



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

* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

Tuesday, October 1, 2019

5:30 PM

City Council Chamber, 3rd Floor

1 PLEDGE OF ALLEGIANCE

There being no further business, and upon the motion duly made, the Council adjourned the meeting at 5:42 p.m.

2 ROLL CALL / CITY COUNCIL

Excused 1 - Noel Gallo

Present 7 - Nikki Bas, Dan Kalb, Lynette McElhaney, Laurence E. Reid, Loren Taylor, Sheng Thao, and Rebecca Kaplan

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

There were 15 speakers on this item.

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

Councilmember Kalb took a point of personal privilege and requested that the meeting be adjourned in memory of Gail Bernstein

- 4.1 Subject: Honoring The Oakland Museum Of California
From: Councilmember Bas, President Kaplan And Councilmember McElhaney
Recommendation: Adopt A Ceremonial Resolution Honoring The Oakland Museum Of California And Celebrating Its 50th Anniversary

[18-2090](#)

Attachments: [View Report](#)

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[87866 CMS](#)

There was 1 speaker on this item.

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

Excused: 1 - Gallo

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

NO VOTE: 0

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF SEPTEMBER 17, 2019
[18-2230](#)

Attachments: [View Report](#)

Councilmember McElhaney made a correction to the spelling of her name on page 2

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

Excused: 1 - Gallo

Aye: 7 - Bas, Kalb, McElhaney, Reid, Taylor, Thao, 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):
- 7 **CONSENT CALENDAR (CC) ITEMS:**

There were 26 speakers on this item.

Approval of the Consent Agenda

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

Excused: 1 - Gallo

Aye: 6 - Bas, Kalb, McElhaney, Reid, Taylor, and Kaplan

Absent: 1 - Thao

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
[18-2231](#)

Attachments: [View Report](#)
[87867 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
[18-2232](#)

Attachments: [View Report](#)
[87868 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
[18-2233](#)

Attachments: [View Report](#)
[87869 CMS](#)

This City Resolution was Adopted.

- 7.4** Subject: Accept And Appropriate Up To \$4,050,000 From 2019-2020 State Budget
From: Council President Kaplan
Recommendation: Adopt A Resolution Accepting And Appropriating Grant Funds In An Amount Up To \$4,050,000 To Be Awarded To The City Of Oakland From The 2019-2020 California State Budget And Authorizing The City Administrator To Execute Grant Agreements With: 1) Uncommon Law In An Amount Not To Exceed \$4,000,000; And 2) After Innocence In The Amount Not To Exceed \$50,000
[18-2244](#)

Attachments: [View Report](#)
[87870 CMS](#)

This City Resolution was Adopted.

- 7.5** Subject: Settlement Agreement - Nicole Pifari 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 Nicole Pifari V. The City Of Oakland, Alameda County Superior Court Case No. RG16842544, In The Amount Of Three Hundred Fifty Thousand Dollars And No Cents (\$350,000.00) As A Result Of Alleged Employment Discrimination (Oakland Police Department)
[18-2254](#)

Attachments: [View Report](#)
[87871 CMS](#)

This City Resolution was Adopted.

- S7.6** Subject: Transit Priority On Broadway
From: Transportation Department
Recommendation: Adopt A Resolution 1) Supporting Transit Travel Time Improvements Through Dedicated Transit Only Lanes On Broadway From 11th Street To 20th Street; 2) Adopting California Environmental Quality Act Exemption Findings; And 3) Authorizing The City Administrator Or Designee To Receive Allocated Funds From Alameda County Transportation Commission For The Study And Operations Of The Broadway Shuttle; And For The Design And Construction Of Pavement Rehabilitation, Transit Only Lanes, And Pedestrian Safety Improvements On Broadway Between 11th Street And 20th Street
[18-2194](#)

Attachments: [View Report](#)
[87872 CMS](#)

This City Resolution was Adopted.

S7.7 Subject: Amendment To Resolution No. 86991 C.M.S.
From: Transportation Department
Recommendation: Adopt A Resolution Amending Resolution No. 86991 C.M.S. Which Authorized The City To Enter Into A Contract With Harrison Engineering Inc. For \$220,000 To Perform Design Services And Waive The Competitive Request For Proposal (RFP) Requirements For An Amendment To The Professional Services Contract For An Increase In The Contract Amount Not-To-Exceed Sixty Thousand Dollars (\$60,000), For Additional Design And Construction Support Services For Project No. 1003204, Market Street And San Pablo Avenue Project Funded By Highway Safety Improvement Program (HSIP) Cycle 7 Grant, Measure B And Measure KK, And In Accordance With Federal Consultant Selection Process
[18-2193](#)

Attachments: [View Report](#)
[87873 CMS](#)

This City Resolution was Adopted.

S7.8 Subject: Major Encroachment Permit At 1700 Webster Street.
From: Transportation Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Grant A Conditional And Revocable Major Encroachment Permit To 1700 Webster, LLC, Oregon Limited Liability Company, To Allow Portions Of The Existing Foundation Below Grade At 1700 Webster Street To Encroach Into The Public Right-Of-Way On Webster Street, Major Encroachment Permit ENMJ19059
[18-2192](#)

Attachments: [View Report](#)
[87874 CMS](#)

This City Resolution was Adopted.

S7.9 Subject: On-Call Historic Preservation Planning Services
From: Planning And Building Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Award, Negotiate, And Execute A Professional Services Agreement With Environmental Science Associates (ESA) For A Not To Exceed Amount Of \$500,000 And Not To Exceed Term Of Five Years.
[18-2195](#)

Sponsors: Planning & Building Department

Attachments: [View Report](#)
[87875 CMS](#)

This City Resolution was Adopted.

S7.10 Subject: Measurer KK Affordable Housing Programs
From: Housing And Community Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To: 1) Make Acquisition And Conversion To Affordable Housing (ACAH) Loans From Measure KK Bond Proceeds Without Returning To Council; And 2) Reallocate Funding From Projects Currently Scheduled To Be Funded By The First Tranche Of Measure KK Funds (Fund 5331), Notwithstanding Any Previous Action By The City Council, To Any New Projects Initiated Pursuant To Programs Authorized To Receive Funding From Measure KK Bonds, Including But Not Limited To Projects Initiated Pursuant To The ACAH Program, To The Extent Necessary To Maximize Spend Down Of Outstanding Bond Funds And Ensure Cost Efficiency
[18-2222](#)

Attachments: [View Report](#)
[View Supplemental Report 9/27/2019](#)
[87876 CMS](#)

This City Resolution was Adopted.

S7.11 Subject: Youth Ventures Joint Powers Authority
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, In The Amount Of \$150,000 For Fiscal Year 2019-2020 With An Option To Renew In The Same Amount For Fiscal Year 2020-2021, For The City Of Oakland's Annual Contribution To The JPA
[18-2197](#)

Attachments: [View Report](#)
[87877 CMS](#)

This City Resolution was Adopted.

S7.12 Subject: Department Of Violence Prevention Implementation
From: Councilmember Taylor
Recommendation: Receive An Informational Report From the City Administrator On The Final Report And Recommendations From Urban Strategies Council's Community Research And Leadership Summit Planning Project Designed To Inform The Establishment Of The Department Of Violence Prevention (DVP)
[18-2219](#)

Attachments: [View Report](#)

This Informational Report was Received and Filed.

S7.13 Subject: FY 2019-20 OPD Traffic Safety Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Grant Funds In The Amount Of Five Hundred Thousand Dollars (\$500,000) Dollars From The State Of California, Office Of Traffic Safety (OTS), For The Fiscal Year 2019-2020 Selective Traffic Enforcement Program (STEP) To Be Administered By The Oakland Police Department (OPD), And To Authorize The General Purpose Services Fund To Contribute Seventy One Thousand Two Hundred Twenty Two Dollars (\$71,222) To Cover The Related Central Services Overhead Charges
[18-2196](#)

Attachments: [View Report](#)
[View Supplemental Report 9/20/2019](#)
[87878 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 Larry Reid, seconded by Dan Kalb, that this matter be Approve as Submitted. The motion carried by the following vote:

Excused: 1 - Gallo

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

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:

- 9.1** Subject: 2018/19 Consolidated Annual Performance & Evaluation Report
From: Housing And Community Development Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Receive The City Of Oakland's Consolidated Annual Performance & Evaluation Report For Fiscal Year 2018/19 Community Development Block Grant, HOME Investment Partnerships, Housing Opportunities For Persons With AIDS, And Emergency Solutions Grant Programs To Be Submitted To The United States Department Of Housing & Urban Development [18-2198](#)

Attachments: [View Report](#)

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 7:26 p.m.

1 individuals spoke on this item.

Councilmember made a motion, seconded by Councilmember, to close the Public Hearing and by that same motion approving the item, and hearing no objections, the motion passed by 7 Ayes: Bas, Kalb, McElhaney, Taylor, Thao and President Kaplan. 1 Excused Gallo

A motion was made by Loren Taylor, seconded by Nikki Bas, that this matter be Received and Filed. The motion carried by the following vote:

Excused: 1 - Gallo

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

NO VOTE: 0

9.2 Subject: Shelter Crisis Ordinance
From: Councilmember Bas And Council President Kaplan
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An
Emergency Ordinance Declaring A Shelter Crisis In The City Oakland; Making Findings
That A Significant Number Of Persons Are Without The Ability To Obtain Shelter, And
That The Situation Has Resulted In A Threat To The Health And Safety Of Those Persons;
And Authorizing The City Administrator To Suspend Provisions Of State Or Local
Regulatory Statutes, Regulations, And Ordinances Prescribing Standards Of Housing,
Health, Or Safety For Additional Shelter Facilities If Needed
[18-2247](#)

Attachments: [View Report](#)
[View Supplemental Report 9/27/2019](#)
[13564 CMS](#)

Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 7:37 p.m.

9 individuals spoke on this item.

Councilmember Bas made a motion, seconded by Councilmember McElhaney, to approve the item with an amendment striking section 7 and by the same motion closing the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Bas, Kalb, McElhaney, Reid, Taylor, Thao and President Kaplan. 1 Excused Gallo

There were 9 speakers on this item.

A motion was made that this matter be Approved On Introduction and Scheduled for Final Passage to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 10/15/2019. The motion carried by the following vote:

Excused: 1 - Gallo

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

NO VOTE: 0

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

- 11 Subject: Councilmembers Taylor And McElhaney Travel Reimbursement
From: Councilmembers Taylor And McElhaney
Recommendation: Adopt A Resolution Authorizing Reimbursement For Councilmembers Loren Taylor And Lynette Gibson McElhaney's Costs Of Approximately \$8,135 From The Council Contingency Fund For Travel To Washington, DC For Attendance At The Congressional Black Caucus Foundation's Annual Legislative Conference From September 11-15, 2019

[18-2229](#)

Attachments: [View Report](#)

[View Supplemental Report 9/27/2019](#)

[87879 CMS](#)

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

Excused: 1 - Gallo

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

NO VOTE: 0

S12 Subject: Resolution Funding Additional Emergency Shelter Beds
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1. Reprogram \$800,000 From The GPF Second Project 1003813 To The Oakland Anti-Displacement Project 1004815 Within The Affordable Housing Trust Fund To Be Used For Family Shelter Services, And Of That \$800,000, Reallocate \$750,000 For East Oakland Community Project (EOCP) And \$50,000 For Building Futures With Women And Children (BFWC) For The Purpose Of Providing Shelter Services To Homeless Families In Northern Alameda County During The Period Of July 1, 2019 Through June 30, 2020; And 2. Transfer \$1,000,000 In Fund 1870 Affordable Housing Trust Fund Anti-Displacement Project 1004815 From The Housing And Community Development Department To The Human Services Department; And 3. Enter Into Grant Agreements With EOCP And BFWC In Amounts Not To Exceed \$50,000 And \$50,000, Respectively, For The Purpose Of Providing Shelter Services To Homeless Families In Northern Alameda County As Relates To Existing Shelter Beds And Services During The Period Of July 1, 2019 Through June 30, 2020; And 4. Enter Into A Grant Agreement With EOCP In An Amount Not To Exceed \$1,700,000 To Provide Shelter Services To Homeless Families In Northern Alameda County As Relates To New Shelter Beds And Services During The Period Of July 1, 2019 Through June 30, 2020; And 5. Accept And Appropriate Any Additional Family Shelter Services Funds That May Become Available From Alameda County, The State Of California, The City Of Emeryville, The City Of Berkeley And Any Other Sources During The Period Of July 1, 2019 Through June 30, 2020 Without Returning To Council; And 6. Amend The Above Grant Agreements And Amounts Based On Additional Funds That May Become Available From Any Of The Above Sources For Family Page 1 Of 4 Services And To Renew The Agreements For An Additional Fiscal Year Pending Funding Availability Without Returning To Council
[18-2200](#)

Attachments: [View Report](#)
[87880 CMS](#)

There were 6 speakers on this item.

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

Excused: 1 - Gallo

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

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 Gail Bernstein at 8:48 p.m.*

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