



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

Oakland City Hall, 1 Frank H. Ogawa Plaza,
Oakland, CA 94612

Tuesday, April 5, 2016

5:00 PM

City Council Chamber, 3rd Floor

*** PLEASE NOTE CHANGE IN TIME ***

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 5:12 P.M.

2 ROLL CALL / CITY COUNCIL

The Roll Call was modified to note Councilmember Gallo present at 5:38 P.M.

The Roll Call was modified to note Councilmember Brooks absent at 12:45 A.M.

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 18 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 Khalid Shakur. Council President Gibson McElhaney requested association with this adjournment.

Councilmember Guillén took a point of personal privilege and requested that the meeting be adjourned in memory of Zhang Zhi Long.

President Pro Tempore Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Bobby Artmore and Luther Mae Getwood Jones.

- 4.1 Subject: National Library Week
From: Council President Lynette Gibson McElhaney And Office Of The Mayor
Recommendation: Adopt A Resolution Declaring The Week Of April 10th To 16th,
2016 To Be "National Library Week" In The City Of Oakland And Encouraging All
Residents Of Oakland To Explore And Enjoy The Free Resources And Services
Available At Their Local Public Library
[15-0819](#)

Attachments: [View Report](#)
[8 6 0 5 7 CMS](#)

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

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

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF MARCH 1, 2016
AND MARCH 15, 2016
[15-0692](#)

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

A motion was made by Kaplan, seconded by Campbell Washington, 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 McElhaney

- 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):

Items 12-1 and 12-2 will not be heard. Public Hearings Item 9.1 - 9.2 will be heard after the Non-Consent Items. Item 13 was withdrawn.

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

There were 10 speakers on this item.

Approval of the Consent Agenda

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

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

- 7.1 Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired Immunodeficiency Syndrome ("AIDS") Epidemic
[15-0795](#)

Attachments: [View Report](#)
[8 6 0 5 8 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
[15-0796](#)

Attachments: [View Report](#)
[8 6 0 5 9 CMS](#)

This City Resolution was Adopted.

- 7.3 Subject: Recognizing Lieutenant Kevin N. Wiley
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Recognizing And Honoring Lieutenant Kevin Wiley For 30 Years Of Dedicated Service To The Residents Of Oakland And The Oakland Police Department
[15-0529](#)

Attachments: [View Report](#)
[86060 CMS](#)

This City Resolution was Adopted.

- 7.4 Subject: American Red Cross Month 2016
From: Vice Mayor Campbell Washington
Recommendation: Adopt A Resolution Declaring March 2016 As American Red Cross Month
[15-0699](#)

Attachments: [View Report](#)
[86061 CMS](#)

This City Resolution was Adopted.

- 7.5 Subject: Honoring Winners Of The 37th Annual MLK Jr. Oratorical Fest 2016
From: Vice Mayor Campbell Washington
Recommendation: Adopt A Resolution Recognizing Oakland Unified School District Students For Their Outstanding Performances And First Place Awards In The 37th Annual Martin Luther King Jr. Oratorical Fest 2016

[15-0701](#)

Attachments: [View Report](#)
[86062 CMS](#)

This City Resolution was Adopted.

- 7.6 Subject: Support For HR 3965 & 3384 -FAA Community Accountability & Quiet Communities Acts
From: Vice Mayor Annie Campbell Washington And President Pro Tempore Reid
Recommendation: Adopt A Resolution Declaring The City Of Oakland's Support For HR 3965- The FAA Community Accountability Act Of 2015 And HR 3384- The Quiet Communities Act Of 2015

[15-0700](#)

Attachments: [View Report](#)
[86063 CMS](#)

This City Resolution was Adopted.

- 7.7 Subject: Settlement Agreement - Grievance Of SEIU, Local 1021
From: Office of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Grievance Of SEIU, Local 1021 V. City Of Oakland, C.S.M.C.S. Case No. ARB-14-0072, City Attorney's File No. X04056, In The Amount Of Forty-Five Thousand Dollars And Zero Cents (\$45,000.00) (City Administrator's Office)

[15-0767](#)

Attachments: [View Report](#)
[86064 CMS](#)

This City Resolution was Adopted.

- 7.8 Subject: Settlement Agreement - Sharita Brigham 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 Sharita Brigham V. City Of Oakland, Et Al, Alameda County Superior Court Case No. RG15-759069, In The Amount Of Eight Thousand Five Hundred Dollars And No Cents (\$8,500.00) As A Result Of A Trip And Fall Accident On June 24, 2014 (Public Works - Dangerous Condition)
[15-0784](#)

Attachments: [View Report](#)
[8 6 0 6 5 CMS](#)

This City Resolution was Adopted.

- 7.9 Subject: Settlement Agreement - Victoria Hunter 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 Victoria Hunter V. City Of Oakland, Et Al, Alameda County Superior Court Case No. RG14-709717, In The Amount Of Eleven Thousand Five Hundred Dollars And No Cents (\$11 ,500.00) As A Result Of A Trip And Fall Accident On March 18, 2013 (Public Works - Dangerous Condition)
[15-0783](#)

Attachments: [View Report](#)
[8 6 0 6 6 CMS](#)

This City Resolution was Adopted.

- 7.10 Subject: Settlement Agreement - Painters & Decorators Joint Apprenticeship Training Committee 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 Painters And Decorators Joint Apprenticeship Training Committee V. City Of Oakland, Et Al. Alameda County Superior Court Case No. RG14740320, In The Amount Of Three Hundred Seventy-Five Thousand Dollars And N0/100 Cents (\$375,000.00) (Council - Breach Of Contract)
[15-0785](#)

Attachments: [View Report](#)
[86067 CMS](#)

This City Resolution was Adopted.

- 7.11 Subject: Youth Ventures Joint Powers Authority Appointments
From: Council President Lynette Gibson McElhaney
Recommendation: Adopt A Resolution Appointing Mayor Libby Schaaf, Council President Lynette Gibson McElhaney, Vice Mayor Annie Campbell Washington, Chief Of Police Sean Whent, And Sara Bedford, Director Of The Human Services Department, To The Board Of Trustees Of The Youth Ventures Joint Powers Authority And Lieutenant Leronne Armstrong As The Official Alternate For Chief Of Police Sean Whent Through All For Terms Commencing July 1, 2015 And Ending June 30, 2019
[15-0786](#)

Attachments: [View Report](#)
[8 6 0 6 8 CMS](#)

This City Resolution was Adopted.

- 7.12 Subject: Councilmember Kalb Travel Authorization
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution Authorizing Reimbursement For Councilmember Dan Kalb's Costs Of \$91.84 From The Council Contingency Fund For Travel To Sacramento For Attendance At The League Of California Cities' Housing, Community And Economic Development Policy Committee On January 22, 2016; And Of Approximately \$570.00 From The Council Contingency Fund For Travel To San Diego For The League Of California Cities' Housing, Community And Economic Development Policy Committee On April 7-8, 2016
[15-0793](#)

Attachments: [View Report](#)
[8 6 0 6 9 CMS](#)

This City Resolution was Adopted.

- 7.13 Subject: Tract No. 8185 Located At 4901 Broadway
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into An Amended And Restated Subdivision Improvement Agreement With US TP SRM Temescal, LLC For Deferred Construction Of Public Infrastructure Improvements As A Condition To Final Map Approval For Tract No. 8185 Located At 4901 Broadway
[15-0808](#)

Attachments: [View Report](#)
[86070 CMS](#)

This City Resolution was Adopted.

- 7.14 Subject: Amendment To Ordinance No. 12187 C.M.S. (The Salary Ordinance)
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Classification Of Early Head Start Instructor; Add The Full-Time, Permanent Part-Time, And Part-Time Equivalent Of The New Head Start/Early Head Start Substitute Associate Instructor Classification; Add The Part-Time Equivalent Food Service Worker, PT Classification; And Adjust The Title Of Early Childhood Instructor To Head Start Instructor
[15-0757](#)

Attachments: [View Report](#)

This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the Meeting of the Oakland City Council to be heard 4/19/2016

- 7.15 Subject: FY 2016-17 Landscaping And Lighting Assessment District
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Initiating The Fiscal Year (FY) 2016-17 Assessment Process For The City Of Oakland Landscaping And Lighting Assessment District And Authorizing The City Administrator Or Designee To Order A Preliminary Engineer's Report Pursuant To The California Streets And Highways Code
[15-0758](#)

Attachments: [View Report](#)

[8 6 0 71 CMS](#)

This City Resolution was Adopted.

- 7.16 Subject: Major Encroachment Permits At Various Locations
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Zwuschen, LLC. To Allow Portion Of The Existing Building At 1945 And 1955 Broadway To Encroach Into The Public Right-Of-Way Along The Building Frontage On Broadway And On 20th Street; And

[15-0719](#)

Attachments: [View Report](#)

[86072 CMS](#)

This City Resolution was Adopted.

2) A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Broadway Oak Partners LLC To Allow Portion Of The Building Above Grade At 459 8th Street To Encroach Into The Public Right-Of-Way Along 8th Street And Broadway; And

[15-0720](#)

Attachments: [86073 CMS](#)

This City Resolution was Adopted.

3) A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Trustees Chapel Of The Chimes Special Care Funds To Allow Portion Of The Building Above Grade At 4435 Piedmont Avenue To Encroach Into The Public Right-Of-Way Along The Building Frontage On Piedmont Avenue; And

[15-0721](#)

Attachments: [86074 CMS](#)

This City Resolution was Adopted.

4) A Resolution Granting A Conditional And Revocable Major Encroachment Permit To 265 Vernon Street, LLC To Allow Portion Of The Building Above Sidewalk At 459 23rd Street To Encroach Into The Public Right-Of-Way Along The Building Frontage On 23rd Street And Valley Street; And

[15-0722](#)

Attachments: [86075 CMS](#)

This City Resolution was Adopted.

5) A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Temescal Investors, LLC To Allow Portion Of The Building Above Grade At 5239 Claremont Avenue To Encroach Into The Public Right-Of-Way Along The Building Frontage On Telegraph Avenue

[15-0723](#)

Attachments: [86076 CMS](#)

This City Resolution was Adopted.

7.17 Subject: Highway Safety Improvement Program Cycle 5 (HSIP5) Contract Awards
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Awarding A Construction Contract To Ray's Electric For Highway Safety Improvement Program Cycle 5 (HSIPS): West MacArthur Boulevard, Project No. C468210 And C468211, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of One Million Thirty-Four Thousand Seventy-One Dollars (\$1,034,071); And
[15-0724](#)

Attachments: [View Report](#)
[86077 CMS](#)

This City Resolution was Adopted.

2) A Resolution Awarding A Construction Contract To Beliveau Engineering Contractors, Inc. For Highway Safety Improvement Program Cycle 5 (HSIPS): Market Street, Project No. C468230 And C48231, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Eight Hundred Ninety-Five Thousand Three Hundred Ten Dollars (\$895,310)
[15-0725](#)

Attachments: [86078 CMS](#)

This City Resolution was Adopted.

7.18 Subject: Measure WW And State HRPP Reallocations
From: Oakland Parks & Recreation Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing Reallocation Of A Portion Of The East Bay Regional Park District Open Space, Wildlife, Shoreline, And Parks Bond (Measure WW Bond) Local Grant Program Fund For The Charles Porter Golden Gate Recreation Center Project (No. C377320) In The Amount Of One Million Thirty-One Thousand Seven Hundred Dollars (\$1,031,700.00) To The Curt Flood Field Project (No. TBD); And Authorize The City Administrator Or Designee To Re-Apply And Reallocate The Grant Funds For Both Projects From East Bay Regional Park District For The Measure WW Bond; And
[15-0727](#)

Attachments: [View Report](#)
[86079 CMS](#)

This City Resolution was Adopted.

2) A Resolution Authorizing The City Administrator To Request Reallocation Of Grant Funds From The California Department Of Housing And Community Development Under The Housing Related Parks Program In An Amount Not To Exceed \$1,031,700.00 From The Curt Flood Field Project (No. C495010) To The Charles Porter Golden Gate Recreation Center Project (No. TBD)

[15-0728](#)

Attachments: [86080 CMS](#)

This City Resolution was Adopted.

7.19 Subject: Emergency Solutions Grant Sunset/EOCP/St. Mary's Center
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Appropriate Emergency Solutions Grant (ESG) Funds From 1997 Through 2010 In The Amount Of \$184,008.16 Into The Fiscal Year (FY) 2010 Award, To Be Called FY 2010 Sunset Cleanup, To Be Spent On FY 2015-2016 Shelter Operations Expenses; 2) Amend The Existing Grant Agreement With East Oakland Community Project (EOCP) To Increase The Grant In FY 2015-2016 By Up To \$301,663 For Shelter Operations Expenses, Reunification Services, Hotel Vouchers For Homeless Families, And Mortgage Costs; And 3) Amend The Existing Grant Agreement With St. Mary's Center To Increase The Grant By Up To \$34,008.16 For Shelter Operations Expenses

[15-0760](#)

Attachments: [View Report](#)

[86081 CMS](#)

This City Resolution was Adopted.

7.20 Subject: Cadet Program Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To 1) Enter Into A Funding Agreement With The Oakland Funding Education Fund To Accept Grant Funds In An Amount Not To Exceed Seven Hundred Fifty Thousand Dollars (\$750,000) From To Fund The Salary And Benefits Of 7.5 Fulltime Equivalent (FTE) Police Cadet Positions From December 17, 2015 Through November 30, 2018; 2) Appropriate And Administer Said Funds To The Oakland Police Department; And 3) Authorize The General Purpose Fund To Subsidize The Central Services Overhead Costs Of Approximately One Hundred Four Thousand Two Hundred Ninety-One Dollars (\$104,291)

[15-0712](#)

Attachments: [View Report](#)

[86082 CMS](#)

This City Resolution was Adopted.

7.21 Subject: ShotSpotter Contract Extension
From: Oakland Police Department
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator To Enter Into An Agreement With SST, Inc. For Gunshot Detection Services That Will Consolidate All Three ShotSpotter Phase Area Programs Into A Consolidated Contract On An Annual Basis From April 19, 2016 To April 18, 2017, At A Cost Of Four Hundred Ninety-Four Thousand Six Hundred Dollars (\$494,600.00) Per Year, With An Option To Renew For Three Additional One-Year Terms, For A Total Contract Amount Not To Exceed One Million Nine Hundred Seventy-Eight Thousand Four Hundred Dollars (\$1,978,400); And 2) Waiving The Competitive Request For Proposal/Qualifications (RFP/Q) Process, The Advertising And Bidding Requirements, And Local And Small Local Business (L/SLB) Enterprise Program Provisions For The Agreement With SST, Inc.

[15-0711](#)

Attachments: [View Report](#)
[View Supplemental Report](#)
[86083 CMS](#)

This City Resolution was Adopted.

7.22 Subject: West Oakland Street Outreach Services
From: Human Services Department/Oakland Unite
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Grant Agreement With Building Opportunities For Self-Sufficiency To Provide West Oakland Street Outreach Services In Accordance With The 2014 Oakland Public Safety And Services Violence Prevention Act (Measure Z) For The Period Of April 1, 2016 To June 30, 2017 In An Amount Not To Exceed \$406,250, With A One-Year Option To Renew Through June 30, 2018 Pending Council Approval

[15-0764](#)

Attachments: [View Report](#)
[86084 CMS](#)

This City Resolution was Adopted.

- 7.23** Subject: Violence Prevention Relocation Program
From: Human Services Department/Oakland Unite
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Understanding With Alameda County Probation Department Establishing A Violence Prevention Relocation Program To Facilitate Coordinated Implementation Of Emergency Relocation Services For Witnesses And Victims Of Violent Crime
[15-0765](#)

Attachments: [View Report](#)
[86085 CMS](#)

This City Resolution was Adopted.

- 7.24** Subject: Juvenile Justice Center (JJC) Transition Center (TC) MOU
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Understanding With Alameda County, Oakland Unified School District, And Alameda County Office Of Education To Delineate Partner Roles And Ongoing Coordination Of Efforts At The Alameda County Juvenile Justice Center Transition Center
[15-0766](#)

Attachments: [View Report](#)
[86086 CMS](#)

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 Reid, seconded by Gallo, that this matter be Approve as Submitted. The motion carried by the following vote:

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

Absent: 1 - Kaplan

COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE THEREAFTER, THE PUBLIC HEARING PORTION OF THE AGENDA:

9 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

- 9.1** Subject: Amending Fire Code Chapter 15.12, Section 114.3
From: Finance Department
Recommendation: Adopt An Ordinance Amending Chapter 15.12, Section 114.3 Of
The Oakland Fire Code To Authorize Use Of The Lien Process To Recover Unpaid
Administration And Reinspection Fees, Fines, Interest, Penalties, And Collection Fees
And Other Costs Associated With Enforcement Of The Fire Code
[15-0654](#)

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

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 12:47 a.m.

No individuals spoke on this item.

Councilmember Guillén made a motion, seconded by Councilmember Gallo, to close the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Campbell Washington, Gallo, Guillén, Kalb, Kaplan, President Gibson McElhaney, 1 Absent - Reid and 1 Excused - Brooks.

A motion was made by Guillén, seconded by Gallo, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 4/19/2016. The motion carried by the following vote:

Excused: 1 - Brooks

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

Absent: 1 - Reid

- 9.2** Subject: Amending The Master Fee Schedule
From: Finance Department
Recommendation: Adopt An Ordinance Amending Ordinance 13320 C.M.S. (The FY 2015-16 Master Fee Schedule, Or "MFS"), To Establish, Modify And Delete Fees And Penalties Assessed By Offices, Departments, Bureaus, And Agencies Of The City Of Oakland, Referenced Herein
[15-0655](#)

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

Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 12:49 a.m.

No individuals spoke on this item.

Councilmember Gallo made a motion, seconded by Councilmember Kaplan, to close the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Campbell Washington, Gallo, Guillén, Kalb, Kaplan, President Gibson McElhaney, 1 Absent - Reid and 1 Excused - Brooks.

A motion was made by Gallo, seconded by Kaplan, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 4/19/2016. The motion carried by the following vote:

Excused: 1 - Brooks

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

Absent: 1 - Reid

- 9.3** Subject: 2630 Broadway (Formerly Biff's Coffee Shop) Appeal
From: Planning & Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying An Appeal By Friends Of Biff's And Thus Upholding The Planning Commission's Approval Of A Proposal To Demolish The Existing, Vacant Structure (Formerly Biff's Coffee Shop) And Construct 255 Dwelling Units Over Approximately 37,000 Square Feet Of Retail Located At 2630 Broadway, Oakland CA (Project Case No. PLN15-241), Including Adopting CEQA Exemptions (15183 & 15183.3) And Addendum (Relying On The Previously Certified 2014 Broadway Valdez District Specific Plan EIR)
[15-0753](#)

Attachments: [View Report](#)
[86087 CMS](#)

Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at 12:47 a.m.

No individuals spoke on this item.

Councilmember Kaplan made a motion, seconded by Councilmember Gallo, to close the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Campbell Washington, Gallo, Guillén, Kalb, Kaplan, President Gibson McElhaney, 1 Absent - Reid and 1 Excused - Brooks.

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

Excused: 1 - Brooks

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

Absent: 1 - Reid

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

- 11 Subject: Adopt "Love Life" As The City's Official Tagline and Motto
From: Council President Gibson McElhaney And Councilmembers Brooks and Kaplan
Recommendation: Adopt A Resolution Adopting "Love Life" As The City's Official
Tagline And Motto [TITLE CHANGE]
[15-0600](#)

Attachments: [View Report](#)
[View Supplemental Report](#)
[View Supplemental Report](#)
[86088 CMS](#)

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

Aye: 5 - Brooks, Gallo, Kaplan, Reid, and Gibson McElhaney

No: 3 - Campbell Washington, Guillén, and Kalb

- 12 Subject: Declaration Of Housing State Of Emergency And Moratorium
From: Member Of The Public
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Declaring, Renewing And Continuing The City Council's Declaration Of A Local Housing Emergency Due To The Severe Impacts And Calamities Caused By The Critical Housing Shortage, Lack Of Affordable Home Ownership Opportunities And Skyrocketing Rental Rates Causing Displacement Of Long-Term Residents And Gentrification; Establishing A 90-Day Moratorium On No-Cause Evictions And On Rent Increases Not Authorized By Existing Rent Control Provisions; And
[15-0732](#)

Attachments: [View Report](#)

This City Resolution was No Action Taken.

2) An Urgency Measure Adopting An Interim Ordinance Pursuant To Government Code Section 65858 Imposing A Moratorium On Certain Residential Rent Increases And On Evictions From All Residential Rental Units Except For Just Cause Evictions
[15-0776](#)

Attachments: [View Report](#)

This Ordinance was No Action Taken.

Subject: Department Of Housing Emergency Moratorium
From: Council President Gibson McElhaney & Council Member Guillen, On Behalf
Of Members of the Public
Recommendation: Interim Emergency Ordinance To Temporarily: 1) Eliminate The
Exemptions From Rent Control For Owner-Occupied Duplexes And Triplexes And
Substantially Rehabilitated Properties; 2) Place A Moratorium On Rent Increases
Above The Annual CPI Adjustment; 3) Affirm The City's Prohibition On Illegal
Evictions; 4) Affirm The City's Duty To Publicize City Policies Establishing Tenant
Rights; And 5) Direct The City Administrator To Evaluate Potential Permanent Rent
Stabilization Measures

[15-0850](#)

Attachments: [View Report](#)

[13360 CMS](#)

Councilmember Kalb made a motion, seconded by Councilmember Gallo, to extend the meeting past 12:00 a.m. The motion passed with a vote of 8 Ayes.

Councilmember Guillén made a 4th substitute motion, seconded by Councilmember Kalb, to approve the ordinance as amended as follows:

A) Revise the following Sections to read as follows:

1) SECTION 3. Discontinuance of Rent Exemption for Owner-Occupied Duplex and Triplex Properties. The exemption from the Rent Adjustment Program for owner-occupied properties of two- to three-units (Oakland Municipal Code section 8.22.030A.8) is discontinued; provided, however, that any legal rent increase for which a notice to the tenant was properly given prior to April 5, 2016 shall be permitted.

2)SECTION 5. Rent Increase Moratorium; Petition for Relief. From the effective date of this Ordinance no owner or manager of a residential unit regulated by Oakland's Residential Rent Adjustment Ordinance (Section 8.22.010 et seq.) may serve or give notice of a rent increase that exceeds the CPI Rent Adjustment, as defined in Section 8.22.020 of the Residential Rent Adjustment Ordinance, for the twelve (12) months preceding the increase. The moratorium on rent increases above the CPI Rent Adjustment provided for in this Ordinance shall not apply to any rent increase for which a notice to the tenant was properly given prior to April 5, 2016. Any owner or manager of a residential unit who claims that the allowable rent under the moratorium is insufficient to provide a fair return based on maintaining the property's net operating income may file a petition with the Rent Program requesting relief from the moratorium by way of a rent increase in excess of the CPI Rent Adjustment necessary to provide a fair return. The City Administrator shall provide a working definition of "maintaining the property's net operating income."

3) SECTION 8. Administrative Remedies. For violations of the rent increase limitations set out in this ordinance, the City Administrator may issue an administrative citation pursuant to Oakland Municipal Code section 1.12 for a first and second violation by a property owner and a Civil Penalty pursuant to Oakland Municipal Code section 1.08 for three or more violations by a property owner which shall constitute a major violation. Prior to issuing a first

administrative citation, the City Administrator must have given the property owner a warning notice of a potential violation. If the City Administrator determined the violation contained in the warning notice was not timely cured, the City Administrator may issue a citation based on the failure to cure the violation. After a property owner has been given a warning letter, all subsequent violations for any other unit of that property owner may be cited.

B) Add the following: Section 10. Award of Housing Enforcement Funds. The City Council reaffirms its commitment to increase outreach and education for the Tenant Protection Ordinance and Just Cause for Eviction Law. To that end, the City Administrator is directed to release the Request for Proposal (RFP) in the amount of \$100,000 which was previously voted upon and approved by Council to increase education and outreach for the Tenant protection Ordinance and Just Cause for Eviction law within 21 days; and the City Administrator shall report back to the Council no later than May 17, 2016 on the status of awarding the contract(s).

C) Add the following section: Direct the City Administrator to schedule a status report regarding awarding the \$240,000 to implement Measure FF, Minimum Wage & Paid Sick Days Law on May 17, 2016.

A motion was made by Guillén, seconded by Kalb, that this matter be Approved As Amended On Introduction and Final Passage. The motion carried by the following vote:

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

- 13** Subject: Housing For Educators In The City Of Oakland
From: Vice Mayor Annie Campbell Washington And Board Of Education Director Jody London
Recommendation: Adopt A Resolution Supporting The Development Of Housing Projects, Policies And Programs For Educators In The City Of Oakland
[15-0761](#)

Attachments: [View Report](#)

There were 5 speakers on this item.

This City Resolution was Withdrawn with No New Date.

- 14 Subject: NOFA Housing Funding
From: Housing & Community Development Department
Recommendation: Receive A Report On The Recommendations Pertaining To
Loans, Grants And Loan Modifications And Adopt The Following Pieces Of
Legislation:

1) A Resolution Appropriating \$2,521,517 From Fund Balance In The Low And
Moderate Income Housing Asset Fund For Housing Development Activities; And
[15-0545](#)

Attachments: [View Report](#)
[View Supplemental Report](#)
[86089 CMS](#)

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

Excused: 1 - Brooks

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

2) A Resolution Authorizing Affordable Housing Development Loans To The Fruitvale
Transit Village Phase II, Redwood Hill Townhomes, Camino 23, 3706 San Pablo
Avenue, Coliseum Place, And Embark Apartments Affordable Housing Projects As
Affordable Housing Funds Become Available In A Total Amount Not To Exceed
\$5,013,851 Without Returning To Council [TITLE CHANGE]; And
[15-0546](#)

Attachments: [86090 CMS](#)

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

Excused: 1 - Brooks

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

3) A Resolution Authorizing The Transfer Of \$71,881 In Affordable Housing Trust
Funds To The Housing Predevelopment Revolving Loan And Grant Program; And
[15-0547](#)

Attachments: [86091 CMS](#)

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

Excused: 1 - Brooks

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

4) A Resolution Amending Resolution No 85410 C.M.S. Which Authorized A \$2,000,000 Affordable Housing Preservation And Rehabilitation Loan To Community Housing Development Corporation And Dignity Housing West, Inc., For Harp Plaza Apartments Located At 430 28th Street, To Change The Source Of \$750,000 In Project Funding From HUD Funds To The Low And Moderate Income Housing Asset Fund; And

[15-0548](#)

Attachments: [86092 CMS](#)

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

Excused: 1 - Brooks

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

5) A Resolution Amending Existing Affordable Housing Loans To The Madrone Hotel Project At 477 8th Street To Extend The Loan Maturity Dates To March 1, 2071, And Reduce The Interest Rate To Three Percent; And

[15-0549](#)

Attachments: [86093 CMS](#)

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

Excused: 1 - Brooks

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

6) A Resolution Authorizing The Application For And Acceptance Of, And Appropriating, Grant Funds From The California Strategic Growth Council And/Or The California Department Of Housing And Community Development In An Amount Not To Exceed \$160 Million Under The 2015-16 Affordable Housing And Sustainable Communities Program, And Authorizing The City Administrator To Allocate Such Funds To Eligible Projects Without Returning To The City Council

[15-0550](#)

Attachments: [86094 CMS](#)

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

Excused: 1 - Brooks

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

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 Khalid Shakur, Bobby Artmore, Luther Mae
Getwood Jones, and Zhang Zhi Long at 1: 15 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.**