



# 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

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

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

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Tuesday, January 5, 2016

5:30 PM

City Council Chamber, 3rd Floor

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### 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 5:43 p.m.*

### 2 ROLL CALL / CITY COUNCIL

**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 12 Open Forum speakers.*

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

*Councilmember Gibson McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Dave Henderson, Dr. Francis Cross Welsing and Torian Hughes.*

- 4.1 Subject: El Nino Preparedness Presentation  
From: Oakland Public Works Department  
Recommendation: Receive An Informational Presentation On Oakland Public Works Department El Nino Preparedness  
[15-0435](#)

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

*There were 3 speakers on this item.*

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

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

**Absent:** 1 - Gallo

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF DECEMBER 8,  
2015  
[15-0431](#)

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

**A motion was made by Kaplan, seconded by Reid, 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 McElhaneey

- 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):**

*Vice Mayor Kaplan has recused herself from Item 7.8.*

7.8 Subject: Coliseum Transit Village Owner Participation Agreement (OPA)  
From: Economic & Workforce Development Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator Or Designee To Negotiate And Execute (1) An Owner Participation Agreement Among The City Of Oakland ("City"), The Oakland Economic Development Corporation ("OEDC") And Urban Core Partners, LLC ("Urban Core") Or The City And A Related Entity Of OEDC And Urban Core And (2) A Development Loan Agreement Among The City, OEDC And Urban Core Or The City And A Related Entity Of OEDC And Urban Core For A Loan Amount Not To Exceed Eleven Million Six Hundred Thousand Dollars (\$11,600,000) Comprised Of: (A) \$8,000,000 In Previously Approved Oakland City Council Resolution No. 84516 C.M.S. Redevelopment Project Area Excess Bond Spending Plan Uses: Coliseum Transit Village Phase I; (B) Re-Allocating \$3,200,000 In 2006 Coliseum Taxable Bond Funds From Coliseum BART Station Transit Village Infrastructure Project To The Coliseum Transit Village Phase I Project; And (C) Amending The Coliseum Redevelopment Project Area Excess Bond Spending Plan To Re-Appropriate And Re-Allocate Excess Bond Proceeds In The Amount Of \$400,000 Previously Listed And Committed In The Approved Bond Spending Plan To The Coliseum City Specific Plan All In Connection With The Coliseum Transit Village Phase I Project; And

[15-0409](#)

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***Vice Mayor Kaplan stated the reason for recusal and was noted absent at 7:01 p.m.***

***There were 3 speakers on this item.***

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

**Recused:** 1 - Kaplan

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

2) A Resolution Authorizing The City Administrator Or Designee To Negotiate And Execute A Memorandum Of Understanding ("MOU") With The Bay Area Rapid Transit District ("BART") For Purposes Of Providing Additional Coliseum BART Station Surface Parking Between 69th And 75th Avenues On The City Owned Parking Lot Located On Snell Street (APN # 041-4170-005-04), And Along City Right Of Way On A Portion Of 71st Avenue And On Snell Street Between 69th And 75th Avenues

[15-0410](#)

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

**Recused:** 1 - Kaplan

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

## 7 CONSENT CALENDAR (CC) ITEMS:

### *Approval of the Consent Agenda*

**A motion was made by Kaplan, seconded by Kalb, 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  
[15-0436](#)

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***Councilmember Brooks requested an update to the legislation regarding HIV/AIDS.***

**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  
[15-0437](#)

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

**This City Resolution was Adopted.**

- 7.3 Subject: Declaring A Shelter Crisis In The City Of Oakland  
From: Office Of The Mayor And Councilmember Guillén  
Recommendation: Adopt An Ordinance Declaring A Shelter Crisis In The City Of 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 Suspending Planning, Zoning, And Other Permit Requirements For Additional Homeless Shelters If Needed And Subject To Further Council Approval

[15-0352](#)

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*Councilmember Brooks made a motion, seconded by Councilmember Gallo, to direct the City Administrator to open the Garden Center at Lake Merritt, or other appropriate facility, not limited to local, state or federal properties, as a temporary homeless shelter within the next 15 days and provide an informational report to the full Council at the next regularly scheduled Council meeting on steps to establish a tiny-house community. Also, create a standing item regarding the homeless shelter for future City Council agendas. The motion passed with a vote of 8 Ayes.*

**This Ordinance was Approved for Final Passage.**

- 7.4 Subject: Purchase Of Thermoplastic Pre-Melting Kettles  
From: Finance Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award A Contract To Mark Rite Lines Equipment Co., Inc, The Lowest Responsible, Responsive Bidder, A Corporation, To Provide Two (2) 2015 Model Trailer Mounted Thermoplastic Pre-Melting Kettles, In An Amount Not To Exceed One Hundred Six Thousand Seven Hundred Forty-Nine Dollars And Fifty-Five Cents (\$106,749.55) Per Request For Quotation (RFQ) No. 5485, Specification No. 15-070-59 And The General Conditions Therefor On File In The Purchasing Section According To Its Bid Filed With The City On April 20, 2015

[15-0414](#)

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

**This City Resolution was Adopted.**

- 7.5** Subject: MTC Funded Parking And Mobility Management Initiative  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To File An Application For Funding Assigned To MTC And Committing Any Necessary Matching Funds And Stating Assurance To Complete The Project Known As The City Of Oakland Demand-Responsive Parking And Mobility Management Initiative And Authorizing An Appropriation Of \$75,000 From Undesignated General Purpose Fund 1010 To Non-Departmental Budget And Authorizing The City Administrator To Use Up To \$437,000.00 In Funds To Cover The Local Match Requirement  
[15-0353](#)

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

**This City Resolution was Adopted.**

- 7.6** Subject: Resolution To Redirect Funds For Illegal Dumping Mitigation  
From: Keep Oakland Clean And Beautiful  
Recommendation: 1) Receive A Report Detailing Illegal Dumping And Enforcement; And  
[15-0415](#)

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**This Informational Report was Received and Filed.**

- 2) Adopt A Resolution Authorizing The City Administrator To Redirect Use Of One Hundred Thousand Dollars (\$100,000) Designated For Mattress Recycling Pilot Program In Recycling Program Fund (1710) For Use As Illegal Dumping Mitigation Funding  
[15-0416](#)

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

[85937 CMS](#)

**This City Resolution was Adopted.**

- 7.7 Subject: PG&E Substation C MOU & LUC  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Understanding Negotiated Between Pacific Gas And Electric (PG&E) And The City Of Oakland And A Land Use Covenant Between The California Department Of Toxic Substances Control And The City Of Oakland Regarding Potential Contamination Beneath The Sidewalk Adjacent To PG&E's Substation C Property  
[15-0417](#)

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

[DOC011916-003 0119D](#)

**This City Resolution was Adopted.**

- 7.9 Subject: Brooklyn Basin Affordable Housing  
From: Housing & Community Development Department  
Recommendation: Adopt A Resolution Approving The Financing Plan For Developing Affordable Housing At The Brooklyn Basin Project, And Approving Submittal Of A Petition For A Final And Conclusive Determination By The California Department Of Finance (DOF) Of The Enforceable Obligation To Fund Such Development  
[15-0418](#)

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

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[DOC011916-004 0119D](#)

**This City Resolution was Adopted.**

- 7.10 Subject: AC-OCAP Annual Report And 2016 CSBG Grant Renewal  
From: Human Services Department  
Recommendation: 1) Receive The Alameda County-Oakland Community Action Partnership (AC-OCAP) Annual Report; And  
[15-0347](#)

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

**This Informational Report was \* Withdrawn and Rescheduled to the Meeting of the Oakland City Council to be heard 1/19/2016 as a Non-Consent Item**

2) Adopt A Resolution: (1) Authorizing The City Administrator To Accept And Allocate A Renewal Grant In The Amount Of \$1,270,145 In Anti-Poverty Community Services Block Grant (CSBG) Funds For 2016 From The California Department Of Community Services And Development (CSD); (2) Authorizing The City Administrator To Accept And Appropriate Additional Grant Funds From CSD For The Same Purpose Without Returning To Council; (3) Authorizing A Contribution From The General Purpose Fund In An Amount Equivalent To The Department's Central Services Overhead Charges Estimated At \$86,789; And (4) Authorizing The City Administrator To Enter Into Grant Agreements, Professional Services Contracts, And Amendments With Alameda County - Oakland Community Action Partnership's Service Providers For The 2016 Program Year

[15-0361](#)

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

**This City Resolution was Withdrawn and Rescheduled to the Meeting of the Oakland City Council to be heard 1/19/2016 as a Non-Consent Item**

**7.11** Subject: Creation Of A Privacy Advisory Commission  
From: Office Of The City Administrator  
Recommendation: Adopt An Ordinance Establishing The Privacy Advisory Commission, Providing For The Appointment Of Members Thereof, And Defining The Duties And Functions Of Said Commission

[15-0294](#)

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

[View Supplemental Report](#)

**This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the Meeting of the Oakland City Council to be heard 1/19/2016**



- 7.12** Subject: Goat Grazing Contract  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution: 1) Waiving The Advertising And The Fixed, Sealed Bid, Price-Based Bid Process; And 2) Authorizing The City Administrator Or Her Designee To Enter Into A Professional Services Contract With Ecosystems Concepts, Inc. (ECI), To Provide Goat Grazing Services In The City Of Oakland For A Two (2) Year And Six (6) Month Period Beginning July 1, 2015 Through December 31, 2017, For A Total Contract Amount Not To Exceed Six Hundred Seventy-Five Thousand, Five Hundred Seventy-Five Dollars (\$675,575.00) For The Entire Two Year (2) And Six Month (6) Period  
[15-0402](#)

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[DOC011916-005.0119D](#)

**This City Resolution was Adopted.**

- 7.13** Subject: Fiscal Year 2015, Urban Search And Rescue Grant  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution: (1) Authorizing The City Administrator Or Her Designee To (A) Enter Into A Grant Cooperative Agreement With The Federal Emergency Management Agency (FEMA) To Accept And Appropriate Federal FEMA Funds For The Period September 30, 2015 To September 30, 2018, In The Amount Of One Million Two Hundred Twenty Nine Thousand Five Hundred Eighty Two Dollars (\$1,229,582) To Meet Continuing Management, Training And Equipment Needs Of The Fire Department's Urban Search And Rescue (US&R) Task Force (US&R Task Force) And (B) To Expend The FEMA Funds In Accordance With The Preliminary Spending Plan Without Further Council Approval, Including Funding For Training And The Purchase Of Equipment From The General Services Administration (GSA) And Other Government Pricing Schedules; (2) Waiving The City's Advertising, Competitive Bidding And Purchasing Requirements For The Procurement Of Equipment When Required By The Grant Terms; And (3) Approving Travel For City Personnel That Provide Services Under The FEMA Cooperative Agreement On Short Notice Without Further Council Authorization  
[15-0403](#)

**Attachments:** [View Report](#)  
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[85941 CMS](#)

**This City Resolution was Adopted.**

- 7.14** Subject: Frozen Evidence Storage Services  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To 1) Waive The Advertising/Bidding And Request For Proposal/Qualifications Requirements, And 2) Purchase Frozen Evidence Storage Services From Schaefer's Cold Storage For Two Years With Two Discretionary One-Year Extensions For One Hundred Twenty Five Thousand Dollars (\$125,000) Per Year And A Total Not To Exceed Five Hundred Thousand Dollars (\$500,000)  
[15-0356](#)

**Attachments:** [View Report](#)  
[85942 CMS](#)

**This City Resolution was Adopted.**

- 7.15** Subject: Forensic Biology Supply Purchase  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To: 1) Waive The City's Competitive Advertising And Bidding Requirements And Purchase DNA Analysis Supplies, Instrumentation, Instrument Services, And DNA Interpretation Software From Applied Biosystems (A.K.A. Thermofisher), Qiagen, Aurora Biomed, Niche Vision, VWR/Fisher/ USA Scientific And Promega; And Sexual Assault Evidence Collection Kits From Tritech, Inc., For A Total Cost Not To Exceed Four Hundred Sixty Five Thousand Dollars (\$465,000); And 2) Extend The Purchasing Agreement With Each Vendor Without Returning To City Council Through June 30, 2020, For A Total Cost Not To Exceed Three Hundred Thirty Thousand Dollars (\$330,000) Per Fiscal Year, For A Total Purchase Agreement Not To Exceed One Million Seven Hundred Eighty Five Thousand Dollars (\$1,785,000)  
[15-0405](#)

**Attachments:** [View Report](#)  
[DOC011916-008 0119D](#)

**This City Resolution was Adopted.**

**7.16** Subject: Settlement Agreement - Alcala 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 Gloria Alcala V. City Of Oakland Et Al., United States District Court Case No. 14-5050-MMC, City Attorney's File No. X04064, In The Amount Of One Hundred And Twenty-Five Thousand Dollars And Zero Cent (\$125,000.00) (Department Of Human Resources Management/City Administrator's Office)  
[15-0428](#)

**Attachments:** [View Report](#)  
[85944 CMS](#)

**This City Resolution was Adopted.**

**7.17** Subject: Settlement Agreement - Turner 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 Stephen Turner V. City Of Oakland, Et Al, Alameda County Superior Court Case No. RG14745550, City Attorney's File No. 30046 In The Amount Of Forty-Five Thousand Dollars And No Cents (\$45,000.00) (Oakland Police Department - Motor Vehicle Accident)  
[15-0440](#)

**Attachments:** [View Report](#)  
[85945 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 Kaplan, that this matter be Approve as Submitted the oral report from the Office of the City Attorney of one final decision made during Closed Session. Please refer to Attachment A for the details of the final decision. The motion carried by the following vote:

**Aye:** 6 - Brooks, Campbell Washington, Gallo, Kaplan, Reid, and Gibson McElhane

**Absent:** 2 - Guillén, and Kalb

**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: Rockridge BID Annual Assessment  
From: Economic And Workforce Development Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A  
Resolution Confirming The Annual Report Of The Rockridge Business Improvement  
District Advisory Board And Levying The Annual Assessment For The Rockridge  
Business Improvement District For Fiscal Year 2016-2017  
[15-0438](#)

**Attachments:** [View Report](#)  
[85946 CMS](#)

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 8:15 p.m.*

*No individuals spoke on this item.*

*President Pro Tempore Reid made a motion, seconded by Vice Mayor Kaplan, to close the Public Hearing, and hearing no objections, the motion passed by 8 Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid and Council President Gibson McElhaney.*

**A motion was made by Reid, seconded by Kaplan, 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

- 9.2** Subject: Montclair BID Annual Assessment  
From: Economic And Workforce Development Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A  
Resolution Confirming The Annual Report Of The Montclair Business Improvement  
District Advisory Board And Levying The Annual Assessment For The Montclair  
Business Improvement District For Fiscal Year 2016-2017  
[15-0439](#)

**Attachments:** [View Report](#)  
[85947 CMS](#)

*Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 8:16 p.m.*

*No individuals spoke on this item.*

*Vice Mayor Kaplan made a motion, seconded by Councilmember Campbell Washington, to close the Public Hearing, and hearing no objections, the motion passed by 8 Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid and Council President Gibson McElhaney.*

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

- 9.3** Subject: DDA For 2330 Webster Street & 2315 Valdez Street  
From: Economic & Workforce Development Department  
Recommendation: Adopt An Ordinance Authorizing The City Administrator, Without Returning To The City Council, To Negotiate And Execute A Disposition And Development Agreement (DDA) And Related Documents Between The City Of Oakland And TDP Webster, LLC Or A Related Entity Or Affiliate That Provides For (1) The Sale Of Two Contiguous City-Owned Parcels Located At 2330 Webster Street And 2315 Valdez Street To Developer For Their Combined Appraised Market Value Of \$9,450,000; (2) TDP Webster's Construction On The Property Of A Residential Mixed-Use Project, Including Ground Floor Retail Space And A Public Parking Garage; (3) The City's Purchase From TDP Webster, LLC Of The Public Parking Garage For A Cost Not To Exceed \$13,468,780; (4) Negotiation And Execution Of Agreements Providing For Easements And Entry Rights And Other Matters Required For The Operation And Maintenance Of The Public Parking Garage; And (5) Negotiation And Execution Of Amendments To Existing Parking License Agreement With Third Parties To Facilitate Development Of The Project  
[15-0406](#)

**Attachments:** [View Report](#)  
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*Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at 8:18 p.m. 8 individuals spoke on this item. Vice Mayor Kaplan made a motion, seconded by Councilmember Gallo, to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan and Council President Gibson McElhaney, and 1 Absent - Reid.*

*Vice Mayor Kaplan made substitute a motion, seconded by Councilmember Gallo, to adopt the ordinance with the additional amendment: "As part of the DDA, \$100,000 of the Parking Purchase Price will be retained in escrow at closing until the earlier to occur of (a) the date that is 2 years after a Certificate of Completion has been issued for the Project, or (b) the date that Developer has entered into leases for 80% of the retail space. However, a proportional amount of the money retained in escrow will be released to Developer concurrently with Developer's execution of a lease for a portion of the retail space. By way of example, if 40% of the space is leased immediately, \$50,000 will be released to Developer, continuing until the retail space is 80% leased. If more than 20% of the retail space remains unleased after such 2 year period, the balance of the funds left in escrow will be released to the City." The motion failed with a vote of 5 Noes, 3 Ayes - Kalb, Kaplan, and Reid.*

A motion was made by Gibson McElhaney, seconded by Campbell Washington, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 1/19/2016. The motion carried by the following vote:

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

- 9.4** Subject: Amendments To Transitional And Supportive Housing Regulations  
From: Planning & Building Department  
Recommendation: Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To: 1) Change Transitional And Supportive Housing Regulations To Comply With State Law; 2) Revise Regulations For Secondary Units; And 3) Make Miscellaneous Minor Changes In Various Chapters Of The Planning Code, And Make Appropriate California Environmental Quality Act Determinations  
[15-0357](#)

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

[ATTACHMENT A](#)

[ATTACHMENT B](#)

[ATTACHMENT C](#)

[ATTACHMENT D](#)

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[ATTACHMENT A Revised](#)

[ATTACHMENT B Revised](#)

[ATTACHMENT C Revised](#)

[ATTACHMENT D Revised](#)

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***Upon the reading of Item 9.4 by the City Clerk, the Public Hearing was opened at 8:41 p.m.***

***16 individuals spoke on this item.***

***Councilmember Kalb made a motion, seconded by Vice Mayor Kaplan, to close the Public Hearing, and hearing no objections, the motion passed by 8 Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid and Council President Gibson McElhaney.***

***Councilmember Kalb made a motion, seconded by Kaplan, to amend the Ordinance as follows:***

***1) Remove the following language from the Oakland Planning Code section 17.103.080(A)(3) "Owner Occupancy. The legal owner shall occupy either the primary dwelling or the Secondary Unit. Prior to issuance of a building permit for a Secondary Unit, the applicant shall record as a deed restriction in the Alameda County Recorder's Office, notice of this requirement, in a form prescribed by the Director of City Planning."***

***3) Revise section 17.103.080 (A)(5) to read as follows: "Required Parking. Except as specified in Subsection (a) below the minimum parking requirements for a Secondary Unit shall be as prescribed in the applicable individual zone regulations and in Chapter 17.116. Tandem parking may be permitted according***

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*to the regulations in Section 17.116.240."*

**4) Revise section 17.103.080(A)(5)(a) to read as follows: "Secondary Units that are located on sites (i) within one-half (1/2) mile of a BART Station, BRT Station, or Major Transit Stop, (ii) one-half (1/2) mile of a designated rapid bus line not located on Telegraph Avenue; (iii) one-quarter (1/4) mile of a designated rapid bus line located on Telegraph Avenue; or (iv) one-half (1/2) mile of the transit hub at the intersection of Lakeshore Avenue and Lake Park Avenue ½ mile of a Bay Area Rapid Transit (BART) Station, Bus Rapid Transit (BRT) Station, or Major Transit Stop would have no additional parking requirement. For the purposes of this Chapter, a "Major Transit Stop" is defined consistent with California Public Resources Code Section 21064.3, as may be amended; and means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two (2) or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods."**

**2) Add the following to section 17.103.080(A)(5)(b) "For new or newly legalized Secondary Units established after the effective date of this Subsection and located within a residential parking permit area, a residential parking permit shall not be issued to the occupant(s) of the Secondary Unit except that the verified occupant(s) of the Secondary Unit may be issued no more than one (1) of the permits associated with the primary dwelling unit. This Subsection only applies to Secondary Units located on sites near transit as defined in Subsection (a) above."**

**5) Revise section 17.116.060(A) to read as follows:**

**a) One-family Dwelling with Secondary Unit**

**i) RH, RD, RM-1, and RM-2 Zones, except when combined with the S-12 Zone: One (1) space for the Secondary Unit unless the lot already contains a total of at least three (3) spaces or is located near transit Pursuant to Section 17.103.080; however, when combined with the S-11 Zone, the requirement shall be one (1) space for each bedroom in any Secondary Unit, up to a maximum requirement of two (2) spaces per Secondary Unit. See Section 17.103.080.**

**ii) D-LM Zones, except when combined with the S-12 Zone: No additional space required for the Secondary Unit.**

**iii) All other zones, except when combined with the S-12 Zone: One (1) space for the Secondary Unit unless the lot already contains a total of at least two (2) spaces or is located near transit pursuant to Section 17.103.080; however, when combined with the S-11 Zone, the requirement shall be one (1) space for each bedroom in any Secondary Unit, up to a maximum requirement of two (2) spaces per Secondary Unit. See Section 17.103.080.**

**iv) Any zone combined with the S-12 Zone: See Section 17.94.040.**

A motion was made by Kalb, seconded by Kaplan, that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 1/19/2016. The motion carried by the following vote:

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

**ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:**

10 THIS NUMBER INTENTIONALLY NOT USED



- 11 Subject: Imposing A Ban On Unsecured Concealable Firearms  
From: Councilmembers Kaplan, Kalb & Campbell Washington And City Attorney  
Barbara Parker  
Recommendation: Adopt An Ordinance Banning Unsecured Firearms And  
Ammunition Located In Unattended Vehicles In The Public Right Of Way And "Public  
Places" As Defined In The Ordinance [TITLE CHANGE]  
[15-0422](#)

**Attachments:** [View Report](#)  
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*The Council approved the introduction of the ordinance as amended as follows:*

**1) Section 9.37.030 "Definitions" to read as follows:**

- a) "Locked Container" means a lock box that is listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices and that is locked and secured from entry by an unauthorized user;" and  
b) "Unattended" means a vehicle that is parked or standing in the public right of way or public place within the City and which is not occupied and/or is outside the immediate control of the Person responsible for the vehicle."

**2) Section 9.37.40(D) "Prohibitions" to read as follows: Unless exempted by law, firearms and ammunition inside Unattended Vehicles must be secured and secured as follows: (1) In a Lock Box; and (2) The Lock Box must be sotred (a) in the locked Trunk of the vehicle; or (b) the Lock Box must be stored inside the Vehicle in a place where the Lock Box cannot be seen from the outside or the Lock Box must be placed in a container that is permanently attached to the inside of the Vehicle; and (3) The key or other disabling device to the Lock Box is not left in the Unattended Vehicle.**

**3) Section 9.37.60 "Exemptions" to read as follows: This Chapter does not apply to persons authorized by state or federal law to carry or transport firearms or ammunition in Vehicles. To the extent there is a conflict between this Chapter and state or federal, the more stringent requirements shall govern.**

**4) Section 9.37.80 section title to read: "Civil Penalties."**

**5) Section 9.37.110 "Remedies not exclusive" to read as follows: "Remedies under this Chapter are cumulative and not exclusive. They are in addition to any other administrative, civil and/or criminal remedies provided by state, federal or other laws contained in the Oakland Muniipal Code. The City may seek an order for award of attorney's fees. Remedies may be recovered by all appropriate legal means, including but not limited to criminal prosecution, civil action, nuisance abatement or lien proceedings. Concealed Carry Licensees also may be subject to suspension or revocation of their licenses for violations of this Chapter.**

*There were 11 speakers on this item.*

A motion was made by Kaplan, seconded by Kalb, that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 1/19/2016. The motion carried by the following vote:

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

**12** Subject: Large Capacity Magazine Ban & Safe Firearm Storage  
From: Councilmembers Dan Kalb & Annie Campbell Washington  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Prohibiting Possession Of Large-Capacity Magazines; And  
[15-0424](#)

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
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*There were 15 speakers on this item.*

**A motion was made by Kalb, seconded by Campbell Washington, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 1/19/2016. The motion carried by the following vote:**

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

2) An Ordinance Requiring The Safe Storage Of A Firearm In A Residence  
[15-0426](#)

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
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**A motion was made by Kalb, seconded by Campbell Washington, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 1/19/2016. The motion carried by the following vote:**

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

## 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 Dave Henderson, Dr. Francis Cross Welsing and Torian Hughes at 10:55 p.m.*

### **Americans With Disabilities Act**

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