



City of Oakland

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City
Clerk

Meeting Minutes - DRAFT Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council

Tuesday, June 27, 2017

5:30 PM

City Council Chamber, 3rd Floor

1 PLEDGE OF ALLEGIANCE

The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 5:37 p.m.

2 ROLL CALL / CITY COUNCIL

The Roll Call was modified to note Councilmember Kalb present at 5:46 p.m.

Present 8 - Desley Brooks, Annie Campbell Washington, Noel Gallo, Lynette McElhaney, Abel J. Guillén, Dan Kalb, Rebecca Kaplan, and Laurence E. Reid

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

11 speakers spoke during Open Forum.

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

Councilmember McElhaney and Vice Mayor Campbell Washington took a point of personal privilege and requested that the meeting be adjourned in memory of Ron Zeno

Council President Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Cartier Beasley

Councilmember McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Willie Mae Gladys Hill Duncan

- 4.1 Subject: Honoring A.J. Jackson For His Service To The City Of Oakland
From: Councilmember Brooks
Recommendation: Adopt A Resolution Commending And Honoring A.J. Jackson For His Upstanding Service To The Citizens Of Oakland
16-1283

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A motion was made by Desley Brooks, seconded by Rebecca Kaplan, that this matter be Continued to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 7/18/2017. The motion carried by the following vote:

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

- 4.2 Subject: Resolution Commending And Honoring Al Auletta
From: Council President Reid
Recommendation: Adopt A Resolution Recognizing And Honoring Al Auletta Upon His Retirement From The City Of Oakland After 36 Years Of Dedicated Service
16-1301

Attachments: [View Report](#)

[86804 CMS](#)

This City Resolution be Adopted.

- 5 THERE ARE NO COUNCIL DRAFT MINUTES FOR APPROVAL ON THE MEETING OF JUNE 13, 2017
16-1269

This Report and Recommendation be No Action Taken.

- 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 5 speakers

Approval of the Consent Agenda

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

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

- 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
16-1328

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[86805 CMS](#)

- 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
16-1329

Attachments: [View Report](#)
[86806 CMS](#)

This City Resolution was Adopted.

- 7.3 Subject: Amendment Of Municipal Code Section 2.29
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending Chapter 2.29 Of The Oakland
Municipal Code Entitled "City Agencies, Departments And Offices" To Create The
Community Police Review Agency; To Transfer Employee Relations To The Human
Resources Department; To Transfer The Budget Office To The Finance Department;
And To Remove References To Divisions And Bureaus
16-1113

Attachments: [View Report](#)
[13442 CMS](#)

This Ordinance was Approved for Final Passage.

- 7.4 Subject: Amendments To The Public Art Requirements
From: Planning And Building Department
Recommendation: Adopt An Ordinance Repealing Ordinance No. 13275 C.M.S.,
Amending The Oakland Municipal Code To Adopt Chapter 15.78, Public Art
Requirements For Private Development, And Adopting California Environmental
Quality Act Exemption Findings
16-1183

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[View Supplemental Report](#)
[13443 CMS](#)

This Ordinance was Approved for Final Passage.

7.5 Subject: DDA With TDP Webster, LLC For 2330 Webster St. And 2315 Valdez St.
From: Economic And Workforce Development Department
Recommendation: Adopt An Ordinance: (1) Consenting To A Change In The Ownership Structure And Control Of TDP-Webster, LLC ("Developer") With Which The City Of Oakland ("City") Has Previously Entered Into A Disposition And Development Agreement ("DDA") For The Sale And Development Of Two Contiguous City-Owned Parcels Located At 2330 Webster Street And 2315 Valdez Street, Including Construction Of A New City Parking Garage ("City Garage"); (2) Authorizing The City Administrator, Without Returning To The City Council, To Negotiate And Execute An Amendment To The DDA To (A) Change The Interest Rate Calculated On The City's Seller Carryback Loan To Developer For The Developer's Acquisition Of The Property, (B) Change The Formula Used To Calculate The Purchase Price To Be Paid By The City For The Acquisition Of The City Garage, (C) Increase The Required Minimum Net Worth Of The Guarantor Providing The Completion Guaranty, (D) Waive Performance And Payment Bond Requirements, Unless Otherwise Required By Lender, And (E) Modify The Affordability Level Of The Project's Moderate Income Housing Units; (3) Allocating And Appropriating Up To \$350,000 To Create A Contingency Account For Finish And Equipment Enhancements Related To Security And Energy Efficiencies; (4) Authorizing The City Administrator Without Returning To The City Council, To Negotiate And Execute An Amendment To The Parking License Agreement Between The City Of Oakland And Cim Oakland 1 Kaiser Plaza, L.P. ("CIM") Providing For The Temporary Relocation Of CIM's Parking Rights To The Franklin Garage And Recordation Of Such Amendment And Related Documents On Title For The Franklin Garage Until The City Is Able To Transfer CIM's Parking Rights To The New City Garage; And (5) Making Related CEQA Findings Pursuant To Public Resources Code Section 21166 (CEQA Guidelines Section 15162)

16-1181

Attachments: [View Report](#)

[13444 CMS](#)

This Ordinance was Approved for Final Passage.

- 7.6 Subject: Linked Banking Services Ordinance Amendment
From: Housing and Community Development
Recommendation: Adopt An Ordinance Amending Ordinance No. 12066 C.M.S.
Establishing The Linked Banking Services Program To Require Eligible Depositories
To Submit Improvement Plans And Other Information Concerning Banking And
Lending Practices As Required By The City Administrator
16-1087

Attachments: [View Report](#)
[View Supplemental Report](#)
[View Supplemental Report](#)
[13445 CMS](#)

This Ordinance was Approved for Final Passage.

- 7.7 Subject: Amending Chapter 15.62 Of The Oakland Municipal Code
From: Councilmember Kalb And Vice Mayor Campbell Washington
Recommendation: Adopt An Ordinance Amending Chapter 15.62 Of The Oakland
Municipal Code To Allow Affordable Housing Trust Funds From Funds Distributed To
The City Under Redevelopment Dissolution Laws To Be Used For Anti-displacement
And Homeless Prevention Services
16-1259

Attachments: [View Report](#)
[View Supplemental Report](#)
[13446 CMS](#)

This Ordinance was Approved for Final Passage.

- 7.8 Subject: Establishing The Department Of Violence Prevention
From: Councilmember McElhaney, Kaplan And Council President Reid
Recommendation: Adopt A Ordinance Amending Chapter 2.29 Of The Oakland
Municipal Code Entitled "City Agencies, Departments And Offices" To Create The
Department Of Violence Prevention Focusing On Ending The Epidemic Of Violent
Crime In Oakland And Healing Trauma In Impacted Communities
16-1232

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**This Ordinance be * Withdrawn and Rescheduled to go before the * Concurrent
Meeting of the Oakland Redevelopment Successor Agency and the City Council
to be heard 7/18/2017**

7.9 Subject: Mural Grant
From: Councilmember Gallo
Recommendation: Adopt A Resolution Authorizing A Grant Not To Exceed \$8,000
From Councilmember Noel Gallo's Graffiti Abatement Mural And Green Wall Funds
To Artist Debra Koppman For A Mural Project On 38th Avenue And Foothill Blvd In
The Fruitvale Neighborhood
16-1275

Attachments: [View Report](#)
[86807 CMS](#)

This City Resolution was Adopted.

7.10 Subject: Andrew Johnson 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 Andrew Johnson V. City Of Oakland, Et Al,
Alameda County Superior Court Case No. RG15-763787, In The Amount Of
Forty-Four Thousand Dollars And No Cents (\$44,000.00) As A Result Of A Trip And
Fall Accident On April 9, 2014 (Public Works - Dangerous Condition)
16-1317

Attachments: [View Report](#)
[86808 CMS](#)

This City Resolution was Adopted.

7.11 Subject: An Ordinance Amending Ordinance No. 13387 C.M.S.
From: Economic Workforce Development Department
Recommendation: Adopt An Ordinance Amending Ordinances No. 13313 C.M.S., No.
13346 C.M.S., And No.13387 C.M.S. (Collectively "The Authorizing Ordinance") To
Extend The Term Of The Ground Lease Between The City, The Spanish Speaking
Unity Council And The East Bay Asian Local Development Corporation And/Or
Related Entities For The Development Of Mixed Income Housing For The Fruitvale
Transit Village Phase IIA From A Term Of Sixty-Six (66) Years To Ninety-Nine (99)
Years
16-1138

Attachments: [View Report](#)
[13447 CMS](#)

This Ordinance was Approved for Final Passage.

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

**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: Pedestrian Plan
From: Transportation Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution, As Recommended By The City Planning Commission, Adopting The Oakland Walks! 2017 Pedestrian Master Plan Update, Relying On The 2002 Pedestrian Master Plan Mitigated Negative Declaration, And Other Documents, Finding That No Additional Environmental Review Is Needed Pursuant To California Environmental Quality Act (CEQA) Guidelines Sections 15162-15164, 15183 And Other CEQA Exemptions, And Adopting Related CEQA Findings
16-1177

Attachments: [View Report](#)

[86809 CMS](#)

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 6:47 p.m.

2 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 as amended by 8 Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney

Councilmember Kaplan amended the resolution to approve the plan with 1) alternative scoring option presented by staff, to prioritize equity and safety above walk score and 2) direct staff in future calculations of safety for pedestrian planning, that safety will be expanded beyond vehicle accidents to also include the following:

** Muggings on other crimes against pedestrians*

** Police stops of pedestrians*

** Vehicle speed*

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

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

- 9.2 Subject: Sale Of Property At 7th Street And Campbell Street
From: Housing And Community Development Department
Recommendation: Adopt An Ordinance Authorizing A Disposition And Development Agreement With Oakland And The World Enterprises, Inc., Or An Affiliated Entity, For The Sale Of Property At 7th Street And Campbell Street For Development As A Mixed Use Affordable Housing Development, And Making CEQA Findings For This Action
16-1185

Attachments: [View Report](#)

[View Supplemental Report](#)

Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 7:22 p.m.

18 individuals spoke on this item.

Councilmember McElhaney 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, Kalb, Kaplan, Reid and President Gibson McElhaney

1 Abstain: Brooks

1 Absent: Guillén

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 7/18/2017. The motion carried by the following vote:

Abstained: 1 - Brooks

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

Absent: 1 - Guillén

- 2) A Resolution Appropriating Up To \$32,016 In License Fees From A License Of Property Located At 7th And Campbell From The Low And Moderate Income Housing Asset Fund To Pay For The Expenses Of Maintaining The Property And Developing A Project On The Property

16-1186

Attachments: [View Report](#)

[86810 CMS](#)

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

Abstained: 1 - Brooks

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

Absent: 1 - Guillén

The Roll Call was modified to note Councilmember Guillen absent at 7:45 p.m.

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

- 11 Subject: Police Commission Enabling Ordinance
From: Councilmembers Dan Kalb And Noel Gallo
Recommendation: Adopt An Ordinance (1) Enabling Implementation Of The City Charter Amendment Creating The Oakland Police Commission And The Community Police Review Agency, (2) Establishing A Civilian Inspector General, And (3) Requiring An Annual Report And Presentation By The Community Policing Advisory Board To The Commission
16-1095

Attachments: [View Report](#)

[View Report - Gallo Alternative](#)

[View Supplemental Report - Kalb](#)

ORIGINAL MOTION:

Councilmember Kalb made a motion, seconded by Council President Reid to amend the ordinance as follows:

Direct the City Administrator to offer to meet and confer with the applicable unions, as required by state law, over the relevant provisions of version of the Police Commission Enabling Ordinance that we vote on tonight.

STRIKE THE FOLLOWING LANGUAGE:

B. Results of a criminal records search. The results of each criminal records search shall be disclosed only to the Appointing Authority that is considering the Commissioner or alternate, and shall remain confidential to the greatest extent permitted by law. The Appointing Authority may use the results of the criminal records search solely for the purpose of evaluating the candidates for Commissioner and alternate. Nothing in this Chapter 2.45 shall be construed to require the Election Panel or the Mayor to disqualify an applicant because of the results of the criminal records search.

ADD TEXT AS FOLLOWS:

Note: This change will require a change in 2.45.190 H (Commissioner training) as follows:

H. Commissioners will attend a police academy curriculum designed for them by the Chief after consultation with the Commission. The curriculum shall be designed so that criminal background checks will not be required for attendance.

2.46.040 - Agency Director.

The Agency shall report to, AND BE SUPERVISED BY, the Commission, and shall be responsible for the day-to-day operations of the Agency.

SUBSTITUTE MOTION:

Councilmember Gallo made a substitute motion, seconded by Councilmember Brooks to move the ordinance with the amendments included in the main motion and adding the following:

Section 2.45.130 Establishment of Discipline Committee

B. Membership in the Discipline committees shall rotate for each police officer discipline or termination case, as determined by the Chairperson of the Commission, PROVIDED, HOWEVER, THAT NO MORE THAN ONE COMMISSIONER APPOINTED BY THE MAYOR SHALL BE APPOINTED TO EACH DISCIPLINE COMMITTEE.

The council took action on the substitute motion.

The substitute motion tied by Ayes: Brooks, Gallo, Campbell Washington, Kaplan and Noes: Guillen, Kalb, McElhaney, Reid.

There were 42 speakers on this item

A motion was made that this matter be Continued to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 7/18/2017. The motion failed by the following vote:

Aye: 4 - Brooks, Campbell Washington, Gallo, and Kaplan

No: 4 - McElhaney, Guillén, Kalb, and Reid

The Roll Call was modified to note Councilmember Guillén present 8:20 p.m.

- 12 Subject: Resolution In Support Of The Paris Climate Agreement
From: Councilmember Kalb And Mayor Schaaf
Recommendation: Adopt A Resolution In Support Of The Paris Climate Agreement, In Opposition To President Trump's Decision To Withdraw The United States From The Agreement, And Stating The City Of Oakland's Commitment To The Goals And Spirit Of The Agreement Consistent With The City's Energy And Climate Action Plan
16-1260

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[View Report](#)

[86811 CMS](#)

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

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

- 13** Subject: Investigation Of Impeachable Offenses By President Donald Trump
From: Councilmember Kalb, President Pro Tempore Guillén, And City Attorney
Parker
Recommendation: Adopt A Resolution Calling On The United States Congress To
Thoroughly And Deliberately Investigate Any And All Apparent Or Alleged Offenses By
President Donald Trump That May Rise To The Level Of An Impeachable Offense
16-1143

Attachments: [View Report](#)

[View Supplemental Report](#)

[86812 CMS](#)

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

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

- 14** Subject: Resolution In Support Of SB 30 (Lara)
From: Council President Pro Tempore Guillén And Councilmember Kalb
Recommendation: Adopt A Resolution In Support Of Senate Bill 30 (Lara) That Would
Prohibit The State From Awarding Or Renewing Any Contract With Any Person Who
Is Providing Or Has Provided On Or After January 1, 2018 Goods Or Services To The
Federal Government For The Construction Of A Federally Funded Wall Or Other
Barrier Along California's Southern Border
16-1226

Attachments: [View Report](#)

[View Supplemental Report](#)

[86813 CMS](#)

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

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

- 15 Subject: Measure KK Obligation Bonds
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Identifying And Approving Alternate Capital Improvement Projects That Are Authorized For Funding With Proceeds Of The City Of Oakland General Obligation Bonds (Measure KK), Series 2017A-1 And 2017A-2; AND
16-1323

Attachments: [View Report](#)

This City Resolution be Withdrawn and Rescheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 6/29/2017

2) A Resolution Amending Resolution No. XXXXX C.M.S. Which Identified And Approved The Capital Improvement Projects That Are Authorized For Funding With Proceeds Of The City Of Oakland General Obligation Bonds (Measure KK), Series 2017A-1 And 2017A-2 To Add Reference To Oakland Municipal Code Chapter 15.70
16-1325

This City Resolution be Withdrawn and Rescheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 6/29/2017

- 16 Subject: Oakland General Obligation Bonds Series 2017A (Measure KK)
From: Finance Department
Recommendation: Adopt A Resolution Approving The Issuance And Sale Of One Or More Series Of City Of Oakland General Obligation Bonds (Measure KK) In An Aggregate Principal Amount Not To Exceed \$125,000,000 Pursuant To The 2016 Infrastructure Bond Ordinance And Chapter 4.54 Of The Oakland Municipal Code; Prescribing The Terms Of Sale Of Said Bonds; Approving The Form Of And Authorizing The Execution And Delivery Of A Fiscal Agent Agreement, Continuing Disclosure Certificate And Official Notice Of Sale; Approving The Form Of And Authorizing The Distribution Of A Preliminary Official Statement And Authorizing The Execution And Delivery Of An Official Statement; And Authorizing Necessary Actions Related Thereto
16-1166

Attachments: [View Report](#)

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This City Resolution be Withdrawn and Rescheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 6/29/2017

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 Ron Zeno, Cartier Beasley, Marilyn Lawson
and Willie Mae Gladys Hill Duncan at 10:11p.m.*

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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.