



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 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, October 18, 2016

5:30 PM

City Council Chamber, 3rd Floor

1 PLEDGE OF ALLEGIANCE

The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 5:34 p.m.

2 ROLL CALL / CITY COUNCIL

Excused 1 - Lynette Gibson McElhaney

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

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

There were 6 speakers on this item.

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

Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Lewis Cook.

President Pro Tempore Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Lewis O'Neal.

President Pro Tempore Reid, Councilmember Brooks, Councilmember Guillen and Vice Mayor Campbell Washington took a point of personal privilege and requested that the meeting be adjourned in memory of Hank Masler.

- 4.1 Subject: Resolution Honoring Daryl Look Upon His Retirement
From: Vice Mayor Campbell Washington
Recommendation: Adopt A Resolution Honoring Daryl Look, Principal Human Resource Analyst, Upon His Retirement After 18 Years Of Dedicated Public Service To The City Of Oakland And A Total Of 28 Years In The Public Sector
[16-0261](#)

Attachments: [No Report](#)

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

Excused: 1 - Gibson McElhaney

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

- 4.2 Subject: National Childhood Lead Poisoning Prevention Week
From: Council President Lynette Gibson McElhaney
Recommendation: Adopt A Resolution Declaring October 23rd To October 29th As National Childhood Lead Poisoning Prevention Week
[16-0289](#)

Attachments: [View Report](#)

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

Excused: 1 - Gibson McElhaney

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

- 4.3 Subject: Honoring The Bay Area Urban Debate League
From: Councilmember Kalb And Council President Gibson McElhaney
Recommendation: Resolution Honoring The Bay Area Urban Debate League For Their Contributions To Oakland Public Schools
[16-0296](#)

Attachments: [View Report](#)

[Supplemental Report](#)

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

Excused: 1 - Gibson McElhaney

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

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF OCTOBER 4,
2016
[16-0298](#)

Attachments: [View Report](#)

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

Excused: 1 - Gibson McElhaney

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

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):

Councilmember Guillen requested that Item 9.1 be pulled from the agenda.

Councilmember Kalb requested that item S17 be heard first on the non-consent portion of the agenda.

Councilmember Gallo requested to speak on item 7.19.

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 Desley Brooks, seconded by Noel Gallo, that this matter be Referred to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 11/1/2016.

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

This City Resolution be Referred to go before the Concurrent Meeting of the
Oakland Redevelopment Successor Agency and the City Council to be heard
11/1/2016

7 CONSENT CALENDAR (CC) ITEMS:

There were 7 speakers on this item.

Approval of the Consent Agenda

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

Excused: 1 - Gibson McElhaney

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

- 7.1** Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The Human Immunodeficiency Virus ("HIV") / Acquired Immunodeficiency Syndrome ("AIDS") Epidemic
[16-0264](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.2** Subject: Medical Cannabis Health Emergency
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland
[16-0265](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.3 Subject: Appointment To The Cannabis Regulatory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Appointment Of Zachary Knox
As A Member Of The Cannabis Regulatory Commission
[16-0247](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.4 Subject: Appointment Of The Oakland Housing Authority Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Janny
Castillo And Lynette Jung Lee For Four-Year Terms, And Barbara Montgomery And
Marlene Hurd For Two-Year Tenant Terms To The Oakland Housing Authority Board
[16-0249](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.5 Subject: Housing, Residential Rent And Relocation Board
From: Office of the Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Debrenia Madison To The Housing, Residential Rent And Relocation Board
[16-0104](#)

Attachments: [View Report](#)

[Supplemental Report](#)

This City Resolution was Adopted.

- 7.6 Subject: Graffiti Abatement Mural And Green Wall Funds To (SPAGGIA)
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution Authorizing A Grant Not To Exceed \$9,000
From Councilmember Kalb's Graffiti Abatement Mural And Green Wall Funds To San
Pablo Avenue Golden Gate Improvement Association (SPAGGIA) For A Mural On
The Property At 950 57th Street (The Warehouse Wall Of Glow Glass Art Studio) In
Oakland
[16-0295](#)

Attachments: [View Report](#)

[Supplemental Report](#)

This City Resolution was Adopted.

- 7.7** Subject: Council President McElhaney Travel Reimbursement
From: Council President Lynette Gibson McElhaney
Recommendation: Adopt A Resolution Authorizing Reimbursement For Council
President Lynette Gibson McElhaney's Costs Of Approximately \$1,521.23 From The
Council Contingency Fund For Travel To Washington, DC For Attendance At The
Annual Legislative Conference Of The Congressional Black Caucus From September
14 - 18, 2016

[16-0290](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.8** Subject: Travel Authorization - Council Member Brooks
From: Council Member Desley Brooks
Recommendation: Adopt A Resolution Authorizing Councilmember Brooks To Travel
To Denver, Colorado To Attend The Denver Marijuana Management Symposium
From October 26 - 29, 2016

[16-0287](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.9** Subject: Claim Of Samyah Zachery
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Claim Of Samyah Zachery, In The Amount Of Six
Thousand Dollars And 00/100 Cents (\$6,000.00) As The Result Of Damages
Sustained From An Automobile Collision On May 7, 2015 (Oakland Police Department
- Automobile Collision)

[16-0293](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.10** Subject: Settlement Agreement - Herb Levine 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 Herb Levine V. City Of Oakland, Alameda
 County Superior Court Case RG15769001 In The Amount Of Ten Thousand Dollars
 And No Cents (\$10,000.00) As A Result Of Trip And Fall Personal Injury On June 6,
 2014 (Oakland Public Works - Dangerous Condition)
 [16-0292](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.11** Subject: Partial Settlement Of Municipal Derivatives Antitrust Litigation
 From: Off Of The City Administrator
 Recommendation: Adopt A Resolution Approving Partial Settlement Of In Re
 Municipal Derivatives Antitrust Litigation, United States District Court Southern District
 Of New York, MDL No. 1950, Authorizing Acceptance Of Payment From UBS AG Of
 \$75,000.00, Acceptance Of Payment From Piper Jaffray & CO. Of \$45,000.00, And
 Acceptance Of Payment From Natixis Funding CORP. Of \$70,000.00 In Exchange
 For Dismissal Of The City's Lawsuit Against These Defendants
 [16-0294](#)

Attachments: [View Report](#)

[Supplemental Report](#)

This City Resolution was Adopted.

- S7.12** Subject: Winter Shelter FY 2016-2017
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Take The Following Actions To Provide Winter Shelter And Winter Relief Efforts For The Period Of November 1,2016 Through April 30,2017: 1. Accept And Appropriate Up To \$150,000 From Alameda County And Up To \$30,000 From City Of Emeryville For North County Winter Relief Efforts; 2. Enter Into A Grant Agreements With The Following Agencies In The Following Amounts: Society Of Saint Vincent De Paul Of Alameda County In An Amount Not To Exceed \$250,000; Bay Area Community Services In An Amount Not To Exceed \$91,389; Covenant House California In An Amount Not To Exceed \$8,000; 3. Amend The Grant Agreements With The Following Agencies In The Following Amounts: St. Mary's Center In An Amount Not To Exceed \$17,000; East Oakland Community Project (EOCP) In An Amount Not To Exceed \$22,000; And 4. Accept And Appropriate Any Additional Winter Relief Funds From Alameda County, The City Of Emeryville, And Any Other Sources During The Period Of November 1, 2016 Through April 30, 2017, And Amend The Above Grant Agreements To Increase The Grant Amounts Or Extend The Grant Term And Execute New Grant Agreements For Additional Winter Relief Efforts Without Returning To Council
[16-0240](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- S7.13** Subject: Oakland Symphony Youth Orchestra Week.
From: Councilmember J Guillen And Vice Mayor Campbell Washington
Recommendation: Adopt A Resolution Proclaiming October 18 - October 25, 2016 As Oakland Symphony Youth Orchestra Week
[16-0251](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- S7.14** Subject: Lifelong Medical Care Fiscal Year 2016-2017
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Grant Agreement With Lifelong Medical Care In An Amount Not To Exceed \$200,000 For The Provision Of Homeless Services At Several Permanent Supportive Housing Sites For The Period Of July 1, 2016 To June 30, 2017
[16-0180](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- S7.15** Subject: Rehabilitation Of Sanitary Sewers
From: Oakland Public Works
Recommendation: Adopt A Resolution Awarding A Construction Contract To Pacific Trenchless, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications For The Rehabilitation Of Sanitary Sewers In The Area Bounded By 39th Avenue, Mountain Boulevard, Reinhardt Drive, And Highway 13 (Project No. C329148) And With Contractor's Bid In The Amount Of Two Million Five Hundred Thirty-Nine Thousand Four Hundred Forty-Seven Dollars (\$2,539,447.00)

[16-0181](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- S7.16** Subject: Mills Act Contracts
From: Planning And Building Department
Recommendation: Adopt A Resolution, As Recommended By The Landmarks Preservation Advisory Board, Approving Four (4) Mills Act Contracts Between The City Of Oakland And The Properties At 523 41st Street (Estimated \$4,589/Year Property Tax Reduction), 1824 Myrtle Street (Estimated \$3,045/Year Property Tax Reduction), 1733 10th Street (Estimated \$2,738/Year Property Tax Reduction), And 1506 Linden Street (Estimated \$4,482/Year Property Tax Reduction), Pursuant To Ordinance No. 12987 C.M.S., To Provide Property Tax Reductions In Exchange For Owners' Agreement To Repair And Maintain Historic Properties In Accordance With Submitted Work Programs

[16-0182](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- S7.17** Subject: Vacate A Portion Of Poplar Street.
From: Oakland Public Works Department
Recommendation: Adopt A Resolution To Summarily Vacate A Portion Of Poplar Street, A Public Right-Of-Way, From Its Intersection At 5th Street To Its Intersection With 7th Street, To Facilitate Development Of A Mixed-Use Transit Oriented Development Project At 500 Kirkham Street, And Adopt CEQA Findings

[16-0183](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

S7.18 Subject: MLK Streetscape Project
From: Oakland Public Works
Recommendation: Adopt A Resolution Awarding A Construction Contract To Ray's Electric, The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications And Contractor's Bid For The MLK Jr. Streetscape Improvements Project (Project No. P414240) In The Amount Of Two Million Three Hundred Sixty-Eight Thousand Nine Hundred Eighty-Seven Dollars And Fifty Cents (\$2,368,987.50)

[16-0184](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

S7.19 Subject: Illegal Dumping And Graffiti Witness Rewards Fund
From: Office Of The City Administrator
Recommendation: Adopt A Resolution To Make Permanent And Retroactive To January 1, 2016, The Rewards Fund For Illegal Dumping And Graffiti Witnesses Who Provide Information That Leads To Successful Enforcement Actions

[16-0186](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

S7.20 Subject: Major Encroachment Permits
From: Oakland Public Works Department
Recommendation: Adopt A The Following Pieces Of Legislation

1) A Conditional And Revocable Major Encroachment Permit To 2400 Valdez, LLC To Allow Portions Of The New Building Above Sidewalk At 2450 Valdez Street To Encroach Into The Public Right-Of-Way Along 27th Street, 24th Street, And Valdez Street And;

[16-0188](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

2) Resolution Granting A Conditional And Revocable Major Encroachment Permit To Bright Homes, LLC To Allow Portions Of The Existing Building At 1502 8th Street To Encroach Into The Public Right-Of-Way Along Chester Street And 8th Street And;

[16-0189](#)

This City Resolution was Adopted.

3) Resolution Granting A Conditional And Revocable Major Encroachment Permit To CRP/WRP Alta Waverly Owner, LLC, A Delaware Liability Company To Allow Portions Of The New Building At 2302 Valdez Street To Encroach Into The Public Right-Of-Way Along Waverly Street, 23rd Street, And 24th Street

[16-0190](#)

This City Resolution was Adopted.

S7.21 Subject: Peralta Street Streetscape Project
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Awarding A Construction Contract To McGuire & Hester Inc. The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications For The Construction Of Peralta Street Streetscape Project (Project No. P414250) In The Amount Of Three Million Seven Twenty Three Thousand Dollars (\$3,723,000.00).

[16-0191](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

S7.22 Subject: Oakland PATH Rehousing Initiative (OPRI) With Abode Services
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Amend The 2016-2017 Oakland Path Rehousing Initiative Grant Agreement With Abode Services To Increase The Grant Amount By \$354,168 For The Provision Of Permanent Housing And Supportive Services, And 2) Amend The 2016-2017 Oakland Path Rehousing Initiative Grant Agreement With First Place For Youth To Increase The Grant Amount By \$72,050 For The Provision Of Permanent Housing And Supportive Services

[16-0192](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

S7.23 Subject: OFCY School Base After School Learning For Life Transfer
From: Human Services Department
Recommendation: Adopt A Resolution Amending Resolution No. 86226 C.M.S.
Regarding Oakland Fund For Children And Youth (OFCY) Grants For Children And
Youth Services To (1) Delete "San Francisco Bay Area Council, Learning For Life" As
The Awardee Of Grants Id Numbers 73 And 74 And (2) Add The Award Of Grants Id
Numbers 73 And 74 To Bay Area Community Resources And Safe Passages
Respectively, In The Same Amounts And Terms
[16-0193](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

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

The City Attorney reported 4 final actions made in closed session.

A motion was made by Noel Gallo, seconded by Abel J. Guillén, that this matter
be Approve as Submitted. The motion carried by the following vote:

Excused: 1 - Gibson McElhaney

Abstained: 1 - Brooks

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

**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:**

- S17** Subject: Measure C1 (AC Transit Parcel Tax Renewal)
 From: Councilmember Dan Kalb
 Recommendation: Adopt A Resolution In Support Of Measure C1 That Would Renew
 The Alameda Contra Costa Transit District's Parcel Tax To Continue To Fund The
 District's Operations And Maintenance

[16-0320](#)

Attachments: [View Report](#)

This item was heard at 6:33 p.m. as the first item on the non-consent portion of the agenda.

Councilmember Kalb made a motion, seconded by Councilmember Kaplan to approve the urgency finding on this item for the following reasons: informing voters, who are already voting in the General Election, to give them direction. The motion passed with a vote of 7 Ayes, 1 Excused - Gibson McElhaney.

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

Excused: 1 - Gibson McElhaney

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

- 9.1** 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](#)

Attachments: [View Report](#)

Upon reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 6:58 p.m.

A motion was made by Abel J. Guillén, seconded by Dan Kalb, that this matter be Continued to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 11/1/2016. The motion carried by the following vote:

Excused: 1 - Gibson McElhaney

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

- S9.2** Subject: 2015/16 Consolidated Annual Performance & Evaluation Report
From: Department Of Housing And Community Development
Recommendation: Conduct A Public Hearing And Upon Conclusion Recieve An Informational Report On The Submission To The U.S. Department Of Housing & Urban Development, The City's Consolidated Annual Performance And Evaluation Report For Fiscal Year 2015/16 Community Development Block Grant, HOME Investment Partnerships, Housing Opportunities For Persons With AIDS, And Emergency Solutions Grant Programs
[16-0185](#)

Attachments: [View Report](#)

Upon the reading of Item S9.2 by the City Clerk, the Public Hearing was opened at 7:52 p.m.

Council requested that the City Administration look to see that the advertisements for public comment are targeted to reach the constituents for whom comments are sought.

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

Excused: 1 - Gibson McElhaney

Aye: 6 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, and Kaplan

Absent: 1 - Reid

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

- 11** Subject: BRT Business Technical Assistance Professional Services Agreement
From: Housing And Community Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Enter Into Professional Services Agreement Not-To-Exceed \$965,000 With Anewamerica Community Corporation And Not-To-Exceed \$965,000 With Mason Tillman Associates, LTD To Provide Technical Assistance For Businesses Along The Bus Rapid Transit Route In Oakland Effective October 19, 2016 Through September 30, 2018
[16-0258](#)

Attachments: [View Report](#)

There was 1 speaker on this item.

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

Excused: 1 - Gibson McElhaney

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

- 12** Subject: 2015-2016 Alameda County Grand Jury Reports/City of Oakland
From: Office Of The City Administrator
Recommendation: Receive The Response Prepared By The Public Ethics
Commission To The 2015-2016 Alameda County Grand Jury Final Report Titled
“Political Interference With Oakland Townhouse Project” And Authorize The Council
President Pro Tempore To Submit A Response On Behalf Of The City Council To The
Grand Jury Report
[16-0242](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

There were 6 speakers on this item.

Council requested that the response to the Grand Jury address item 16-3 stating that Council affirms its intention to hold a hearing, Council will follow its procedure, and a censure item will be heard at Rules and Legislation Committee on 10/20/2016 in order to have it scheduled.

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

Excused: 1 - Gibson McElhaney

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

- 13 Subject: 2015-2016 Alameda County Grand Jury Reports/City of Oakland
From: Office Of The City Administrator
Recommendation: Receive The Draft Informational Response Prepared By The City Administration And Authorize The City Council President To Co-Sign With The Mayor A Response To The 2015-2016 Alameda County Grand Jury Final Report Titled "City Of Oakland's Costly Pursuit Of Zero Waste Franchise Contracts."
[16-0241](#)

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

There were 4 speakers on this item.

The amendments were as follows:

- 1. Number 16-6 of Findings change in the Status of Implementation second sentence to read: "... An area where this was not the case was for commercial organics collection services..."*
- 2. Number 16-7 of Findings change in the Administration Response to "Partially" Disagree, noting this amendment by Councilmember Kaplan.*
- 3. Number 16-9 of Findings change the second sentence in the Status of Implementation as follows: "The official contracting process was interrupted and superseded by the WMAC lawsuit and the resulting negotiations and settlement, which resulted in the "subsequent negotiation with City Staff and" conclusion of the new contracts very close in time to the termination of the prior contracts."*
- 4. Number 16-12 of Findings change in the Administration Response to "Partially" Agree and add in the Status of Implementation as last sentence stating: "For those ratepayers in Oakland paying for ancillary services such as push/pull, the total costs may be higher as these push/pull services were previously provided free of charge."*
- 5. Number 16-5 of Recommendations change in the Administration Response to "Agree."*
- 6. Number 16-8 of Recommendations add in the Status of Implementation last sentence as: "The City Council also may choose to retain an expert financial analyst to review contractor proposals."*
- 7. Number 16-9 of Recommendations strike first sentence in the Status of Implementation column, which reads: "The City does not agree that the Grand Jury report identifies shortcomings needing correction in any of the three franchises that the City executed at the end of this RFP process." Additionally add: "For the next contracting process:..." Additionally in the Status of Implementation item c) remove "may" and replace with "will."*

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

Excused: 1 - Gibson McElhaney

Abstained: 2 - Campbell Washington, and Guillén

Aye: 5 - Brooks, Gallo, Kalb, Kaplan, and Reid

S14 Subject: Infrastructure Affordable Housing Bond Enabling Ordinance
 From: Office Of The City Administrator
 Recommendation: Adopt An Resolution Of Intent To Establish A Grant Program To
 Qualified Low-Income Senior And Disabled Resident Property Owners To Offset
 Taxes Resulting From The Proposed Ordinance To Authorize The Issuance Of
 \$600,000,000 In General Obligation Bonds To Fund Various City Infrastructure And
 Affordable Housing Projects (Measure KK)
[16-0260](#)

Attachments: [View Report](#)

[Supplemental Report](#)

City Clerk noted the change in the agenda from the previously distributed 10-day agenda and clarified that the vote on this item refers to the Resolution only, not the Ordinance presented previously on the 10-day agenda.

There were 7 speakers on this item.

Councilmember Guillen made a motion, seconded by Vice Mayor Campbell Washington to approve the urgency finding on this item for the following reasons: For the purposes of informing the voters, who will be voting in the General Election it is urgency for the City Council to take an action. The motion passed with a vote of 7 Ayes, 1 Excused - Gibson McElhaney.

Council President Gibson McElhaney was noted present at 9:42 p.m.

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

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

S15 Subject: Local Hiring And Contracting
From: President Pro Tem Larry Reid And Councilmember Rebecca Kaplan
Recommendation: Adopt The Following Pieces Of Legislation:
1) Resolution Amending: A) Resolution No. 69687 C.M.S. Passed February 2, 1993,
Authorizing The Local Employment Program, And B) Resolution No. 74762 C.M.S.,
Passed January 29, 1999, Authorizing A Pilot Apprenticeship Program, Both Of Which
Require Contractors To Hire Oakland Residents To Implement Program Revisions;
And
[16-0197](#)

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

Councilmember Guillen was excused at 9:45 p.m.

There were 12 speakers on this item.

The amendments submitted by President Pro Tempore Reid are as follows:

- 1. Add to the end of the title of the Resolution: "... requiring Contractors To Hire Oakland Residents To Implement Program Revision"*
- 2. Third-to-last "Whereas" clause revise adding the language to read: "... 15% Oakland Apprenticeship Utilization Policy; and..."*
- 3. Second-to-last "Whereas" clause to read as follows: "... the program revisions recommended at this time are designed to focus on employment of disadvantaged Oakland residents, providing special consideration of vulnerable population sectors such as ex-offenders, and formerly incarcerated individuals, youth and females living below the poverty level, Oakland graduates of pre-apprenticeship programs, and residents of targeted zip codes within Oakland; and..."*
- 4. "Resolved" clause to read as follows: "...The Local Employment Program and 15% Oakland Apprenticeship Utilization Policy contained in the City's Local and Small Local Business Enterprise Program shall be revised as follows:..."*
- 5. Under the "Resolved" clause, item number 3 revise to read as follows: "To require initial prioritization of employment of disadvantaged workers, including vulnerable population sectors such as ex-offenders and formerly incarcerated individuals, youth and females living below the poverty level, and Oakland graduates of pre-apprenticeship programs, residing in targeted Oakland zip codes;"*

Councilmember Brooks requested that there be a requirement for the Union Halls check all 9 Bay Area counties for Oakland residents when awarding employment prior to giving employment to non-Oakland residents. Additionally to include a real-time reporting to check during a contract if residents of Oakland are being hired.

A motion was made by Desley Brooks, seconded by Noel Gallo, that this matter be Adopted as Amended. The motion carried by the following vote:

Excused: 1 - Guillén

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

2)An Ordinance Amending Ordinance Number 12388 C.M.S., Adopted December 18, 2001, To Authorize Revision Of The Local. Employment And Apprenticeship Programs By Resolution

[16-0262](#)

This Ordinance be No Action Taken.

S16 Subject: Appointment To Housing, Residential Rent And Relocation Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Kevin Blackburn To The Housing, Residential Rent And Relocation Board
[16-0196](#)

Attachments: [View Report](#)

Councilmember Brooks left the meeting at 10:24 p.m.

Council President Gibson McElhaney made a motion, seconded by Councilmember Kalb to approve the urgency finding on this item. The motion passed with a vote of 7 Ayes, 1 Absent - Brooks.

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

Excused: 1 - Guillén

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

Absent: 1 - Brooks

S18 Subject: Resolution In Support Of Proposition 59
From: Councilmember Kaplan and Councilmember Kalb
Recommendation: Adopt A Resolution In Support Of Proposition 59, To Overturn The Citizens United Act Advisory Question
[16-0299](#)

Attachments: [View Report](#)

Councilmember Kaplan made a motion, seconded by Councilmember Kalb to approve the urgency finding on this item for the following reasons: For the puposes of informing the voters, who are already voting in the General Election it is urgent for the City Council to take an action. The motion passed with a vote of 7 Ayes, 1 Absent - Brooks

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

Excused: 1 - Guillén

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

Absent: 1 - Brooks

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 Lewis Cook, Lewis O'Neal and Hank Mazel at
10:27 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.**