



City of Oakland

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

Meeting Agenda - SUPPLEMENTAL

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>

Tuesday, May 17, 2016

5:30 PM

City Council Chamber, 3rd Floor

DEFINITION OF TERMS:

Consent Item: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.

Non-Consent Item: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.

Action Item: any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

Informational Item: an item of the agenda consisting only of an informational report that does not require or permit Council action.

1 PLEDGE OF ALLEGIANCE

2 ROLL CALL / CITY COUNCIL

COUNCILMEMBERS: Desley Brooks, District 6; Vice Mayor Annie Campbell Washington, District 4; Noel Gallo, District 5; Abel J. Guillén, District 2; Dan Kalb, District 1; Rebecca Kaplan, At Large; President Pro Tempore Larry Reid, District 7; Council President Lynette Gibson McElhaney, District 3

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

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

4.1 Subject: Celebrating 50 Years Of Woodminster Summer Musicals

This item was rescheduled to the June 7, 2016 City Council meeting.

- 4.2 Subject:** National Public Works Week
From: Councilmember Rebecca Kaplan
Recommendation: Adopt A Resolution Celebrating The Week Of May 15-21, 2016 As National Public Works Week In The City Of Oakland
[15-0942](#)

Attachments: [View Report](#)

Legislative History

5/5/16	*Rules & Legislation Committee	Scheduled to the Meeting of the Oakland City Council
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5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF MAY 3, 2016

[15-0978](#)

Attachments: [View Report](#)

**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:

- 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
[15-0979](#)

Attachments: [View Report](#)

- 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
[15-0980](#)

Attachments: [View Report](#)

- 7.3 Subject: 500 Kirkham DDA With TLC
From: Economic And Workforce Development Department
Recommendation: Adopt An Ordinance (1) Authorizing The Purchase Of 500 Kirkham Street In West Oakland (The "Property) From CalTrans, (2) Authorizing A Disposition And Development Agreement with TL Partners V, LP., Or A Related Entity, For The Sale And Development Of The Property For A Mixed-Use Project, And (3) Making CEQA Findings For This Action
[15-0864](#)

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

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE.

INTRODUCTION (First Reading) WAS PASSED ON MAY 3, 2016, 8 AYES.

Legislative History

4/7/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
4/26/16	*Special Community & Economic Development Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
5/3/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council

- 7.4 Subject: Lease Agreement For The City-Owned Property At 1226 73rd Avenue
From: Human Services Department
Recommendation: Adopt An Ordinance Authorizing A Lease Agreement With East Oakland Community Project For City-Owned Property At 1226-73rd Avenue For Use As A Shelter Plus Care Housing Facility, For A Lease Term Of Five Years Until June 30, 2020
[15-0865](#)

Attachments: [View Report](#)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE.

INTRODUCTION (First Reading) WAS PASSED ON MAY 3, 2016, 8 AYES.

Legislative History

4/7/16	*Rules & Legislation Committee	Scheduled to the *Life Enrichment Committee
4/26/16	*Life Enrichment Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council

5/3/16

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

Approved On Introduction and Scheduled
for Final Passage to the Meeting of the
Oakland City Council

7.5 Subject: Amendments To Medical Cannabis Ordinances

This item was placed on the Non-Consent portion of the agenda as Item 12.

7.6 Subject: Public Art Advisory Committee Appointments

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Allison Cummings, Joyce Gordon, Evelyn Orantes, And Appointment Of Yulia Pinkusevich As Members Of The Public Art Advisory Committee

[15-0989](#)

Attachments: [View Report](#)

7.7 Subject: Library Advisory Commission Appointments

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Susanne Perkins, Victoria Barbero, Andrew Racle, Rosa Montgomery And The Appointment Of Dr. A. Aurea Lewis As Members Of The Library Advisory Commission

[15-0990](#)

Attachments: [View Report](#)

7.8 Subject: Bicyclist And Pedestrian Advisory Commission Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointment OF Reginald K. Burnette Jr. To The Bicyclist And Pedestrian Advisory Commission

[15-0991](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

7.9 Subject: Cannabis Regulatory Commission Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Appointment Of Terryn Buxton As A Member Of The Cannabis Regulatory Commission

[15-0992](#)

Attachments: [View Report](#)

- 7.10** Subject: Settlement Agreement - Alexis Herron 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 Alexis Herron V. City Of Oakland, ET AL., Alameda County Superior Court Case NO. RG14723878, City Attorney's File No. 29822, In The Amount Of Six Thousand Five Hundred Dollars And Zero Cents (\$6,500.00) (Public Works- Dangerous Condition)

[15-0982](#)

Attachments: [View Report](#)

Legislative History

5/5/16	*Rules & Legislation Committee	Scheduled to the Meeting of the Oakland City Council
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- 7.11** Subject: Settlement Agreement - Joanna Stamps 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 Joanna Stamps V. City Of Oakland, Et Al., Alameda County Superior Court Case No. HG15756338, City Attorney's File No. 30184, In The Amount Of Fourteen Thousand Dollars (\$14,000.00) (Public Works - Dangerous Condition)

[15-0986](#)

Attachments: [View Report](#)

Legislative History

5/5/16	*Rules & Legislation Committee	Scheduled to the Meeting of the Oakland City Council
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- 7.12** Subject: Travel Reimbursement For The International Council Of Shopping Centers' Recon 2016 Conference
From: Council President Gibson McElhaney
Recommendation: Adopt A Resolution Authorizing Reimbursement For Council President Lynette Gibson Mcelhaney's Costs Of Approximately \$3,104.46 From The Council Contingency Fund For Travel To Las Vegas, NV For Attendance At The International Council Of Shopping Centers' Recon 2016 Conference From May 22nd, 2016 To May 24th, 2016

[15-0997](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

Pursuant to Rule 28(a) of Resolution 86034 C.M.S., this item was added to this agenda.

S7.13 Subject: Extension Of Storage Services Contract
From: Office Of The City Clerk
Recommendation: Adopt A Resolution Waiving The Request For
Proposals/Qualifications Process And Authorizing The City Administrator To Execute A
Third Amendment To The Contract With GRM Information Management Services
("GRM") To Extend The Contract Under The Current Contract Terms Through June 30,
2017 In An Additional Amount Not To Exceed \$200,000

[14-0294](#)

Attachments: [View Report](#)

Legislative History

5/10/16	*Finance & Management Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
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S7.14 Subject: Data Center Project
From: Information Technology Department
Recommendation: Adopt A Authorizing The City Administrator Or Designee To: 1)
Enter Into Lease Agreement, Purchase Agreements And Professional Services
Agreements For Phase One Of The Data Center Modernization Project ("Project") For
A Total Estimated Five Year Cost Of Three Million Fifty Thousand Dollars (\$3,050,000)
Of Which The: A. Lease Agreement To House The Data Center With Digital Realty
Trust Is Estimated To Be One Million Two Hundred Thousand Dollars (\$1,200,000)
Over Five Years (\$50,000 Upfront And \$230,000 Per Annum), B. Support,
Maintenance, Licensing Is Estimated To Be One Million One Hundred Thousand
Dollars (\$1,100,000) Over Five Years (\$220,000 Per Annum), And C. Purchase
Agreements For Software, Hardware And/Or Licensing, And Professional Service
Agreements Are Estimated To Be A One-Time Upfront Cost Of Seven Hundred Fifty
Thousand Dollars (\$750,000), All The Above, Without Return To Council; And 2)
Waive The Advertising, Proposal/Qualifications Selection Requirements Agreements
Bidding And Request For ("Rfp/Q") Competitive For All Of The Above Agreements

[15-0963](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

Legislative History

5/10/16	*Finance & Management Committee	Approve as Amended the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
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*The Committee approved recommendations as amended to delete the following:
"FURTHER RESOLVED, that, consistent with standard procedure, should the
City and selected firms not be able to reach an agreement as to contract terms
within a reasonable timeframe, Council authorizes the City Administrator or
designee to negotiate and enter into contracts while waiving the competitive
bidding requirements with other qualified firms, without return to Council;"*

The Committee also requested a follow up report in October.

S7.15 Subject: Major Encroachment Permit At 233 Broadway
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Thunderbird Lodge, Oakland, A California Limited Partnership, To Allow Portions Of The Building At 233 Broadway To Encroach Into The Public Right-Of-Way Along 3rd Street And Along Broadway
[15-0926](#)

Attachments: [View Report](#)

Legislative History

5/10/16 *Public Works Committee Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council

S7.16 Subject: BRT Project Final Design Phase Actions
From: Oakland Public Works Department
Recommendation: 1) Receive A Bus Rapid Transit (BRT) Project Update From AC Transit; And
[15-0970](#)

Attachments: [View Report](#)

Legislative History

5/10/16 *Public Works Committee Received and Forwarded to the Meeting of the Oakland City Council

There were 6 speakers on this item.

2) Adopt A Resolution Approving The Alameda - Contra Costa County (AC) Transit District's Construction Impact Mitigation Plan For The East Bay Bus Rapid Transit (BRT) Project Phase II: Infrastructure And Station Platform Construction Program (Bid Package #3) Dated January 13, 2016, As Appended To Include: BRT Corridor - Beneficial Use And Interim Operations Plan (Appendix F), AC Transit Business Technical Assistance Program Description (Appendix G), And BRT Neighborhood Traffic Management Program Description (Appendix H), All Dated March 10, 2016.;
And

[15-0971](#)

Attachments: [View Report](#)

Legislative History

5/10/16 *Public Works Committee Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council

3) Adopt A Resolution Adopting The' Oakland Parking Analysis Dated February 29, 2016 As The Parking Impact Mitigation Plan For The Alameda - Contra Costa County (AC) Transit District's East Bay BRT Project Phase II Construction Program, Adopting The Recommendations Contained Therein, And Authorizing The City Administrator To Reallocate Up To \$300,000 In FY 2015-16 Measure B Funds To Develop A Supplemental BRT Corridor Parking Management Plan
[15-0972](#)

Attachments: [View Report](#)

Legislative History

5/10/16	*Public Works Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
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S7.17 Subject: Amend Composition And Functions Of The Rent Board
From: Councilmember Rebecca Kaplan
Recommendation: Adopt An Ordinance Amending Chapter 8.22 (Rent Adjustment Program) Of The Oakland Municipal Code To: (1) Increase The Number Of Alternate Board Members;And (2) Authorize More Cases Be Heard By Board Appeals Panels [TITLE CHANGE]
[15-0434](#)

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

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE.

FINAL PASSAGE (Second Reading) WILL OCCUR ON JUNE 7, 2016.

Legislative History

1/7/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee <i>The title was amended as follows: "An Ordinance Amending Chapter 8.22 (Rent Adjustment Program) of the Oakland Municipal Code to: (1) Increase the Number of Alternates; (2) Change the Length of the Holdover Period; and (3) Make it easier to hold Appeals Committees"</i>
1/26/16	*Special Community & Economic Development Committee	Continued to the *Community & Economic Development Committee
3/10/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
4/26/16	*Special Community & Economic Development Committee	Continued to the *Community & Economic Development Committee
5/10/16	*Community & Economic Development Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council <i>There were 8 speakers on this item</i>

S7.18 Subject: FEMA Grants For Residential Seismic Retrofits
From: Housing And Community Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Up To A Total Of \$6,000,000 In Hazard Mitigation Grant Program Funds From The Federal Emergency Management Agency And The State Of California Governor's Office Of Emergency Services For (1) A Single-Family Seismic Retrofit Grant Program Up To \$3,000,000 And (2) A Soft Story Apartment Retrofit Grant Program Up To \$3,000,000; And Committing A Total Of \$2,000,000 In Funds Currently Allocated For Residential Rehabilitation And Seismic Retrofits As Required Local Matching Funds

[15-0964](#)

Attachments: [View Report](#)

Legislative History

5/10/16	*Community & Economic Development Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
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S7.19 Subject: 2016 Summer Food Service Program (SFSP)
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Accept The Summer Food Service Program (SFSP) Grant From The California Department Of Education, Nutrition Services Division In An Estimated Amount Of \$416,005 And 2) Enter Into Professional Service Agreements With The San Lorenzo Unified School District In An Amount Not To Exceed \$90,612 And Revolution Foods In An Amount Not To Exceed \$94,270 And Children's Empowerment Inc., In An Amount Not To Exceed \$138,010 To Provide Food Services For The Period June 13,2016 Through August 12, 2016

[15-0938](#)

Attachments: [View Report](#)

Legislative History

5/10/16	*Special Life Enrichment Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
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S7.20 Subject: PMAM Corporation Contract
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To: 1) Award A Contract To PMAM Corporation For The Administration Of The False Alarm Reduction Program For Two (2) Years, Plus Three (3) Discretionary One-Year Extensions, For One Hundred Seventy-Eight Thousand Two Hundred Dollars (\$178,200) Per Year, Contingent Upon Available Funding, For A Total Contract Amount Not To Exceed Eight Hundred Ninety-One Thousand Dollars (\$891 ,000); And 2) Appropriate Said Funds From The False Alarm Fund (2411) Balance For The Administration Of The False Alarm Reduction Program

[15-0927](#)

Attachments: [View Report](#)

Legislative History

5/10/16	*Public Safety Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
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The Committee requested data on the breakdown between commercial vs residential false alarms reports.

S7.21 Subject: Citizen's Police Review Board Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Mya Whitaker, Howard Tevelson And Thomas Cameron To The Citizen's Police Review Board

[15-0882](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

Legislative History

4/7/16	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee
5/12/16	*Rules & Legislation Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council

S7.22 Subject: Citizen's Police Review Board Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Colette McPherson To The Citizen's Police Review Board

[15-0928](#)

Attachments: [View Report](#)

Legislative History

5/12/16	*Rules & Legislation Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
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S7.23 Subject: City Planning Commission Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Clark
Manus To The City Planning Commission
[15-0929](#)

Attachments: [View Report](#)

Legislative History

5/12/16	*Rules & Legislation Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
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S7.24 Subject: Housing, Residential Rent And Relocation Board Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Joanne D. Karchmer To The Housing, Residential Rent And Relocation Board
[15-0916](#)

Attachments: [View Report](#)

Legislative History

4/14/16	*Special Rules and Legislation Committee	Scheduled to the *Rules & Legislation Committee
5/12/16	*Rules & Legislation Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council

S7.25 Subject: Support For SR 69: Urging The Exoneration Of Port Chicago 50
From: Councilmember Desley Brooks And President Pro Tempore Reid
Recommendation: Adopt A Resolution To Support California Senate Resolution 69
(Glazer, Hall, Huff And Mitchell) Which Urges The President And The Congress Of The
United States To Exonerate, Clear The Records Of, Restore Honor To, And Rectify
Federal Mistreatment Of African American Sailors Unjustly Convicted Of Mutiny
Regarding The 1944 Port Chicago Disaster
[15-0917](#)

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

Legislative History

4/14/16	*Special Rules and Legislation Committee	Scheduled to the *Rules & Legislation Committee
5/12/16	*Rules & Legislation Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council

S7.26 Subject: Unites States Embargo On Cuba
From: Councilmembers Kaplan And Guillén
Recommendation: Adopt A Resolution Urging The United States Congress To End
The Trade Embargo On Cuba
[15-0823](#)

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

Legislative History

3/24/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
4/12/16	*Community & Economic Development Committee	Scheduled to the *Rules & Legislation Committee
4/14/16	*Special Rules and Legislation Committee	Scheduled to the *Rules & Legislation Committee
5/12/16	*Rules & Legislation Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council

There was one speaker on this item.

**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: Housing Element Annual Progress Report For Calendar Year 2015
From: Housing And Community Development Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Receive The City
of Oakland's Housing Element Annual Progress Report For Calendar Year 2015
[15-0966](#)

Attachments: [View Report](#)

Legislative History

5/10/16	*Community & Economic Development Committee	Received and Forwarded to the Meeting of the Oakland City Council
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This item is Public hearing on 5/17/2016

9.2 Subject: Lease Disposition & Development Agreement - 7th & Campbell

This item was rescheduled to the June 7, 2016 City Council meeting.

- 9.3** Subject: 2016-2017 Annual Action Plan For CDBG, HOPWA, ESG & HOME
From: Housing And Community Development Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution (1) Authorizing The City Administrator To Prepare And Submit To The U.S. Department Of Housing And Urban Development The Consolidated Annual Action Plan For Fiscal Year 2016-2017; (2) Accepting And Appropriating Funds Totaling \$12,061,766 For The Home , Emergency Solutions Grant, Housing Opportunities For Persons With Aids, And The Community Development Block Grant Programs; (3) Authorizing The City Administrator To Negotiate And Execute Community Development Block Grant Agreements And Amendments To Existing Community Development Block Grant Agreements To Extend 2015-2016 Agreements Through Fiscal Year 2016-2017; (4) Appropriating \$950,000 In Revolving Loan Payments Program Income For Fiscal Year 2016-2017 And Any Amounts In Excess Thereof For Housing Rehabilitation Revolving Fund; And (5) Authorizing The Reprograming Of \$174,630 In Carry-Forward And Program Savings Community Development Block Grant Funding For 2016-2017 Projects

[15-0969](#)

Attachments: [View Report](#)

Legislative History

5/10/16

*Community & Economic
Development Committee

Approve the Recommendation of Staff, and
Forward to the Meeting of the Oakland City
Council

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS ITEM INTENTIONALLY LEFT BLANK

- 11** Subject: Quarterly Reports Regarding Police Training, Policy & Accountability
From: Office Of The City Attorney & Oakland Police Department
Recommendation: Receive The Quarterly Informational Reports To The City Council From The Office Of The City Attorney And Police Department, Regarding Police Training, Policy And Accountability To Provide: (1) Information From The Office Of The City Attorney Regarding Its Efforts To Support The Police Discipline Process And Recent Developments In Police Discipline; (2) The Following Information From The Office Of The City Attorney Regarding Arbitration Decisions Issued During The Preceding Quarter: The Primary Rule Violation(s) At Issue, The Date Of The Arbitration Decision, The Discipline The City Imposed, And The Arbitrator's Finding Regarding The Level Of Discipline; And (3) Information From The Police Department Regarding IAD Investigations, Police Personnel Trainings, Updates To Police Policy, And Recent Developments In Police Discipline [TITLE CHANGE]

[15-0777](#)

Attachments: [View Report A](#)

[View Report B](#)

Legislative History

3/10/16	*Rules & Legislation Committee <i>This item will be heard quarterly at City Council on the third Tuesdays of July, October, January and April of each year thereafter.</i>	Scheduled to the Meeting of the Oakland City Council
5/5/16	*Rules & Legislation Committee	Scheduled to the Meeting of the Oakland City Council

12 Subject: Amendments To Medical Cannabis Ordinances
From: Office Of The City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.80, Medical Cannabis
Dispensary Permits, To Align With California's Medical Marijuana Regulation And
Safety Act And Adopting CEQA Exemption Findings; And
[15-0587](#)

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

2/9/16	*Public Safety Committee	Continued to the *Public Safety Committee
3/24/16	*Rules & Legislation Committee	Scheduled to the *Public Safety Committee
4/26/16	*Public Safety Committee	Approve as Amended the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council

*The Committee approved the recommendations as amended to approve all
future permits as follows:*

- 1) *Equity measures shall be included in the implementation regulations;*
- 2) *Fifty (50) percent of all medical cannabis permits shall be issued to
primary applicants who have lived, for at least one year, in a census track or
police beat which has been heavily and negatively impacted by law enforcement
with respect to cannabis; and*
- 3) *The primary applicant must maintain fifty-one (51) percent ownership of
the operation.*

There were 16 speakers on this item.

4/26/16	*Finance & Management Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
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*The committee approved items 3 and 4, contingent on approval of items 1 and 2
in the Public Safety Committee*

There were 2 speakers on this item

5/3/16

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

Approved As Amended On Introduction and
Scheduled for Final Passage to the Meeting
of the Oakland City Council

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened
at 11:03 p.m.*

47 individuals spoke on this item.

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

*Councilmember Brooks made a motion, seconded by President Pro Tempore
Reid, to approve the Ordinance on introduction as amended as follows:*

1. *Add to Definitions Section 5.80.010 the following: Section M. "General
Application permit" shall mean all applications issued under OMC 5.80 with the
exception of Dispensary Equity Permits issued under section 5.80.040.*

2. *DISPENSARY PERMIT APPLICATION:*

a. *Section 5.80.020 (E) delete the following: "Priority shall be given to
dispensary applications owned and operated by Oakland residents, in particular
applicants owned and operated by Oakland residents in census tracts identified
by the City Administrator as having high unemployment rates."*

b. *Section 5.80.020(E) add the following: "Fifty percent (50%) of all
permits issued under OMC 5.80 shall be issued to an Oakland resident who
meets the Dispensary Equity Permit Program requirements set forth in Section
5.80.050. At no time shall the number of new General Application permits
exceed the number of Dispensary Equity Permits issued by the City
Administrator. The eight (8) existing Dispensary Operators are exempt from the
50% requirement."*

3. *Add the following to Section 5.80.040 - Performance and Operating
Standards:*

i. *Section G. Fifty percent (50%) of all dispensary applications issued
under OMC 5.80 shall be issued to an Oakland resident who meets the
Dispensary Equity Permit Program requirements set forth in Section 5.80.050
below.*

ii. *Section H. At no time shall the number of new General Application
permits exceed the number of Dispensary Equity Permits issued by the City
Administrator.*

4. *Add new Section 5.80.050 -DISPENSARY EQUITY PERMIT PROGRAM:*

i. *Section A: CRITERIA. Applicant must have at least one member who
meets all of the following criteria:*

1. *Be an Oakland resident who,*

2. *Resides for at least two years prior to the date of application in
Oakland Police Department Beats 26Y, 30X, 30Y, 31Z, 32Y, and 34X (Oakland
Police Department Beat Map is attached and incorporated herein by reference);
or those individuals who, within the last ten years, have been previously*

incarcerated for marijuana-related offense as a result of a conviction arising out of Oakland, California;

3. Maintains not less than a 50% ownership in the Dispensary applicant entity, partnership, limited liability corporation, collective, corporation, worker cooperative or other recognized ownership entity; and

4. Prior marijuana or cannabis conviction shall not be a bar to equity ownership.

5. Add the following: Section 5.80.020(4)(h) - That no cannabis or cannabis odors shall be detectable by sight or smell outside of a permitted facility.

6. Renumber the balance of the sections accordingly.

The Council directed the City Administrator to include the following in the implementation regulations:

1. Strengthened Enforcement of Local Hiring Provisions. Strengthen enforcement of local hiring provisions by creating statutory fines for shortfalls and permit revocation for repeated noncompliance. Additionally, onsite consumption permits should be denied to dispensaries that do not meet the local hiring requirements at the time of their application.

5. Advocate for and Assist Formerly Incarcerated Permit Holders with State Suitability Process. Earmark resources for Oakland to proactively lobby on behalf of licensed local businesses during the state licensing process so that business owners with prior criminal offenses will not be frozen out of the state system.

2) An Ordinance Amending Oakland Municipal Code Chapter 5.81, Medical Cannabis Cultivation Facility Permits, To Align With California's Medical Marijuana Regulation And Safety Act And Adopting CEQA Exemption Findings; And
[15-0589](#)

Attachments: [View Report](#)

Legislative History

2/9/16	*Public Safety Committee	Continued to the *Public Safety Committee
3/24/16	*Rules & Legislation Committee	Scheduled to the *Public Safety Committee
4/26/16	*Public Safety Committee	Approve as Amended the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council

5/3/16 Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council
Councilmember Brooks made a motion, seconded by President Pro Tempore Reid, to approve the Ordinance on introduction as amended as follows:

1. *Cultivation, Distribution, And Manufacturing Permit Application. Add to Definitions Section 5.81.020 the following: Section W. "General Application permit" shall mean all applications issued under OMC 5.81 with the exception of Dispensary Equity Permits issued under section 5.81.030.*
2. *On page 8, Section 5.81.030 insert: Section G. Fifty percent (50%) of all permits issued under OMC 5.81 shall be issued to an Oakland resident who meets the Equity Permit Program requirements set forth in Section 5.81.030(H) below. At no time shall the number of General Application permits issued under 5.81 in total exceed the number of Equity Permits under 5.81 in total issued by the City Administrator.*
 - a. *Add Section H. Cultivation, Manufacture, Distribution Equity Permit Program Criteria. Applicant must have at least one member who meets all of the following criteria:*
 1. *Be an Oakland resident who,*
 2. *Resides for at least two years prior to the date of application in Oakland Police Department Beats 26Y, 30X, 30Y, 31Z, 32Y, and 34X (Oakland Police Department Beat Map is attached and incorporated herein by reference); or those individuals who, within the last ten years, have been previously incarcerated for marijuana-related offense as a result of a conviction arising out of Oakland, California;*
 3. *Maintains not less than a 50% ownership in the Dispensary applicant entity, partnership, limited liability corporation, collective, corporation, worker cooperative or other recognized ownership entity; and*
 4. *Prior marijuana or cannabis conviction shall not be a bar to equity ownership.*

3) An Ordinance Amending The FY 2015-16 Master Fee Schedule (Ordinance No. 13320 C.M.S., As Amended) To Modify And Establish Permit Application And Annual Regulatory Fees For City Of Oakland Licensed Medical Cannabis Facilities And Adopting CEQA Exemption Findings
[15-0811](#)

Attachments: [View Report](#)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE.

INTRODUCTION (First Reading) WAS PASSED ON MAY 3, 2016; 8 AYES.

Legislative History

3/24/16	*Rules & Legislation Committee	Scheduled to the *Public Safety Committee
4/26/16	*Finance & Management Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council

4/26/16	*Public Safety Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
5/3/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council

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)

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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.