

City of Oakland

*Office of the City Clerk
Oakland City Hall,
1 Frank H. Ogawa Plaza, Room 201
Oakland, California 94612*



CITY OF OAKLAND

Meeting Minutes - DRAFT

Tuesday, May 26, 2020

1:30 PM

Please See The Agenda To Participate In The Meeting

Tele-Conference

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

Pursuant to the Governor's Executive Order N-29-20, all members of the City Council as well as the City Administrator, City Attorney and City Clerk will join the meeting via phone/video conference and no teleconference locations are required.

PUBLIC PARTICIPATION

The public may observe and/or participate in this meeting many ways.

OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10
- To observe the meeting online from the City's Agenda Meeting Calendar, at the noticed meeting time, please click on <https://oakland.legistar.com/calendar.aspx> and click on the "In Progress" link under "Video" for the corresponding meeting.
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/88305629730> at the noticed meeting time.
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 436 2866 or +1 301 715 8592 or +1 312 626 6799 Webinar ID: 883 0562 9730
If asked for a participant ID or code, press #.

COMMENT:

DUE TO THE SUSPENSION OF THE SUNSHINE ORDINANCE AND COUNCIL'S RULES OF PROCEDURES ALL PUBLIC COMMENT ON ACTION ITEMS WILL BE TAKEN AT THE BEGINNING OF THE MEETING UNDER ITEM 1. COMMENT FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN UNDER OPEN FORUM AT THE END OF THE MEETING

There are three ways to submit public comments.

- eComment. To send your comment directly to Council members and staff BEFORE the meeting starts please click on <https://oakland.legistar.com/calendar.aspx> and click on the "eComment" link for the corresponding meeting. Please note that eComment submission closes five (5) minutes before posted meeting time.
- To comment by Zoom video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on a eligible agenda item at the beginning of the meeting. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Instructions on how to "Raise Your Hand" is available at: <https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>.
- To comment by phone, please call on one of the above listed phone numbers. You will be prompted to "Raise Your Hand" by pressing "*9" to speak when Public Comment is taken. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Please unmute your self by pressing *6.

If you have any questions, please email Asha Reed, Assistant City Clerk at AReed@oaklandca.gov.

- Office of the City Clerk

ROLL CALL / CITY COUNCIL

The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency was held on the above date. The meeting was convened at 1:30 P.M.

Councilmember Kalb was present at 1:37 P.M.

Excused 1 - Sheng Thao

Present 7 - Dan Kalb, Larry Reid, Lynette McElhaney, Noel Gallo, Loren Taylor, Nikki Bas, and Rebecca Kaplan

1 PUBLIC COMMENT

**COMMENT ON ALL ACTION ITEMS WILL BE TAKEN AT AT THIS TIME.
COMMENTS FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN DURING
OPEN FORUM.**

There were 18 speakers on this item

Items 2 and 3 were taken together

- 2** Subject: FY 20-21 Cost-Of-Living Tax Adjustment, Fixing Rate Of Tax, & Levying Tax
From: Finance Department
Recommendation: Adopt An Ordinance 1) Authorizing A Fiscal Year 2020-21 Increase In The Rate Of Property Tax Imposed By Voter-Approved Measures; And 2) Fixing The Rate Of The Property Tax And Levying A Tax On Real And Personal Property In The City Of Oakland For Fiscal Year 2020-21 For The Emergency Medical Services Retention Act Of 1997 (Measure M), The Paramedic Services Act Of 1997 (Measure N), The Library Services Retention And Enhancement Act Of 2004 (Library Measure Q), The 2014 Oakland Public Safety And Services Violence Prevention Act (Measure Z), The 2018 Oakland Public Library Preservation Act (Measure D), And The 2020 Oakland Parks And Recreation Preservation, Litter Reduction, And Homelessness Support Act (Parks Measure Q)
[20-0355](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Supplemental Memo 5/22/2020](#)
[13595 CMS](#)

A motion was made by Dan Kalb, seconded by Loren Taylor, 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 6/2/2020. The motion carried by the following vote:

Excused: 1 - Thao

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

NO VOTE: 0

- 3 Subject: FY 2020-21 Mid Cycle Budget Amendments
From: Finance Department
Recommendation: Adopt A Resolution Amending Resolution No. 87759 C.M.S., Which Adopted The City Of Oakland's Fiscal Year 2019-21 Biennial Budget, To Make Mid-Cycle Budget Adjustments To: (1) Fiscal Year 2020-21 General Purpose Fund Revenue Projections; (2) Fiscal Year 2020-21 General Purpose Fund Appropriations; And (3) Fiscal Year 2020-21 Non-General Purpose Fund Revenue Projections And Appropriations
[20-0406](#)

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[View Attachment 2](#)

[View Supplemental Report - 5/29/2020](#)

[View Supplemental Exhibits - 5/29/2020](#)

[View Supplemental Report - 5/29/2020](#)

[View Supplemental Report - 5/29/2020 Measure D Informational Memo](#)

[View Supplemental Report 5/29/2020 Kaplan](#)

[View Supplemental Report Q&A #1- 5/29/2020](#)

[View Supplemental Report Q&A #2- 6/12/2020](#)

[View Supplemental Report Q&A #3- 6/12/2020](#)

[View Supplemental Report - Errata #2 - 6/12/2020](#)

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[View Supplemental Report - Kaplan 6/15/2020](#)

[View Supplemental Report Q&A #4- 6/18/2020](#)

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[View Supplemental Report - Errata #3 6/19/2020](#)

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[View Supplemental Report - Bas 6/22/2020](#)

[View Supplemental Amendment Spreadsheet - Kaplan 6/22/2020](#)

[View Supplemental Memo - Reid, Gallo, McElhaney & Taylor 6/22/2020](#)

[View Supplemental Report - Reid, Gallo, McElhaney & Taylor 6/22/2020](#)

A motion was made by Rebecca Kaplan, seconded by Loren Taylor, that this matter be Continued to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board, to be heard 6/2/2020. The motion carried by the following vote:

Excused: 1 - Thao

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

NO VOTE: 0

- 4** Subject: Creation Of The Department Of Workplace & Employment Standards
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Chapter 2.29 Of The Oakland Municipal Code Entitled "City Agencies, Departments And Offices" To Create The Department Of Workplace And Employment Standards Focusing On Workplace Protections And Employment Standards To Implement Measure Z (Hotel Minimum Wage And Working Conditions Ordinance (Oakland Municipal Code Chapters 5.93 And 2.44 And Sections 2.36.010(A) And 5.92.050).

[20-0259](#)

Attachments: [View Report](#)

[View Legislation](#)

[View Supplemental Memo - Bas](#)

[View Supplemental Legislation 6/11/2020](#)

[View Supplemental Redline Legislation 6/11/2020](#)

A motion was made by Rebecca Kaplan, seconded by Loren Taylor, that this matter be * Withdrawn and Rescheduled to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 6/9/2020. The motion carried by the following vote:

Excused: 1 - Thao

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

NO VOTE: 0

- 5** Subject: Director Of Workplace & Employment Standards Salary Ordinance Amendment
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 Full-Time Classification Of Director Of Workplace And Employment Standards

[20-0336](#)

Attachments: [View Report](#)

[View Ordinance](#)

A motion was made by Rebecca Kaplan, seconded by Loren Taylor, that this matter be * Withdrawn and Rescheduled to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 6/9/2020. The motion carried by the following vote:

Excused: 1 - Thao

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

NO VOTE: 0

- 6** Subject: Miscellaneous Planning Code Amendments
From: Planning And Building Department
Recommendation: Adopt An Ordinance, As Recommended By The Planning Commission, Amending Oakland Planning Code Regulations Related To: The Appeals Process; Expiration Of A Variance; Home Occupation Regulations; Group Assembly Commercial Activities In The D-BV Zone; Appeal Of Determinations Regarding General Plan Consistency; Front Setbacks On Small Lots In The RM Zones; Location Of Commercial Facilities Above Residential Facilities; Consideration Of Design Review And Conditional Use Permit Applications With Subdivisions; Sidewalk Width Required For Sidewalk Cafes; Use Of Barbed And Razor Wire At Construction Sites; Height And Distance Of Walls From Open Space Zones And The Right Of Way; Permit Requirements For A Change In Alcohol Licenses; Carshare Requirements In The Downtown Zones; Timeframe Required To Approve A Final Planned Unit Development Permit; Defining Small Project Design Review As A Discretionary Project Under The California Environmental Quality Act; And Parking Requirements For Group Assembly Commercial Activities; And Make Appropriate California Environmental Quality Act Determinations
[20-0350](#)

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[View Supplemental Report 5/28/2020](#)

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[View Supplemental Report 5/28/2020 - Exhibit A](#)

[13596 CMS](#)

Upon the reading of Item 6 by the City Clerk, the Public Hearing was opened at 3:50 p.m.

2 individuals spoke on this item.

Councilmember Reid made a motion, seconded by Councilmember Gallo, to close the Public Hearing, and by that same motion approving as amended Eliminating the appeal right for auto repair shops and exclude auto repairs as a home occupation and side walk width requirements to sidewalk cafes change hearing no objections, the motion passed by 7 Ayes: (Bas, Gallo, Kalb, McElhaney, Reid Taylor and President Kaplan), 1 Excused Thao

A motion was made by Larry Reid, seconded by Noel Gallo, that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board, to be heard 6/2/2020. The motion carried by the following vote:

Excused: 1 - Thao

Aye: 7 - Kalb, Reid, McElhane, Gallo, Taylor, Bas, and Kaplan

NO VOTE: 0

7 DETERMINATION OF SCHEDULE OF OUTSTANDING COUNCIL ITEMS

[20-0380](#)

Attachments: [View Report](#)

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

Excused: 1 - Thao

Aye: 7 - Kalb, Reid, McElhane, Gallo, Taylor, Bas, and Kaplan

NO VOTE: 0

8 SCHEDULING OF AGENDA ITEMS FOR COUNCIL AND COUNCIL COMMITTEE MEETINGS

[20-0381](#)

Attachments: [View Report](#)

Council President Kaplan made a scheduling motion seconded by Councilmember Taylor to reschedule the July 20, 2020 Life Enrichment Committee Meeting to July 6, 2020 and include the Homelessness Encampment Management item, to schedule to the June 2, 2020 City Council, City of Oakland V. Nerine Cherepy and Resolution in support of SB 1190

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

Excused: 1 - Thao

Aye: 7 - Kalb, Reid, McElhane, Gallo, Taylor, Bas, and Kaplan

NO VOTE: 0

COUNCILMEMBER ACKNOWLEDGEMENTS/ANNOUNCEMENTS

REQUIREMENTS:

Council President Kaplan took a point of personal privilege and requested that the meeting be adjourned in memory of Sylvester Hodges and Stacey Milburne (Councilmembers McElhaney, Reid Taylor, and Gallo asked to be associated with the adjournment of Sylvester Hodges)

Vice Mayor Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Bill Boone (Councilmember Taylor asked to be associated with this adjournment)

Councilmember McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Greg Erning (Vie Mayor Reid asked to be associated with this adjournment)

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

There was 1 speaker on this item

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 Sylvester Hodges, Stacey Milburne, Bill Boone, Greg Erning at 5:21 p.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

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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.**