



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 2, 2018

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 5:30 p.m.

2 ROLL CALL / CITY COUNCIL

Vice Mayor Campbell Washington arrived at 5:33P.M.

Excused 2 - Desley Brooks, and Laurence E. Reid

Present 6 - Annie Campbell Washington, Noel Gallo, Lynette McElhaney, Abel J. Guillén, Dan Kalb, and Rebecca Kaplan

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

11 speakers spoke during Open Forum.

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

Councilmember McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Beatriz Lane

Councilmember Gallo took a point of personal privilege and requested that the meeting be adjourned in memory of Patricia Sierra

Councilmember McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Mariah Davis

Councilmember McElhaney, Councilmember Guillen and Vice Mayor Campbell Washington took a point of personal privilege and requested that the meeting be adjourned in memory of Keshawn Harley

- 4.1 Subject: Update On State Of The City
From: Office Of The Mayor
Recommendation: Receive An Oral Update From Mayor Libby Schaaf Regarding State
Of The City
[18-0891](#)

4 speakers spoke on this item

This Informational Report be Received and Filed.

- 4.2 Subject: Rose Foundation For Communities & The Environment's 25th Anniversary
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution Celebrating The Rose Foundation For
Communities And The Environment's Twenty-Five Years In Oakland
[18-0898](#)

Attachments: [View Report](#)

[View Supplemental Report 9/28/2018](#)

[87351 CMS](#)

**A motion was made by Dan Kalb that this matter be Adopted. The motion carried
by the following vote:**

Excused: 2 - Brooks, and Reid

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

NO VOTE: 0

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF SEPTEMBER 17,
2018
[18-0913](#)

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

Excused: 2 - Brooks, and Reid

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

NO VOTE: 0

- 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:

Approval of the Consent Agenda

There were 9 speakers on this item.

A motion was made by McElhaney, seconded by Campbell Washington, to approve the Consent Agenda. The motion carried by the following vote:

Excused: 2 - Brooks, and Reid

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

NO VOTE: 0

- 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
[18-0914](#)

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[87352 CMS](#)

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
[18-0915](#)

Attachments: [View Report](#)
[87353 CMS](#)

This City Resolution was Adopted.

- 7.3 Subject: Extension Of The Moratorium On Substantial Rehabilitation Exemptions
From: Councilmembers Kaplan And Kalb
Recommendation: Adopt An Ordinance Extending By Up To 180-Days Ordinances No. 13481 C.M.S. And 13465 C.M.S. That Imposed A Temporary Moratorium On Substantial Rehabilitation Exemptions From The Residential Rent Adjustment Ordinance (O.M.C. Section 8.22.030.B.2.)
[18-0874](#)

Attachments: [View Report](#)
[13503 CMS](#)

This Ordinance was Approved for Final Passage.

- 7.4 Subject: Cannabis Ordinance Technical Amendments
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Permitting Requirements For Medical And Adult-Use Cannabis Dispensaries, Cultivation, Manufacturing And Other Facilities (Chapters 5.80 And 5.81 Of The Oakland Municipal Code) To: 1) Delete Section 5.81.110(B), Which Prohibits Enforcement Of Violations Of Chapter 5.81 Once A Permit Application Is Pending; 2) Align Chapter 5.81 Permit Types With State Law By Adding Packaging And Infusion Permit Categories; 3) Limit The Number Of Dispensary Permits To Two Per Individual Or Entity; 4) Clarify The Distance Requirements Between Cannabis Facilities And Schools; 5) Limit The Number Of Special Event Permits For Cannabis Activities; 6) Allow Ancillary Cannabis Activities, Including But Not Limited To Packaging, Distribution, And Infusion, At The Site Of A Permitted Dispensary; And 7) Add A Public Notice Requirement For All Cannabis Uses Within 300 Feet Of A Residential Zone

[NEW TITLE]
[18-0679](#)

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[View Supplemental Report 7-13-2018](#)
[View Supplemental Report 7-20-2018](#)
[View Supplemental Report 9-21-2018](#)
[13504 CMS](#)

This Ordinance was Approved for Final Passage.

- 7.5 Subject: Clean Air Day Resolution
From: Councilmember Kalb And Councilmember McElhaney
Recommendation: Adopt A Resolution Supporting California's First Clean Air Day And Recognizing October 3, 2018 As Clean Air Day In The City Of Oakland
[18-0895](#)

Attachments: [View Report](#)
[View Supplemental Report 9/27/2018](#)
[87354 CMS](#)

This City Resolution was Adopted.

- 7.6 Subject: Resolution Authorizing Grant For Attitudinal Healing Connection
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Authorizing A Grant Of \$2,000 From Councilmember Kaplan's Graffiti Abatement Mural And Green Wall Funds To Attitudinal Healing Connection For A Mural On 32nd Street Between San Pablo Avenue And Filbert Street
[18-0901](#)

Attachments: [View Report](#)
[87355 CMS](#)

This City Resolution was Adopted.

- 7.7 Subject: Settlement Agreement - Michael Lewis And Lisa Lewis 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 Michael Lewis And Lisa Lewis V. City Of Oakland, Alameda County Superior Court Case No. RG16842881, City Attorney's File No. 31268, In The Amount Of One Million Seven Hundred And Fifty Thousand Dollars And Zero Cents (\$1,750,000.00) (Office Of Public Works - Wrongful Death)
[18-0921](#)

Attachments: [View Report](#)
[87356 CMS](#)

This City Resolution was Adopted.

7.8 Subject: Settlement Agreement - Nancy McAfee, Et Al. 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: Nancy McAfee, Et Al. V. City Of Oakland, Alameda County Superior Court Case No. RG17846121 In The Amount Of One Million Dollars And No Cents (\$1,000,000.00) Arising From A January 12, 2016 Trip-And-Fall Incident On The Sidewalk On The 5700 Block Of Dover Street (Department Of Transportation - Trip And Fall)
[18-0922](#)

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[87357 CMS](#)

This City Resolution was Adopted.

7.9 Subject: Resolution In Support Of Props 1 & 2
From: Councilmember Kalb And President Reid
Recommendation: Adopt A Resolution In Support Of Proposition 1, The Housing Programs And Veterans' Loans Bond, And Proposition 2, Use Millionaire's Tax Revenue For Homelessness Prevention Housing Bonds Measure
[18-0824](#)

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[87358 CMS](#)

This City Resolution was Adopted.

S7.10 Subject: Board Of Port Commissioners Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Appointment Of Yui Hay Lee To The Board Of Port Commissioners
[18-0878](#)

Attachments: [View Report](#)
[87359 CMS](#)

This City Resolution was Adopted.

S7.11 Subject: Economic And Workforce Development Strategy
From: Economic Development Department
Recommendation: Receive An Informational Report On The Progress Implementing
Oakland's Economic Development Strategy For 2018-2020
[18-0900](#)

Attachments: [View Report](#)

This Informational Report was Received and Filed.

S7.12 Subject: Sugar Freedom Project One-Time Grant
From: Human Service Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A
Grant Agreement With Tigra Transnational Institute For Grassroots Research And Action
As The Fiscal Sponsor Of The Sugar Freedom Project In An Amount Not To Exceed
\$200,000 For The Sugar Freedom Project To Provide Community-Based Outreach To
Oakland Communities Most Impacted By Sugar-Sweetened Drinks From October 1,
2018 Through June 30, 2020
[18-0892](#)

Attachments: [View Report](#)

[87360 CMS](#)

This City Resolution was Adopted.

S7.13 Subject: Pilot Workforce Development Program For Unsheltered Persons
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A
Grant Agreement With Downtown Streets, Inc. In An Amount Not To Exceed \$85,000 To
Provide A Pilot Workforce Development Program For Unsheltered Persons
Commencing October 1, 2018 And Ending December 31, 2019, And Amend The Grant
Agreement To Increase The Grant Amount Within The Grant Term If Additional Funds
Become Available
[18-0866](#)

Attachments: [View Report](#)

[87361 CMS](#)

This City Resolution was Adopted.

S7.14 Subject: FY 2018-19 Head Start Cost Of Living Allocation
From: Human Services Department
Recommendation: Adopt A Resolution To: 1) Authorize The City Administrator To Accept And Appropriate The Head Start /Early Head Start Cost Of Living Adjustment In An Estimated Amount Of \$420,829, And 2) Authorize The Addition Of 3.00 Full Time Equivalent Positions To Provide Early Education Services To Families And Children, And 3) Authorize A General Purpose Fund Contribution In An Estimated Amount Of \$52,767 To Offset Associated Central Services Overhead Charges For Fiscal Year 2018-19
[18-0865](#)

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[87362 CMS](#)

The Council amended the Resolution to change the classification of "Program Analyst II" to "Administrative Analyst II".

This City Resolution be Adopted as Amended.

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

The report of the City Attorney of two (4) final decision made during closed session:

1) The Case of Michaela A. Morales v. City of Oakland, et al. Alameda County Superior Court Case No. RG15762482 The City Council approved a settlement in the amount \$93,750 towards a total settlement of \$125,000 - \$33,250 to be paid by California Nurses Association This case arose out of incidents that occurred on August 7, 2013 . The motion authorizing the settlement was made by Councilmember Kaplan, seconded by Councilmember McElhaney, and passed. Councilmember Brooks and President Reid were excused

2) The claim of Gregory Nuti, The City Council approved a settlement in the amount \$44,926.00 This case arose out of incidents that occurred on February 15, 2017. The motion authorizing the settlement was made by Vice Mayor Campbell Washington, seconded by Councilmember McElhaney, and passed. Councilmember Brooks and President Reid were excused

3) The claim of Martin and Jennifer Clevinger. The City Council approved a settlement in the amount \$67,804.49 This case arose out of incidents that occurred on December 10, 2016. The motion authorizing settlement was made by Councilmember Kaplan, seconded by Councilmember Gallo, and passed. Councilmember Brooks and President Reid were excused.

*4) The claim of Simone and Micah Koga. The City Council approved a settlement in the amount \$41,351.97
This case arose out of incidents that occurred on January 10, 2017. The motion authorizing settlement was made by Councilmember Gallo, seconded by Vice Mayor Campbell Washington, and passed. Councilmember Brooks and President Reid were excused.*

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

Excused: 2 - Brooks, and Reid

Aye: 5 - Campbell Washington, Gallo, Guillén, Kalb, and Kaplan

Absent: 1 - McElhaney

NO VOTE: 0

**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:**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: Public Bank Feasibility Study Prepared By Global Investment Company
From: Finance Department
Recommendation: Receive An Informational Report On Multi-Jurisdictional Public Bank
Feasibility Study Prepared By Global Investment Company (GIC)

[18-0698](#)

Attachments: [View Report](#)

[View Supplemental Report 9-21-18](#)

There were 12 speakers on this item

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

Excused: 2 - Brooks, and Reid

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

NO VOTE: 0

- 12 Subject: OTS STEP Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Grant Funds In The Amount Of Five Hundred Thousand Dollars (\$500,000) Dollars From The State Of California, Office Of Traffic Safety (OTS), For The Fiscal Year 2018-2019 Selective Traffic Enforcement Program (STEP) To Be Administered By The Oakland Police Department (OPD), And To Authorize The General Purpose Services Fund To Contribute Sixty Five Thousand Eight Hundred And One Dollars (\$65,801) To Cover The Central Services Overhead (CSO) Charges
[18-0822](#)

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[87363 CMS](#)

The Council approved staff recommendation as amended to include 1) Ensure we are complaint with court ordered mandate as it pertains to racial and demographic data 2) Work with Department of Transportation, Bike and Pedestrian Commissions to identify hot spots where danger occurs 3) Emphasize education correction instead of punitive correction

*This motion passed with a vote of 6 Ayes: Campbell Washington, Gallo, Kalb, Kaplan, McElhaney, Guillen and
2 Excused: Brooks and Reid*

There were 3 speakers on this item

A motion was made that this matter be Adopted as Amended. The motion carried by the following vote:

Excused: 2 - Brooks, and Reid

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

NO VOTE: 0

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 Beatrice Lane, Mariah Davis, Keyshawn Harley and Patricia Sierra at 9:14 p.m.

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