhaney, Gallo, Bas, and Kaplan

**Absent:** 1 - Reid

**NO VOTE:** 0

- 11** Subject: Resolution Calling Special Election For March 3, 2020  
From: Office Of The City Clerk  
Recommendation: Adopt A Resolution: 1) Calling And Giving Notice For The Holding Of A Special Municipal Election On Tuesday March 3, 2020 For The Purpose Of Submitting To The Electors Of The City Of Oakland Proposed Measures; 2) Requesting Consolidation Of The City Of Oakland Special Municipal Election With The Statewide Primary Election To Be Held On March 3, 2020; And 3) Authorizing And Directing The City Clerk To Take All Actions Necessary For The Special Municipal Election In Accordance With Applicable Legal Requirements

[18-2458](#)

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

[87944 CMS](#)

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

**Excused:** 2 - Thao, and Taylor

**Aye:** 5 - Kalb, McElhaney, Gallo, Bas, and Kaplan

**Absent:** 1 - 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 Mark Gagliardi, Raymond Chang, Misty Smith Walton, T'Shonti Rollerson, Xy Lee, Phia Vang, Kou Xiong, Kalaxiong Thao, Trevor Leopold and Victims of Saugus High School Mass Shooting at 12:04 a.m.*

## **Americans With Disabilities Act**

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 5 days prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk - Agenda Management Unit

Phone: (510) 238-6406

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 238-3254

THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR OVER THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO ENSURE THE SAFETY OF THOSE ATTENDING MEETINGS.

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.