



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

Tuesday, November 5, 2019

4:30 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

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 4:47p.m.

2 ROLL CALL / CITY COUNCIL

Present 8 - Dan Kalb, Larry Reid, Lynette McElhaney, Noel Gallo, Sheng Thao, Loren Taylor, Nikki Bas, and Rebecca Kaplan

- 4.2** Subject: Recognizing November 2019 As "Native American Heritage Month"
From: Councilmember Gallo
Recommendation: Adopt A Resolution Recognizing November 2019 As Native American Heritage Month In The City Of Oakland To Honor And Celebrate The Culture, Traditions, And Contributions Of Native American Communities
18-2357

Attachments: [View Report](#)

The Agenda was modified to show item 4.2 heard before Open Forum

The Roll call was modified to show Councilmember Gall present at 4:50 p.m.

The Roll call was modified to show Vice Mayor Reid and Council President Pro Tempore Kalb present at 4:50 p.m.

The Roll call was modified to show Councilmember McElhaney present at 5:02 p.m.

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

Aye: 8 - Kalb, Reid, McElhaney, Gallo, Thao, Taylor, Bas, and Kaplan

NO VOTE: 0

- 4.1** Subject: State Of The City
From: Office Of The Mayor
Recommendation: Receive An Oral Update From Mayor Libby Schaaf Regarding State of The City
18-2384

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

39 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 Kamaiu Sol Bailey

Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Elijah Cummings, John Conyers and Angela Dunakin and

**5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF OCTOBER 15, 2019
18-2359**

Attachments: [View Report](#)

A motion was made by Loren Taylor, seconded by Sheng Thao, that this matter be Approved. The motion carried by the following vote:

Aye: 5 - Kalb, Thao, Taylor, Bas, and Kaplan

Absent: 3 - Reid, McElhaney, and Gallo

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):**

Councilmember McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Kamaui Sol Bailey

Councilmember Vice Mayor Reid took a point of personal privilege and requested that the meeting be adjourned in memory of John Conyers, Elijah Cummings And Angela Dunakin

7 CONSENT CALENDAR (CC) ITEMS:

There were 15 speakers on this item

Approval of the Consent Agenda

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

Aye: 8 - Kalb, Reid, McElhaney, Gallo, Thao, Taylor, Bas, 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
18-2360

Attachments: [View Report](#)

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
 18-2361

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.3** Subject: Declaration Of A Local Emergency On Homelessness
 From: Council President Kaplan
 Recommendation: Adopt A Resolution Renewing And Continuing The City Council's
 Declaration Of A Local Emergency Due To The Existence Of The City's Homelessness
 Crisis
 18-2362

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.4** Subject: 500 Kirkham DDA Amendment
From: Economic Workforce And Development Department
Recommendation: Adopt An Ordinance To Amend Ordinance No. 13368 C.M.S. To Authorize A First Amendment To The Disposition And Development Agreement Between The City Of Oakland And 500 Kirkham, LLC To (1)(A) Change The Project Definition To Allow Development Consisting Of Three Buildings And 1,032 Residential Units, (B) Adjust The Affordable Housing Requirement To Include 85 Very Low Income Units On-Site And A \$7.1 Million Payment To The Affordable Housing Trust Fund, (C) Allow The Project Schedule To Be Extended Annually For Up To Ten Years If Payment Of Extension Fees Are Made According To The Extension Schedule Shown In Exhibit A, (D) Require 500 Kirkham. LLC To Pay A \$1 Million Workforce Training Payment Directly To The Following Entities In The Amounts Specified: (I) \$300.000 To The West Oakland Job Resource Center; II) \$300.000 To The Workforce Collaborative; (III) \$200.000 To Civicorps; And (IV) \$200.000 To The West Oakland Youth Center, By The Date And With The Form Of Evidence Specified By The City Administrator, And (E) Require Evidence Of A Funding Commitment For The West Oakland Shuttle, And (2) To Make The Determination That An Addendum Pursuant To CEQA Guidelines Section 15164 Is Appropriate And Alternatively, The Project Is Exempt From CEQA Pursuant To CEQA Guidelines Sections 15168, 15183, And 15183.3
18-2341

Attachments: [View Report](#)
 [View Supplemental Report - McElhanev 10/11/2019](#)
 [View Report - Legislation](#)
 [View Supplemental Report 10/11/2019](#)
 [View Supplemental Report 11/1/2019](#)

This Ordinance was Approved for Final Passage.

- 7.5** Subject: JPA - Reappointing Commissioner Christin Hill
From: Council President Kaplan
Recommendation: Adopt A Resolution Appointing A Community Member To The Oakland-Alameda County Coliseum Joint Powers Authority Board Of Commissioners As Follows - Reappointing Commissioner Christin Hill To Serve The Term Beginning October 9, 2019 And Ending October 8, 2021
18-2307

Attachments: [View Report](#)
 [View Supplemental Report 10/25/2019](#)

This City Resolution was Adopted.

- 7.6 Subject: JPA - Reappointing Commissioner Reverend Dr. Jacqueline A. Thompson
From: Council President Kaplan
Recommendation: Adopt A Resolution Appointing A Community Member To The
Oakland-Alameda County Coliseum Joint Powers Authority Board Of Commissioners As
Follows - Reappointing Commissioner Reverend Doctor Jacqueline A. Thompson To
Serve The Term Beginning October 8, 2019 And Ending October 7, 2021
18-2308

Attachments: [View Report](#)

[View Supplemental Report 10/25/2019](#)

This City Resolution was Adopted.

- 7.7 Subject: Settlement Agreement - Lamesha Smith, Et Al. V. City of Oakland, Et Al.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Lamesha Smith, Et Al., V. City Of Oakland, Et Al,
United States District Court Case No. 18-Cv-06224, City Attorney's File No. 32640, In
The Amount Of Two Hundred And Fifty Thousand Dollars And No Cents (\$250,000.00)
(Oakland Police Department - Excessive Force/Failure To Train)
18-2337

Attachments: [View Report](#)

[87897 CMS](#)

This City Resolution was Adopted.

- 7.8 Subject: National League Of Cities Travel Authorization
From: Councilmember Taylor
Recommendation: Adopt A Resolution Authorizing Reimbursement For Councilmember
Loren Taylor's Costs Of Approximately \$2,519.00 From The Council Contingency Fund
For Travel To San Antonio, TX For Attendance At The National League Of Cities City
Summit From November 20-23, 2019
18-2356

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.9** Subject: League Of California Cities Travel Authorization And Reimbursement
From: Councilmember Gallo
Recommendation: Adopt A Resolution Authorizing The Travel And Reimbursement Of Councilmember Noel Gallo's Travel To Long Beach, California For Attendance At The League Of California Cities Conference From October 16, 2019 Through October 19, 2019 In The Amount Of \$1,846.80 In Travel Costs From The Council Contingency Fund For Travel
18-2369

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.10** Subject: IFPTE Local 21 MOU
From: Office Of The City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving Memorandum Of Understanding Between The City Of Oakland And The International Federation Of Professional And Technical Engineers ("IFPTE") Local 21, Representing Employees In Representation Units TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, And U41, Covering The Period From Of July 1, 2019 Through June 30, 2021; And
18-2389

Attachments: [View Report](#)

This City Resolution was Adopted.

Subject: IFPTE Local 21 MOU
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide A 1% Wage Increase To The Salary Schedule Of Represented Units In TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, And U41 Effective The First Full Pay Period After July 1, 2019; 2) Provide A 1% Wage Increase To The Salary Schedule Of Represented Units In TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, AND U41 Effective The First Full Pay Period After November 1, 2019; 3) Provide A 2% Wage Increase To The Salary Schedule Of Represented Units In TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, AND U41 Effective The First Full Pay Period After July 1, 2020; 5) Provide A 1% Wage Increase To The Salary Schedule Of Represented Units In TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, AND U41 Effective The First Full Pay Period After January 1, 2021
18-2390

Attachments: [View Report](#)

This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/19/2019

7.11 NUMBER NOT USED

7.12 Subject: SEIU Local 1021 MOU
From: Office Of The City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving Memorandum Of Understanding Between The City Of Oakland And The Service Employees International Union ("SEIU") Local 1021, Representing Employees In Representation Units SB1, SC1, SD1, AND SI1, Covering The Period From Of July 1, 2019 Through June 30, 2021; And
18-2391

Attachments: [View Report](#)

This City Resolution was Adopted.

Subject: SEIU Local 1021 MOU
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide A 1% Wage Increase To The Salary Schedule Of Represented Units In SB1, SC1, SD1, And SI1 Effective The First Full Pay Period After July 1, 2019; 2) Provide A 1% Wage Increase To The Salary Schedule Of Represented Units In SB1, SC1, SD1, And SI1 Effective The First Full Pay Period After November 1, 2019; 3) Provide A 1% Wage Increase To The Salary Schedule Of Represented And Unrepresented Units In SB1, SC1, SD1, SI1, IE1, TV1, U31, CON TI1, U51, US1, UG1, UP1, UK1, And UK2 Effective The First Full Pay Period After January 1, 2020; 4) Provide A 2% Wage Increase To The Salary Schedule Of Represented Units In SB1, SC1, SD1, And SI1 Effective The First Full Pay Period After July 1, 2020; 5) Provide A 1% Wage Increase To The Salary Schedule Of Represented And Unrepresented Units In SB1, SC1, SD1, SI1, IE1, TV1, U31, CON, TL1, U51, US1, UG1, UP1, UK1, And UK2 Effective The First Full Pay Period After January 1, 2021
18-2392

Attachments: [View Report](#)

This Ordinance was Approved On Introduction and Scheduled for Final Passage.
to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency
and the City Council to be heard 11/19/2019

7.13 NUMBER NOT USED

7.14 Subject: FY 2018-19 Fourth Quarter Revenue & Expenditure Report
From: Finance Department
Recommendation: Receive An Informational Report On Fiscal Year (FY) 2018-19 Fourth Quarter Revenue And Expenditure Results And Year-End Summaries For The General Purpose Fund (1010) And Selected Funds
18-2126

Attachments: [View Report](#)

This Informational Report was Received and Filed.

7.15 Subject: Quarterly Report On Public Safety Overtime (OPD)
From: Oakland Police Department
Recommendation: Receive This Quarterly Report From The Oakland Police Department (OPD) That Includes Information On Overtime Policies, Procedures, And Controls
18-2327

Attachments: [View Report](#)

This Informational Report was Received and Filed.

- 7.16** Subject: Quarterly Report On Public Safety Overtime (OFD)
From: Oakland Fire Department
Recommendation: Receive A Quarterly Report From The Oakland Fire Department (OFD) That Includes Additional Information On Overtime Policies, Procedures, And Controls
18-2325

Attachments: [View Report](#)

This Informational Report was Received and Filed.

- 7.17** Subject: Salary Ordinance Amendment For Various Classifications
From: Human Resources Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Full-Time Classification Of Fire Inspection Supervisor, To Add The Permanent Part-Time And Part-Time Classification Equivalents Of Special Assistant To The Mayor III, And To Amend The Salary Format For Deputy Chief Of Violence Prevention
18-2300

Attachments: [View Report](#)

This Ordinance was Approved As Amended On Introduction and Scheduled for Final Passage. to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/19/2019

- 7.18** Subject: Major Encroachment Permit At 5932 Foothill Blvd
From: Transportation Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Foothill Boulevard Plaza LLC To Allow Portions Of The New Building Above Grade At 5932 Foothill Boulevard To Encroach Into The Public Right-Of-Way On Foothill Boulevard And 60th Avenue, Major Encroachment Permit ENMJ19061
18-2299

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.19** Subject Disposition Of Fire Alarm Building Site
 From: Economic And Workforce Development
 Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Directing The City Administrator To Issue A Request For Proposals That Is Consistent With The State Surplus Land Act And The Competitive Process Set Forth In Chapter 2.42.050 Of The Oakland Municipal Code For The Disposition And Development Of The Fire Alarm Building At 1310 Oak Street; Or, Alternatively 18-2249

Attachments: [View Report](#)

[View Report - Bas](#)

[View Supplemental Report - Bas 11/1/2019](#)

This City Resolution was No Action Taken.

2) A Resolution Exercising The Waiver Of Competitive Process Set Forth In Chapter 2.42.050 Of The Oakland Municipal Code And Directing The City Administrator To Issue A Notice Of Offer Pursuant To The State Surplus Land Act For The Disposition And Development Of The Fire Alarm Building At 1310 Oak Street And, If No Other Proposal Is Received, To Commence Negotiations For The Lease And Development Of The Property With The Museum Of Jazz And Art; Or, Alternatively 18-2250

Attachments: [View Report](#)

[View Supplemental Report 11/1/2019](#)

This City Resolution was Adopted.

3) A Motion Directing Staff To Include The Fire Alarm Building In The Forthcoming Asset Disposition Plan And To Defer Commencement Of Negotiations For The Property 18-2309

This City Resolution was No Action Taken.

- 7.20** Subject: 2019 Mills Act Contract Recommendations
From: Planning And Building Department
Recommendation: Adopt A Resolution, As Recommended By The Landmarks Preservation Advisory Board, Approving Twelve (12) Mills Act Contracts Between The City Of Oakland And The Properties At 418 Jefferson Street, 6028 Broadway Terrace, 6475 Colby Street, 1263 Trestle Glen Road, 619 Mariposa Avenue, 2600 Best Avenue, 678 18th Street, 360 Van Buren Avenue, 1000 Sunnyhills Road, 412 Monte Vista Avenue, 3007 Telegraph Avenue, And 492 Staten Avenue, 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 And Approving Total City Tax Revenue Reduction Estimated To Be Above \$25,000/Year
18-2296

Attachments: [View Report](#)

[View Report - Color Attachment A](#)

This City Resolution was Adopted.

- 7.21** Subject: HEAP Funds Allocation
From: Human Services Department
Recommendation: Adopt The Following Pieces Of Legislation;

1) A Resolution: 1) Accepting And Appropriating Homeless Emergency Aid Program (HEAP) Grant Funds From Alameda County In The Amount Of \$3,119,038.73 For Fiscal Years 2019-21 Emergency Homeless Services Programs; And 2) Authorizing The City Administrator To: A. Enter Into An Agreement With Alameda County To Receive The HEAP Grant Funds; And B. Award And Execute A Grant Agreement With Covenant House Of California In An Amount Not To Exceed \$433,500 From November 1, 2019 To June 30, 2021 To Provide Transitional Youth Housing; And C. Create A 1.0 Full Time Equivalent (FTE) Administrative Analyst II Position In The Human Services Department To Provide Fiscal And Administrative Support; And D. Award And Execute New Grant Agreements Using HEAP Funds With Yet To Be Determined And Identified Emergency Homeless Service Providers Through June 30, 2021, Without Returning To Council [NEW TITLE]
18-2224

Attachments: [View Report](#)

[View Supplemental Report 10/18/2019](#)

[View Supplemental Report 10/25/2019](#)

This City Resolution was Adopted.

2) A Resolution Amending Resolution No. 87403 C.M.S., Which Authorized The City Administrator To, Among Other Things, Accept Donations From Outside Sources, Including Other Governmental Agencies, To Support Homeless Programs And Services, To: 1. Authorize The City Administrator To Accept Grants And Donations For Homeless Programs And Services From Outside Sources, Including Other Governmental Agencies, In An Amount Not To Exceed \$1 Million Per Donation/Grant Through June 30, 2021; And 2. Appropriate Up To \$5 Million Of Any Such Grants And Donations For Programs And Services For The Homeless Through June 30, 2021; And 3. Authorize The City Administrator To Amend Existing Grant Agreements With Providers Of Programs And Services For The Homeless, Including Winter Shelters, To Increase The Amounts Using Said Grants And Donations And To Extend The Terms Through June 30, 2021, Without Returning To Council

18-2342

Attachments: [View Report](#)

[View Supplemental Report 10/25/2019](#)

This City Resolution was Adopted.

- 7.22** Subject: AC-OCAP State EITC Grant Report And Resolution
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing: 1. Acceptance And Appropriation Of A \$176,000 Grant, And Any Additional Funds, Including For And Through A Second Grant Year To June 30, 2021, From The California Department Of Community Services And Development (CSD), To Implement The California Earned Income Tax Credit (CalEITC) Free Tax Preparation Assistance Program (Program); And 2. The City Administrator, Or Designee, Without Returning To Council, To: A. Award And Execute Grant Agreements With Service Providers To Implement The CalEITC Program Through June 30, 2020; And B. Amend Said Agreements To Increase The Amounts And/Or Duration Through June 30, 2021

18-2295

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.23** Subject: Resolution Recognizing Importance Of 2020 U.S. Census
From: Mayor Schaaf, Councilmembers Bas And McElhaney
Recommendation: Adopt A Resolution Recognizing The Importance Of The 2020 U.S. Census And Encouraging All Residents To Participate In The Census To Ensure An Accurate Count For The City Of Oakland

18-2252

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.24** Subject: Budget Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Caitlin M. Prendiville And Kasheica Mckinney To The Budget Advisory Commission
18-2394

Attachments: [View Report](#)

[View Supplemental Report 11/1/2019](#)

This City Resolution was Adopted.

- 7.25** Subject: Community Policing Advisory Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Donald Dahlke And Paula Hawthorn As Members Of The Community Policing Advisory Board
18-2395

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.26** Subject: Landmarks Preservation Advisory Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Benjamin Fu As A Member Of The Landmarks Preservation Advisory Board
18-2398

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.27** Subject: Library Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Mary Jo Cook And Angelica Valentine And Reappointment Of Tyrone C. Jordan As Members Of The Library Advisory Commission
18-2399

Attachments: [View Report](#)

[View Supplemental Report 11/1/2019](#)

This City Resolution was Adopted.

- 7.28** Subject: Public Safety Services And Violence Prevention Oversight Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Jo Robinson As A Member Of The Public Safety And Services Violence Prevention Oversight Commission
18-2400

Attachments: [View Report](#)

[View Supplemental Report 11/1/2019](#)

This City Resolution was Adopted.

- S7.29** Subject: Equal Access Ordinance Annual Report
From: Human Resources Management Department
Recommendation: Receive An Informational Report Regarding The Annual Equal Access To Services Ordinance Compliance Report For Fiscal Year 2018-19
18-2187

Attachments: [View Report](#)

[View Report- Attachment A](#)

[View Supplemental Report 11/1/2019](#)

This Informational Report was Received and Filed.

- S7.30** Subject: Salary Amendments For Certain Unrepresented Employees
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending Ordinance No. 13543 C.M.S., Which Amended The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance"), To Correct The Salary Information For Certain Unrepresented Employees In Representational Units Ur1 (Fire Chief) And Uu1 (Deputy Chief And Assistant Chief Of Fire)
18-2426

Attachments: [View Report](#)

This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/19/2019

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

There were no final decisions made in closed session.

There was 1 speaker on this item

A motion was made by Larry Reid, seconded by Sheng Thao, that this matter be Accepted. The motion carried by the following vote:

Aye: 8 - Kalb, Reid, McElhaney, Gallo, Thao, Taylor, Bas, and Kaplan

NO VOTE: 0

**9 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING AT 6:30
REQUIREMENTS:**

- 9.1** Subject: Appeal Of The Planning Commissions Decision On 101 E. 12th Street
From: Planning And Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The
Following Three Options:

1) A Resolution Denying The Appeal By Dunya Alwan, Ryder Diaz, And The East 12th
Coalition Through R. Michael Flynn (PLN19215-A01) And Upholding The Planning
Commission's Decision To Approve The Major Conditional Use Permit, Minor Variance,
Regular Design Review Permit And Environmental Determination To Construct Two
Residential Buildings With A Ground Floor Commercial Use At 101 East 12th Street; Or
18-2353

Attachments: [View Report](#)

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at
7:36 p.m.*

36 individuals spoke on this item.

*Councilmember Bas made a motion, seconded by Councilmember Gallo, to move
option 3.*

*Councilmember Reid made a SUBSTITUTE MOTION, seconded by Councilmember
Taylor to adopt option one and close the Public Hearing, upon call of the roll, the
SUBSTITUTE MOTION TIED with a vote of 4 AYES: (Kalb, McElhaney, Reid Taylor);
and 4 NOS: Bas, Gallo Thao Kaplan. Pursuant to charter section 200 the mayor
must cast the tie breaking vote. Mayor Libby Schaaf voted AYE. 5 AYES: (Kalb,
McElhaney, Reid Taylor and Schaaf); and 4 NOS: (Bas, Gallo Thao and Kaplan)*

*A motion was made by Larry Reid, seconded by Loren Taylor, that this matter be
Adopted. The motion failed by the following vote:*

Aye: 4 - Kalb, Reid, McElhaney, and Taylor

No: 4 - Gallo, Thao, Bas, and Kaplan

NO VOTE: 0

Provided The City Council Can Make The Appropriate Findings:

2) A Motion To Direct Staff To Prepare A Resolution For Future City Council
Consideration To Deny The Appeal With Additional Conditions; Or
18-2354

This Report and Recommendation be No Action Taken.

3) A Motion to Direct Staff To Prepare A Resolution For Future City Council Consideration To Uphold The Appeal; On The November 5, 2019 City Council Agenda As A Public Hearing
18-2355

This Report and Recommendation be No Action Taken.

9.2 Subject: Appeal Of The Planning Commissions Decision On 1630 10th Street
From: Planning And Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Pieces Of Legislation;

1) A Resolution Denying The Appeal By The Concerned Prescott Parents Committee (PLN18388-A01) And Upholding The Planning Commission's Decision To Approve A Minor Conditional Use Permit And Environmental Determination To Establish A Health Care Civic Activity At 1630 10th Street (PLN18388); Or
18-2386

Attachments: [View Report](#)

Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 10:15 p.m.

Councilmember Gallo made a motion, seconded by Councilmember Kaplan, to adopt option 1

Councilmember McElhaney made an SUBSTITUTE motion, seconded by Councilmember Bas to move option 3.

Upon call of the roll SUBSTITUTE motion Failed: 3 AYES:(Bas, McElhaney, Taylor); 4 NOS: (Gallo, Kalb, Schaaf and Kaplan) and 2 ABSTAIN: (Reid, and Thao).

The Council took the original motion, to adopt option 1. Upon call of the roll the motion passed: 6 AYES: (Gallo, Kalb, Reid, Taylor, Thao and Kaplan); 1 NO (McElhaney); and 1 ABSTAIN: (Bas)

39 individuals spoke on this item.

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

Abstained: 1 - Bas

Aye: 6 - Kalb, Reid, Gallo, Thao, Taylor, and Kaplan

No: 1 - McElhaney

NO VOTE: 0

Provided The City Council Can Make The Appropriate Findings:

2) A Motion To Direct Staff To Prepare A Resolution For Future City Council
Consideration To Deny The Appeal With Additional Conditions; Or
18-2396

This City Resolution be No Action Taken.

3) A Motion To Direct Staff To Prepare A Resolution For Future City Council
Consideration To Uphold The Appeal
18-2397

This City Resolution be No Action Taken.

- 9.3** Subject: Ordinance Amending Cannabis Business Tax Rates
From: Pro Tempore Kalb And Council President Kaplan
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Amending Oakland Municipal Code Title 5, Chapter 5.04, Section 5.04.480 And Section 5.04.481, To Create A Tiered And Category Based Tax Structure For Cannabis Businesses, Merge Medical And Non-Medical Cannabis Business Classifications, And Reduce Tax Rates For Cannabis Businesses
18-1900

Attachments: [View City Administrator Report](#)
[View Supplemental Report 5/3/2019](#)
[View Supplemental Finance Report 5/3/2019](#)
[View Supplemental Finance Report 5/10/2019](#)
[View Supplemental Legislation 5/17/2019](#)
[View Supplemental Finance Report 5/17/2019](#)
[View Supplemental Report 7/3/2019](#)
[View Report](#)
[View Supplemental Report - Kalb 7/3/2019](#)
[View Supplemental Report - Kalb 7/12/2019](#)
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[View Supplemental Report - Kalb 10/4/2019](#)
[View Supplemental Report - Taylor 10/4/2019](#)
[View Supplemental Finance Report - 10/4/2019](#)
[View Supplemental Report - Taylor 10/18/2019](#)
[View Supplemental Report - Kaplan 10/18/2019](#)
[View Supplemental Report 10/17/2019](#)
[View Supplemental Report 11/1/2019](#)
[View Supplemental Report - Thao & Kalb 11/1/2019](#)

**This Ordinance be Continued to go before the * Concurrent Meeting of the
Oakland Redevelopment Successor Agency and the City Council to be heard
11/19/2019**

S9.4 Subject: Vacant Property Tax Rates Setting
From: Finance Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution
Establishing Tax Rates For Properties Subject To The Vacant Property Tax For Calendar
Year 2019
18-2427

Attachments: [View Report](#)

*Upon the reading of Item 9.4 by the City Clerk, the Public Hearing was opened at
12:27 p.m.*

*Councilmember Thao made a motion to approve the staff recommendation as
amended to ammend Lots RN4, residential parcels of 4 units or less at a tax rate of
\$3000 for year 2020, the motion was seconded by Councilmember Kalb and by the
same motion closing the Public Hearing, and hearing no objections, the motion
passed by 5 Ayes: (Bas, Gallo, Kalb, Taylor and Thao Kaplan)
1 Abstained: Taylor 2 Absent: Reid and McElhaney*

0 individuals spoke on this item.

*A motion was made by Sheng Thao, seconded by Dan Kalb, that this matter be
Adopted as Amended. The motion carried by the following vote:*

Abstained: 1 - Taylor

Aye: 5 - Kalb, Gallo, Thao, Bas, and Kaplan

Absent: 2 - Reid, and McElhaney

NO VOTE: 0

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

- 11 Subject: Vacant Property Tax Implementation Ordinance & Administration
From: Finance Department
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Title 4,
Chapter 4.56 To Clarify And Further Define Various Sections Of The Oakland Vacant
Property Tax And Establish A Method For Identifying Vacant Property
18-2201

Attachments: [View Report](#)

[View Supplemental Report 10/11/2019](#)

[View Supplemental Report 11/15/2019](#)

There were 3 speakers on this item

**A motion was made by Dan Kalb, seconded by Noel Gallo, that this matter be
Approved On Introduction and Scheduled for Final Passage to go before the *
Concurrent Meeting of the Oakland Redevelopment Successor Agency and the
City Council, to be heard 11/19/2019. The motion carried by the following vote:**

Aye: 6 - Kalb, Gallo, Thao, Taylor, Bas, and Kaplan

No: 2 - Reid, and McElhaney

NO VOTE: 0

- 2) A Resolution Authorizing The City Administrator, Or Designee, To Execute A First
Amendment To An Agreement With Sci Consulting Group For The Implementation,
Administration And Management Of The Vacant Property Tax For A Term Of Three Years
Plus Two One-Year Options For A Grand Total Not To Exceed \$1,270,000 For All Five
Years
18-2202

Attachments: [View Report](#)

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

Aye: 6 - Kalb, Gallo, Thao, Taylor, Bas, and Kaplan

No: 2 - Reid, and McElhaney

NO VOTE: 0

- 12** Subject: Montclair Parking Facilities Operation And Management Agreement
From: Transportation Department
Recommendation: Adopt A Resolution: 1) Waiving The Competitive
Proposals/Qualifications (RFP/Q) Solicitation Requirement And 2) Authorizing The City
Administrator To Execute An Agreement With The Montclair Village Association For The
Operation And Management Of The Montclair Garage, Located At 6235 La Salle
Avenue, And The Scout Lot, Located On 2250 Mountain Boulevard For An Initial Period
Of Three Years At Annual Compensation Amount Of \$252,000 (Including \$237,000 In
Reimbursable Operating Expenses And \$14,800 In Management Fees And Incentives)
For A Total Contract Amount Of \$756,000, With An Option To Extend For An Additional
Two-Years At An Annual Compensation Amount Of Up To \$252,000 For A Total Not To
Exceed Contract Amount Of \$1,260,000
18-2334

Attachments: [View Report](#)

There was 1 speaker on this item

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

Aye: 6 - Kalb, Gallo, Thao, Taylor, Bas, and Kaplan

Absent: 2 - Reid, and McElhaney

NO VOTE: 0

13 NUMBER NOT USED

- S14** Subject: Eliminate Obsolete Requirements For The City's Official Newspaper
From: Council President Kaplan
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To
The Voters At The March 3, 2020 Special Municipal Election, An Amendment To City
Charter Article XII, Section 1205, To Eliminate Obsolete Requirements For Designating
The City's Official Newspaper And Requiring That The Council Establish By Ordinance
Requirements For Designating The City's Official Newspaper Or Newspapers, And
Directing The City Clerk To Take All Actions Necessary Under Law To Prepare For And
Conduct A March 3, 2020 Municipal Election
18-2349

Attachments: [View Report](#)

There was 1 speaker on this item

**A motion was made by Dan Kalb, seconded by Larry Reid, that this matter be
Continued to go before the * Concurrent Meeting of the Oakland Redevelopment
Successor Agency and the City Council, to be heard 11/19/2019. The motion
carried by the following vote:**

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

Absent: 1 - McElhaney

NO VOTE: 0

S15 **Subject:** Ballot Measure - Appropriations Limit Increase
 From: Finance Department
 Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To
 The Voters At A March 3, 2020 Municipal Election, An Ordinance To Increase The
 Appropriation Limit For Fiscal Years 2020-21 Through 2023-24 To Allow The City To
 Expend Funds Collected From Eight Voter-Approved General And Special Tax, Ballot
 Measures - For Emergency Medical Services, Paramedic Services, Library Services,
 Public Safety And Violence Prevention Services, Homeless Services And Other Lawful
 Governmental Purposes; And Directing The City Clerk To Take All Actions Necessary
 Under Law To Prepare For And Conduct A March 3, 2020 Municipal Election
 18-2243

Attachments: [View Report](#)

[View Supplemental Report 11/1/2019](#)

A motion was made by Dan Kalb, seconded by Larry Reid, that this matter be
Continued to go before the * Concurrent Meeting of the Oakland Redevelopment
Successor Agency and the City Council, to be heard 11/19/2019. The motion
carried by the following vote:

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

Absent: 1 - McElhaney

NO VOTE: 0

At 12:25 THE COUNCIL RECESSED INTO CLOSED SESSION

THE COUNCIL RE-CONVENED AT 1:16 A.M.

S16 Subject: 12th Street Remainder Second DDA Amendment
 From: Economic And Workforce Development Department
 Recommendation: Adopt An Ordinance To Authorize A Second Amendment To The
Disposition And Development Agreement Between The City Of Oakland And, Lakehouse
Commons, LLC And Lakehouse Commons Affordable Housing, LP, To (1) Extend The
Outside Date (Retroactively, If Necessary) And Related Performance Deadlines In
Exchange For Monthly Payment Of An Additional Deposit And An Extension Fee, (2)
Require Reappraisal Of The Property And Renegotiation Of The Purchase Price, (3)
Replace The Project Labor Agreement Requirement With An Alternative Requirement,
And (4) Remove The Option For City Financing Of 50 Percent Of The Purchase Price
Attributable To The Market Rate Project
18-2352

Attachments: [View Report](#)

A Motion To Schedule Was Made By Councilmember Taylor, Seconded By Vice Mayor Reid, To Consider The Following Item At The Special City Council Meeting On Thursday November 14, 2019;

"Adopt An Ordinance To Authorize A Third Amendment To The Disposition And Development Agreement Between The City Of Oakland And Lakehouse Commons, LLC And Lakehouse Commons Affordable Housing, L.P. To Expand Construction Mitigations, Add Additional Community Benefit Terms And Amend Other Terms"

A motion was made by Loren Taylor, seconded by Larry Reid, that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to go before the * Special Concurrent Meeting of the Oakland City Council, CPAB, SSOC, and Police Commission, to be heard 11/14/2019. The motion carried by the following vote:

Abstained: 1 - Kaplan

Aye: 5 - Kalb, Reid, McElhaney, Gallo, and Taylor

No: 2 - Thao, and Bas

NO VOTE: 0

Subject: 12th Street Remainder Third DDA Amendment
From: Councilmember Taylor
Recommendation: Adopt An Ordinance To Authorize A Third Amendment To The
Disposition And Development Agreement Between The City Of Oakland And Lakehouse
Commons, LLC And Lakehouse Commons Affordable Housing, L.P. To Expand
Construction Mitigations, Add Additional Community Benefit Terms And Amend Other
Terms
18-2455

Attachments: [View Report](#)

*At The November 5, 2019 Special City Council Meeting A Motion To Schedule Was
Made By Councilmember Taylor, Seconded By Vice Mayor Reid, To Consider This
Item At The Special City Council Meeting On Thursday November 14, 2019.*

*This Ordinance be Referred to go before the Special Concurrent Meeting of the
Oakland Redevelopment Successor Agency/City Council to be heard 11/14/2019*

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 Kamaui Sol Bailey, John Conyers, Elijah
Cummings and Angela Dunakin at 1:34 a.m.*

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meetings please contact the Office of the City Clerk. When possible, please notify the
City Clerk 5 days prior to the meeting so we can make reasonable arrangements to
ensure accessibility. Also, in compliance with Oakland's policy for people with
environmental illness or multiple chemical sensitivities, please refrain from wearing
strongly scented products to meetings.**

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THOSE ATTENDING MEETINGS.**

**MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL
AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE
CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM
8:30 A.M. TO 5:00 P.M.**