



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 Meeting of the Oakland City Council

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

City of Oakland Website: <http://www.oaklandnet.com>

Monday, November 14, 2016

4:30 PM

City Council Chamber, 3rd Floor

THIS MEETING WAS NOTICED IN ACCORDANCE WITH CHARTER SECTION 208. PURSUANT TO CHARTER SECTION 208, A WRITTEN REQUEST TO CALL A SPECIAL MEETING FOR THE CONSIDERATION OF AN AGENDA ITEM WAS SERVED UPON THE CITY CLERK OCTOBER 24, 2016 BY THREE COUNCIL MEMBERS

1 PLEDGE OF ALLEGIANCE

The Special Meeting of the Oakland City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 4:52 p.m.

2 ROLL CALL / CITY COUNCIL

Present 7 - Desley Brooks, Annie Campbell Washington, Noel Gallo, Abel J. Guillén, Dan Kalb, Laurence E. Reid, and Lynette Gibson McElhaney

Absent 1 - Rebecca Kaplan

3 OPEN FORUM (Total Time Available: 15 Minutes)

City Clerk announced that Item 7 on the agenda regarding a Public Hearing To Deny The Appeals Regarding Construction Of 262 Dwelling Units Located At 226 13th Street has been withdrawn at the request of the appellant.

There were 12 speakers on Open Forum.

Roll call was modified to show Councilmember Kaplan present 4:55 p.m.

4 ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION AND DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSION

City Attorney announced there were no final decisions to report from the Closed Session.

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

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

Council President Gibson McElhaney, President Pro Tempore Reid and Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Rear Admiral Robert Lee Toney.

Councilmember Guillen, President Gibson McElhaney, and Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Gwen Ifill.

Councilmember Kaplan and President Gibson McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Leonard Cohen.

- 5 Subject: Medical Cannabis Dispensary, Cultivation, Manufacturing And Other Facility Permits
From: Councilmembers Kalb, Guillen, And Vice Mayor Campbell Washington
Recommendation: Discussion And Action On Amending The City's Requirements For Medical Cannabis Dispensary Permits And Medical Cannabis Cultivation, Manufacturing And Other Facility Permits Currently Found In Oakland Municipal Code Chapters 5.80 And 5.81
[16-0401](#)

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

Councilmember Brooks requested to hear items 5 and 6 together as they refer to the same subject.

There were 80 speakers on this item.

Councilmember Kalb made a motion, seconded by Councilmember Guillen, to direct the City Administrator to return to Council with revised ordinances on medical cannabis (code chapters 5.80 and 5.81) using the revised ordinances put forth by Councilmembers Kalb, Campbell Washington and Guillen along with the suggested amendments from Councilmember Kaplan, that are not in direct conflict with our proposals or state law, and include the fiscal flexibility and diverse industry goals articulated in writing by Council President Gibson McElhaney. Further, direct the City Administrator to include an equity analysis alongside the revised ordinances. And if the City Admin cannot complete said ordinance and equity analysis in time as soon as possible in January of 2017.

Councilmember Brooks made a substitute motion, seconded by President Pro Tempore Reid, to include: 1. Adoption of the racial goals and outcomes from the report submitted by City staff (page 3); 2. Adoption of framework from the City staff report (page 3); 3. Residency requirement to protect Oakland residents; 4. Provide equity analysis; 5. Pre-existing businesses integration; 5. Ownership percentage moved to 40%; and 6. Follow state law. The vote is as follows: 3 – Ayes, 4 –Noes.

Councilmember Kaplan proposed the following friendly amendments to thw Councilmember Kalb/Guillen motion as follows:

- 1. Include equity analysis, outcome goals, framework from the Department of Race and Equity (as referred to in the Report from Department of Race and Equity on page 3)*
- 2. Administration to provide option(s) on back taxes based on how back taxes are normally handled in non-cannabis businesses*
- 3. Remove 10-year time limit on past convictions, and*
- 4. Include an Oakland residency preference*

The friendly amendments were accepted by Councilmember Kalb and Vice Mayor Campbell Washington.

Councilmember Kalb withdrew the deadline of 12/13/2016 for return to Council.

Council President noted absent at 6:45 p.m.

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

Aye: 4 - Campbell Washington, Guillén, Kalb, and Kaplan

No: 3 - Brooks, Gallo, and Reid

Absent: 1 - Gibson McElhaney

- 6** Subject: Ordinances Amending Chapters 5.80 and 5.81 - Cannabis
From: The Oakland Diversity And Equity Cannabis Coalition
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.80, Medical Cannabis Dispensary Permits, To Refine The Equity Permit Program; And
[15-1285](#)

Attachments: [View Report](#)

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

Aye: 4 - Campbell Washington, Guillén, Kalb, and Kaplan

No: 3 - Brooks, Gallo, and Reid

Absent: 1 - Gibson McElhaney

2) Ordinance Amending Oakland Municipal Code Chapter 5.81, Medical Cannabis Cultivation Facility Permits, To Refine The Equity Permit Program;
[15-1291](#)

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

Aye: 4 - Campbell Washington, Guillén, Kalb, and Kaplan

No: 3 - Brooks, Gallo, and Reid

Absent: 1 - Gibson McElhaney

- 7** Subject: Appeal Of Planning Commission Approval
From: Planning And Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeals Of The Coalition Of Neighborhood Stakeholders And Oakland Residents For Responsible Development And Thus Upholding The Planning Commission's Approval Of A Proposal To Construct 262 Dwelling Units Over Approximately 13,000 Square Feet Of Retail Located At 226 13th Street, Oakland CA (Project Case No. PLN15-320), Including Adopting CEQA Exemptions (15183 & 15183.3) And An Addendum (Relying On The Previously Certified 2014 Lake Merritt Station Area Plan EIR)

[16-0151](#)

Sponsors: Office Of The City Administrator

Attachments: [View Report](#)

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There were 24 speakers on this item.

This City Resolution be Withdrawn with No New Date.

- 8** Subject: City Of Oakland V. Clarence W. Payne, Jr.
From: The Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of City Of Oakland V. Clarence W. Payne, Jr., ET AL., Alameda County Superior Court Case No. 784459-1, In The Amount Of Twenty Thousand Dollars (\$20,000.00) (Oakland Fire Department Lien)

[16-0393](#)

Sponsors: Office Of The City Attorney

Attachments: [View Report](#)

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

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

Absent: 1 - Gibson McElhaney

- 9 Subject: Infrastructure Bond Affordable Housing Enabling Ordinance
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code To Enact The City Of Oakland Affordable Housing And Infrastructure Bond Law, Which Provides For Issuance Of General Obligation Bonds To Fund The Affordable Housing Program And Other Purposes Described Herein
[16-0340](#)

Attachments: [View Report](#)
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City Clerk read into record a correction to the notes provided regarding amendments as proposed on the floor at the November 1, 2016 City Council meeting. Those included: Section 4.54.230- Income targeting to strike the clause "very low income households and/or" twice used in the second paragraph of that section, additionally strike "have a program wide goal of" and change "spending" to "spend," and strike the sentence stating "Achievement of this goal depends in part on the availability of other funding sources to subsidize housing affordable at these income levels," and replace "goal" with "requirement" in the last sentence.

Councilmember Kaplan made a motion, seconded by Councilmember Brooks, to add the following amendment:

In the section 4.54.210 - Prioritization of program revise the first sentence to read: "The top priority for the City's affordable housing bond funds will be helping those who are homeless and protecting vulnerable Oaklanders from being displaced from their homes."

A motion was made by Desley Brooks, seconded by Rebecca Kaplan, that this matter be Approved as Amended on Introduction for Final Passage to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board, to be heard 11/29/2016. The motion carried by the following vote:

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

Absent: 1 - Gibson McElhaney

CONTINUATION OF OPEN FORUM

ADJOURNMENT

There being no further business, and upon the motion duly made, the Council adjourned the meeting at 8:59 p.m.

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MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30 A.M. TO 5:00 P.M.