



# City of Oakland

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

## Meeting Minutes - FINAL Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

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

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

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Tuesday, November 1, 2016

5:30 PM

City Council Chamber, 3rd Floor

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### 1 PLEDGE OF ALLEGIANCE

*The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 5:37 p.m.*

### 2 ROLL CALL / CITY COUNCIL

**Present** 6 - Desley Brooks, Noel Gallo, Abel J. Guillén, Rebecca Kaplan, Laurence E. Reid, and Lynette Gibson McElhaney

**Absent** 2 - Annie Campbell Washington, and Dan Kalb

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

*There were 15 speakers on Open Forum.*

*Vice Mayor Campbell Washington was noted present at 5:40 p.m.*

*Councilmember Kalb was noted present at 5:41 p.m.*

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

*Councilmember Kaplan took a point of personal privilege and requested that the meeting be adjourned in memory of Fred Hampton, Bobby Hutton, and members of the Black Panther Party.*

*President Pro Tempore Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Luella Juanita Bailey and Doneta Modley.*

### 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF OCTOBER 18, 2016 [16-0372](#)

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

A motion was made by Desley Brooks, seconded by Dan Kalb, that this matter be Accepted. The motion carried by the following vote:

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

**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 Brooks made a motion, seconded by President Pro Tempore Reid, to continue item 14 from today's agenda to Special Council Meeting on November 14, 2016, along with proposals submitted by President Pro Tempore Reid, Councilmember Gallo and Councilmember Brooks submitted on September 22 along with proposal submitted by Councilmember Kaplan at the Public Safety Committee meeting where this item was held in that committee. Councilmember Brooks requested to vet all the proposals currently at the table and do an equity analysis of all the proposals.*

*Council President Gibson McElhaney made a motion, seconded by President Pro Tempore Reid, to continue item 9.2 to Rules and Legislation Committee for scheduling for a date certain.*

**7 CONSENT CALENDAR (CC) ITEMS:**

*There were 4 speakers on this item.*

***Approval of the Consent Agenda***

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

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

- 7.1** Subject: Declaration Of A Local Emergency Due To AIDS Epidemic  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The Human Immunodeficiency Virus ("HIV") I Acquired Immunodeficiency Syndrome ("AIDS") Epidemic  
[16-0331](#)

**Sponsors:** Office Of The City Attorney

**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  
[16-0332](#)

**Sponsors:** Office Of The City Attorney

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

**This City Resolution was Adopted.**

- 7.3 Subject: I.T. Salary Ordinance Amendment  
From: Human Resources Management  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance  
No. 12187 C.M.S. ("Salary Ordinance") To Change The Titles Of Information Systems  
Supervisor And Information Systems Manager To Information Systems Manager I And  
Information Systems Manager II, Respectively; And To Increase The Salary Rate For  
Information Systems Manager I  
[16-0137](#)

**Sponsors:** Human Resources Management Department

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

[13395 CMS](#)

[Proof Of Publication 13395](#)

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

- 7.4** Subject: Salary Ordinance Amendment - Various Classifications  
From: Human Resources Management Department  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Permanent Part-Time Classifications Of Early Head Start Instructor, PPT, Head Start Instructor, PPT, And Van Driver, PPT; Reactivate And Amend The Title Of Curator Of History, Chief, To Curator Of African American Museum & Library At Oakland (AAMLO), Chief; Correct The Salary Rates For Cable TV Production & Operations Manager, Environmental Services Analyst, Assistant, And Capital Improvement Project Coordinator, Assistant; Adjust The Title Of Police Program And Performance Auditor To Police Program And Performance Audit Supervisor; And Adjust The Title Of Americans With Disabilities Act (ADA) Projects Coordinator To Disability Access Coordinator  
[16-0140](#)

**Sponsors:** Human Resources Management Department

**Attachments:** [View Report](#)  
[13396 CMS](#)  
[Proof Of Publication 13396](#)

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

- 7.5** Subject: Appointment To Commission On Aging  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Martha B. Scott, Michelle Hall, Irene Yen And Sandra Simon As Members Of The Commission On Aging  
[16-0342](#)

**Attachments:** [View Report](#)  
[86451 CMS](#)

**This City Resolution was Adopted.**

- 7.6** Subject: Appointment To Cannabis Regulatory Commission  
From: Office of The Mayor  
Recommendation: Adopt A Resolution Confirming The Appointment Of Jin Jack Shim As A Member Of The Cannabis Regulatory Commission  
[16-0343](#)

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

**This City Resolution was Adopted.**

- 7.7 Subject: Settlement Of Anita Aaron V. City Of Oakland, Case No. RG1471738  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Anita Aaron V. City Of Oakland, Alameda County Superior Court Case No. RG14717380, City Attorney's File No. 29982, In The Amount Of One Hundred Ten Thousand Dollars And Zero Cents (\$110,000.00) (Public Works - Dangerous Condition)  
[16-0334](#)

**Sponsors:** Office Of The City Administrator

**Attachments:** [View Report](#)  
[86453 CMS](#)

**This City Resolution was Adopted.**

- 7.8 Subject: Settlement Agreement Of Tracy Hobbs 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 Tracy Hobbs V. City Of Oakland, Alameda County Superior Court Case No. RG14753212, City Attorney's File No. 30121, In The Amount Of Seventy-Five Thousand Dollars And Zero Cents (\$75,000.00) (Public Works - Dangerous Condition)  
[16-0335](#)

**Sponsors:** Office Of The City Attorney

**Attachments:** [View Report](#)  
[86454 CMS](#)

**This City Resolution was Adopted.**

- 7.9 Subject: Settlement Agreement Of Michael Smith, 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 Michael Smith, A Minor By And Through His Guardian Ad Litem Danelle Cyrus V. City Of Oakland, Alameda County Superior Court Case No. RG15778881, City Attorney's File No. 30524, In The Amount Of Sixty Thousand Dollars And Zero Cents (\$60,000.00) (Oakland Parks And Recreation - Dangerous Condition)  
[16-0337](#)

**Sponsors:** Office Of The City Attorney

**Attachments:** [View Report](#)  
[86455 CMS](#)

**This City Resolution was Adopted.**

**7.10** Subject: Settle The Claim Of CSAA Insurance  
From: The Office The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of CSAA Insurance Exchange As Subrogee Of (A/S/O) Jeanne Foss-Swaine, In The Amount Of Seven Thousand Four Hundred Twenty Dollars And 43/100 Cents (\$7,420.43) As The Result Of Damages Sustained From An Automobile Collision On January 17, 2015 (Oakland Police Department - Automobile Collision)

[16-0338](#)

**Sponsors:** Office Of The City Attorney

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

[86456 CMS](#)

**This City Resolution was Adopted.**

**7.11** Subject: Campaign Reform Act Amendment  
From: Councilmembers Kalb, Gallo, Guillen, Vice Mayor Campbell-Washington and City Attorney Parker  
Recommendation: Adopt An Ordinance Amending The "Oakland Campaign Reform Act" (OCRA) Ordinance (A) Aligning OCRA With The 2014 Amendment To The Oakland City Charter Section 603, (B) Strengthening The Commission's Enforcement Authority To Match The Government Ethics Act And The California Political Reform Act, And (C) Clarifying And Expanding Definitions And Substantive Provisions To Ensure The Act Uses Clear And Enforceable Language And (D) Enhance Independent Expenditure Disclosure Requirements

[16-0255](#)

**Sponsors:** Kalb

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

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[13399 CMS](#)

[Proof Of Publication 13399](#)

**This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 11/29/2016**

- S7.12** 2) Adopt A Resolution (A) Authorizing The City Administrator Or Designee To Accept And Appropriate One Million Three Hundred Thousand Dollars (\$1,300,000) In Congestion Mitigation And Air Quality (CMAQ) Improvement Funds From The Metropolitan Transportation Commission (MTC) For A Three-Year Demand-Responsive Parking And Mobility Management Initiative; And (B) Establishing All Parking Meter Zones In Oakland Municipal Code Section 10.36.140 As Flexible Parking Zones; And  
[16-0216](#)

**Sponsors:** Transportation Department

**Attachments:** [View Report](#)  
[86457 CMS](#)

**This City Resolution was Adopted.**

- 3) Adopt Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate A Bay Area Air Quality Management District (BAAQMD) Transportation Fund For Clean Air (TFCA) Grant Award Of Two Hundred And Forty-Four Thousand Dollars (\$244,000.00) To Conduct Site Preparation And Installation Of Twenty-Eight Electric Vehicle Charging Stations At Seven City-Owned Public Parking Facilities; And  
[16-0217](#)

**Sponsors:** Transportation Department

**Attachments:** [86458 CMS](#)

**This City Resolution was Adopted.**

- 4) (a.) Resolution Amending Resolution Number 85459 C.M.S. (Car Sharing Principles) To Provide More Detail Concerning Dedicated Space Car Sharing Program; And  
[16-0218](#)

**Sponsors:** Transportation Department

**Attachments:** [86459 CMS](#)

**This City Resolution was Adopted.**

- 5) Adopt A Resolution Of Support For The Bay Area Rapid Transit (BART) District's Station Access Plan And Establishing Curb Designations That Help Fulfill The Goals Of That Policy Around Oakland's Eight Bart Stations; And  
[16-0219](#)

**Sponsors:** Transportation Department

**Attachments:** [86460 CMS](#)

**This City Resolution was Adopted.**

7) Receive An Informational Report On The Pending Closure Of Clay St Parking Garage; And  
[16-0221](#)

**Sponsors:** Transportation Department

***Councilmember Kaplan directed staff to bring forth parking mitigations such as Transit Pass, and carpooling prior to the closure of the garage.***

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

8) Adopt A Resolution Authorizing And Directing The City Administrator Or Designee To Amend The City's Parking Operations And Facilities Management Contract With City Of Oakland Parking Partners By An Additional Eight Hundred And Fifty Thousand Dollars (\$850,000.00) In Annual Contract Capacity; And Waiving The Request For Qualifications/Proposal Competitive Selection Requirement; And  
[16-0222](#)

**Sponsors:** Transportation Department

**Attachments:** [86461 CMS](#)

**This City Resolution was Adopted.**

9) Adopt A Resolution Authorizing The City Administrator Or Designee To Finalize And Execute A Maintenance And Service Agreement With Scheidt And Bachmann USA, Inc. In Support Of The Parking Access And Revenue Control System Used At City Parking Garages For A Period Of Three Years At A Total Contract Cost Of \$313,313.00; Appropriating Total Expenditures Of \$214,313.00 For Fiscal Years 2017-2019; Providing The Necessary Spending Authority For All Three Years Of The Contract; And Waving Advertising, Bidding And The Request For Qualifications/Proposal Competitive Selection Requirements; And  
[16-0223](#)

**Sponsors:** Transportation Department

**Attachments:** [86462 CMS](#)

**This City Resolution was Adopted.**

**The Resolution Regarding A Non-Exclusive Agreement With Streetline Inc. Of The "Parking Mobility Initiative" Is Being Held In The Public Works Committee With No Date Certain**



**S7.13** Subject: Additional Funding For West Oakland Neighborhood Career Center  
From: Economic And Workforce Development  
Recommendation: Adopt A Resolution Amending Resolution NOS. 86253 And 86337 C.M.S., Which Adopted And Amended The Fiscal Year 2016-17 Workforce Development Budget And Authorized Workforce Service Provider Contracts, To Authorize \$48,098 Of Additional Funding To The Oakland Private Industry Council, Inc., To Provide Services At The West Oakland Neighborhood Career Center  
[16-0203](#)

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

**This City Resolution was Adopted.**

**S7.14** Subject: Substance Abuse & Mental Health Services Grant  
From: Human Service Department  
Recommendation: Adopt A Resolution To Authorize The City Administrator To: (1) Accept And Appropriate A Grant Of 1,000,000 Annually For Five Years From The United States Substance Abuse And Mental Health Services Administration (SAMHSA); (2) Create Two New Staff Positions In The Human Services Department To Oversee Grant Funded Activities; (3) Enter Into An Agreement With Alameda County Health Care Services Agency, In An Amount Not To Exceed \$100,000, To Provide Trauma-Informed Care Trainings From September 30, 2016 To September 29, 2017; (4) Enter Into Grant Agreements With Mental Health Providers Selected Through A Competitive Process In A Total Amount Not To Exceed \$240,000 To Provide Behavioral Health Services Without Returning To Council; And (5) Enter Into Professional Services Agreements From September 30, 2016 To September 29, 2017 With Resource Development Associates In An Amount Not To Exceed \$65,000 To Provide Evaluation Services And Technical Support, And Prevention Institute For In An Amount Not To Exceed \$20,000 To Provide Curriculum For Community Resilience Trainings; And Waive The Competitive Request For Proposal/Qualification Process  
[16-0288](#)

**Sponsors:** Human Services Department

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

[View Supplemental Report](#)

[86464 CMS](#)

**This City Resolution was Adopted.**

**S7.15** Subject: FY 2015-16 Annual Report On Grants and Donations up to \$50,000  
From: Office Of The City Administrator  
Recommendation: Receive An Annual Informational Report From The City  
Administrator On The Acceptance And Appropriation Of Restricted Grant Funds, Gifts,  
And Donations Of \$50,000 Or Less For The Period July 1, 2015 Through June 30,  
2016  
[16-0314](#)

**Sponsors:** Office Of The City Administrator

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

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

**S7.16** Subject: Sale Of 3455 And 3461 Champion Street Properties  
From: Economic And Workforce Development Department  
Recommendation: Adopt An Ordinance: (1) Authorizing The City Administrator,  
Without Returning To The City Council, To Negotiate And Execute A Disposition And  
Development Agreement And Related Documents Between The City Of Oakland And  
Carlos Soloman And Dominica Rice-Soloman Or A Legal Entity Affiliated With Carlos  
Soloman & Dominica Rice-Soloman For (A) The Sale Of The Parcels Located At 3455  
And 3461 Champion Street, Reserving To The City An Easement For A Fiber Optics  
Hub And Related Uses ("Property") For An Amount Not Less Than Three Hundred  
Forty Thousand Dollars (\$340,000), And (B) Development And Operation On The  
Property Of A Full Service Restaurant, All Of The Foregoing Documents To Be In A  
Form And Content Substantially In Conformance With The Term Sheet Attached As  
Exhibit A, And (2) Adopting CEQA Exemption Findings  
[16-0317](#)

**Sponsors:** Economic & Workforce Development Department

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

[View Supplemental Report](#)

[View Supplemental Report](#)

[View Supplemental Report](#)

[13400 CMS](#)

[Proof Of Publication 13400](#)

**This Ordinance be Approved On Introduction and Scheduled for Final Passage.to  
go before the Special Concurrent Meeting of the Oakland Redevelopment  
Successor Agency/City Council to be heard 11/29/2016**

*Councilmember Brooks made a motion, seconded by President Pro Tempore Reid, to continue item 14 to the Special Council Meeting scheduled for 11/14/2016, along with vetting of all proposals and the equity analysis. This motion carried by the following vote: 8 Ayes.*

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

*Council President Gibson McElhaney was noted absent at 6:35 p.m.*

*City Attorney reported on 1 final decision made during closed session.*

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

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

**Absent:** 1 - Gibson McElhaney

**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: Parking And Mobility Initiatives  
From: Transportation Services Division  
Recommendation: Conduct A Public Hearing And Upon Conclusion Take The  
Following Actions:

1) Receive An Informational Report On The Downtown Oakland Parking Management  
Report, The Final Deliverable Of The Metropolitan Transportation  
Commission-Funded Downtown Oakland Parking Study  
[16-0213](#)

**Sponsors:** Transportation Department

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

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at  
6:36 p.m.*

*No individuals spoke on this item.*

*Councilmember Kaplan made a motion, seconded by Councilmember Guillen, 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.*

*Staff was directed to include parking for motorcycles and make a city-wide  
parking study, not just the downtown or certain districts.*

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

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

2) Adopt An Ordinance Amending Titles Of The Oakland Municipal Code(1) 10.36.141  
To Facilitate The Efficient Management Of Parking Meter Zones; And (2) 10.72. To  
Establish New Dedicated Space Parking Permits To Eligible Car Sharing  
Organizations  
[16-0324](#)

**Attachments:** [13398 CMS](#)  
[Proof Of Publication 13398](#)

*A motion was made by Rebecca Kaplan, seconded by Abel J. Guillén, that this  
matter be Approved On Introduction and Scheduled for Final Passage to go  
before the Special Concurrent Meeting of the Oakland Redevelopment Successor  
Agency/City Council, to be heard 11/29/2016. The motion carried by the following  
vote:*

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

**Subject:** Parking And Mobility Initiatives

**From:** Transportation Department

**Recommendation:** Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Ordinance Number 13184 C.M.S. (The Fiscal Year 2015-2016 Master Fee Schedule) To (A) Support The City's Demand Responsive Parking Management Initiatives With (1) Variable Pricing Of On-Street Meter Rates And (2) Off-Street Parking Facility Rates That Reflect The Recommendations Of The Downtown Oakland Parking Management Report; And (B) Establish Fees For A Dedicated Space Car Sharing Program; And  
[16-0224](#)

**Sponsors:** Transportation Department

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

[View Supplemental Report](#)

[13397 CMS](#)

[Proof Of Publication 13397](#)

A motion was made by Rebecca Kaplan, seconded by Abel J. Guillén, that this matter be Approved On Introduction and Scheduled for Final Passage to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 11/29/2016. The motion carried by the following vote:

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

**The Resolution Regarding A Non-Exclusive Agreement With Streetline Inc. Of The "Parking Mobility Initiative" Is Being Held In The Public Works Committee With No Date Certain**

- 9.2** Subject: 24th & Harrison Appeal  
From: Planning and Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying An Appeal By Oakland Residents For Responsible Development And Thus Upholding The Planning Commission's Approval Of A Proposal To Construct 437 Dwelling Units Over Approximately 65,000 Square Feet Of Retail Located At 277 27th Street (24th & Harrison), Oakland CA (Project Case No. PLN16-080), Including Adopting CEQA Exemptions And Addendum (Relying On The Previously Certified 2014 Broadway Valdez District Specific Plan EIR).  
[16-0315](#)

**Sponsors:** Office Of The City Administrator

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

[View Report - Attachment A](#)

[View Reprot - Attachment B](#)

[View Report - Attachment C](#)

[View Report - Attachment D](#)

***2 individuals spoke on this item.***

**A motion was made by Lynette Gibson McElhaney, seconded by Larry Reid, that this matter be Continued to go before the \*Rules & Legislation Committee. The motion carried by the following vote:**

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

### **9.3 This Item "Appeal Of Planning Commission Approval" Is Being Moved To The November 14, 2016 Special Meeting Of The City Council**

- 9.4** Subject: Amendments To The Oakland Fire Code  
From: Oakland Fire Department  
Recommendation: Adopt An Ordinance Repealing Current Oakland Municipal Code Chapter 15.12, The Oakland Fire Code, Making Findings To Substantiate Modifications To California Building Codes And Standards Due To Local Climatic, Geological Or Topographical Conditions, And Adopting And Making Local Amendments To The 2016 Edition Of The California Model Building Code, California Code Of Regulations Title 24, Part 9, Including, But Not Limited To, National Fire Protection Association And Other Referenced Standards As Adopted By The California State Fire Marshal, And Recodifying Said Code As Oakland Municipal Code Chapter 15.12, The Oakland Fire Code  
[16-0283](#)

**Sponsors:** Oakland Fire Department and

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[13401 CMS](#)  
[Proof Of Publication 13401](#)

*Upon the reading of Item 9.4 by the City Clerk, the Public Hearing was opened at 7:11 p.m.*

*1 individual spoke on this item.*

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

**A motion was made by Lynette Gibson McElhaney, seconded by Rebecca Kaplan, that this matter be Approved On Introduction and Scheduled for Final Passage to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 11/29/2016. The motion carried by the following vote:**

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

- 9.5** Subject: Classic Safety Police Employee Pension Cost Sharing  
From: Treasury Bureau  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The  
Following Pieces Of Legislation

1) A Resolution Of Intention To Approve An Amendment To Contract Between The  
Board Of Administration California Public Employees' Retirement System And The  
City Council City Of Oakland, And  
[16-0318](#)

**Sponsors:** Office Of The City Administrator

**Attachments:** [View Report](#)  
[86465 CMS](#)

*Upon the reading of Item 9.5 by the City Clerk, the Public Hearing was opened at  
7:22 p.m.*

*No individuals spoke on this item.*

*Councilmember Kaplan made a motion, seconded by Council President Gibson  
McElhaney, 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.*

**A motion was made by Rebecca Kaplan, seconded by Lynette Gibson McElhaney,  
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



Subject: Classic Safety Police Employee Pension Cost Sharing  
From: Office Of The City Administrator  
Recommendation: Adopt An Ordinance Of The City Of Oakland To Approve An  
Amendment To The Contract Between The City Of Oakland And The Board Of  
Administration Of The California Public Employees' Retirement System (CALPERS);  
To Include A One Percent (1%) Employees Cost Sharing Of Additional Benefits For  
Tier I And Tier II Classic Police Members (California Government Code Section  
20516)  
[16-0336](#)

**Sponsors:** Office Of The City Administrator

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

[13402 CMS](#)

[Proof Of Publication 13402](#)

**A motion was made by Rebecca Kaplan, seconded by Lynette Gibson McElhaney, 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 11/29/2016. The motion carried by the following vote:**

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

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

#### **10 THIS NUMBER INTENTIONALLY NOT USED**

**11** Subject: FY 2016-17 Justice Local Assistance Grant (JAG) Funds  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or  
Designee To Accept And Appropriate The Fiscal Year (FY) 2016 U.S. Department Of  
Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant (JAG) Funds In An  
Amount Not To Exceed Six Hundred And Nine Thousand, Seven Hundred Eighty  
Dollars (\$609,780) For October 1, 2015 Through September 30, 2019  
[16-0280](#)

**Sponsors:** Oakland Police Department

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

*There were 4 speakers on this item.*

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

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

**No:** 1 - Kaplan

- 12 Subject: Infrastructure Bond Affordable Housing Enabling Ordinance  
From: Office Of The City Administrator  
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code To Enact The City Of Oakland Affordable Housing And Infrastructure Bond Law, Which Provides For Issuance Of General Obligation Bonds To Fund The Affordable Housing Program And Other Purposes Described Herein  
[16-0340](#)

**Attachments:** [View Report](#)  
[View Report](#)  
[Supplemental Report](#)  
[Supplemental Report](#)  
[13403 C.M.S](#)  
[Proof Of Publication 13403 CMS](#)

*There were 6 speakers on this item.*

*The amendments are as follows:*

1. *To section 4.54.040, under the title "General Powers" to add language to read:  
"E. To establish a Public Oversight Committee to assure fair and equitable distribution of bond funds, comprised of 9 members, one member appointed by each councilmember and one appointed by the Mayor.  
G (to become F). To broadly advertise availability of the bond programs.  
H (to become G). To report semi-annually to the City Council on expenditures and programs related to the Bond."*
2. *To section 4.54.070, modify the second paragraph, last sentence to read:  
"Proceeds of the bonds may be used to pay or reimburse the City for the costs of City staff for performance of tasks necessary and incidental to the Housing portion of the bond projects but no greater than 5% of the Bond proceeds."*
3. *To section 4.54.200, modify the second paragraph, third sentence to read:  
"Additionally, it prioritizes strategies that increase the supply of affordable housing for those households most vulnerable to displacement, including extremely low income renters, and limited income seniors, veterans, and people with disabilities."*
4. *To section 4.54.230, to modify the second paragraph, FIRST SENTENCE to strike language reading "VERY LOW INCOME HOUSING AND/OR"; SECOND SENTENCE to strike language reading "HAVE A PROGRAM WIDE GOAL OF" AND replacing the word "SPENDING" TO "SPEND" and striking the language reading "VERY LOW INCOME HOUSEHOLDS AND/OR" : adding language to read:  
..."This requirement must be satisfied for and will be applied against the entire authorized affordable housing bond amount but, in order to allow the expeditious awarding of funds, does not necessarily have to be achieved for any single project or program. This 20 percent requirement may be waived by the City Administrator by returning to Council if, after five years from the issuance of the first bond, the City Administrator determines that there is a reasonable chance that the 20 percent set aside for extremely low income housing may not be spent."*

*Striking the sentence reading "ACHIEVEMENT OF THIS GOAL DEPENDS IN PART ON THE AVAILABILITY OF OTHER FUNDING SOURCES TO SUBSIDIZE HOUSING AFFORDABLE AT THESE INCOME LEVELS." And changing the last word of the last sentence to replace the word "GOAL" WITH "REQUIREMENT".*

*5. To section 4.54.240, under the title "Program details" under the subtitles "Acquisition, Rehabilitation, and Preservation Program", "Length of Affordability", adding a second sentence to read:  
"The City may require that participating owners grant the City a first right of refusal to purchase the property if the property is sold during the affordability period."*

*6. To section 4.54.240, under the title "Program details" under the subtitles "Acquisition, Rehabilitation, and Preservation Program", "Income Target", modify the third sentence, and add language thereafter to read: "Rents will be adjusted to be affordable to households at or below 60 percent of AMI until an average of 80 percent of AMI for the project is achieved. The City will establish a scoring mechanism in the application process that requires applicants to meet a certain threshold point level to qualify for funding. That point system will include significant weight for providing a viable plan for targeting extremely low income households with a reasonable period of time."*

*7. To section 4.54.240, under the title "Program details" under the subtitles "Acquisition, Rehabilitation, and Preservation Program", "Rental Rehabilitation Program", "Income Target", modify the paragraph and adding additional language to read:  
"Rents will be adjusted to be affordable to households who are at or below 60 percent of AMI until an average of 80 percent of AMI for the project is achieved. The City will establish a scoring mechanism in the application process that requires applicants to meet a certain threshold point level to qualify for funding. That point system will include significant weight for providing a viable plan for targeting extremely low income households within a reasonable period of time."*

**This Ordinance be Approved As Amended On Introduction and Scheduled for Final Passage.to go before the \* Special Meeting of the Oakland City Council to be heard 11/14/2016**

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

**No:** 1 - Brooks

- 13** Subject: Waterways Enforcement Equipment Grant  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate Grant Funds From The State Of California Department Of Parks And Recreation, Division Of Boating And Waterways, In An Amount Not To Exceed Forty-Four Thousand Three Hundred And Eighty-Two Dollars (\$44,382) By September 30, 2017, To Purchase Equipment For The Marine Enforcement Unit (MEU) Of The Oakland Police Department (OPD)

[16-0279](#)

**Sponsors:** Oakland Police Department

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

**A motion was made by Noel Gallo, seconded by Abel J. Guillén, 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

- 14** 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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***There were 2 speakers on this item.***

**A motion was made by Desley Brooks, seconded by Larry Reid, that this matter be Continued to go before the \* Special Meeting of the Oakland City Council, to be heard 11/14/2016. The motion carried by the following vote:**

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

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

**A motion was made by Desley Brooks, seconded by Larry Reid, that this matter be Continued to go before the \* Special Meeting of the Oakland City Council, to be heard 11/14/2016. The motion carried by the following vote:**

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

**S15** Subject: National League Of Cities Appointment And Travel Authorization  
From: Council President Lynette Gibson McElhaney  
Recommendation: Adopt A Resolution (1) Appointing Councilmember Abel Guillén As The City Of Oakland's Voting Delegate And Council President Lynette Gibson McElhaney As The City Of Oakland's Alternate Voting Delegate To The National League Of Cities' 2016 Annual Business Meeting, Taking Place In Pittsburgh From November 16 To 19, 2016 And (2) Authorizing Reimbursement For Council President Lynette Gibson McElhaney's Costs Of Approximately \$2,067.50 From The Council Contingency Fund For Travel To This Meeting  
[16-0371](#)

**Sponsors:** Gibson McElhaney

**Attachments:** [View Supplemental Report](#)  
[86468 CMS](#)

***Councilmember Guillen made a motion seconded by Councilmember Kaplan to approve the urgency finding on item S15 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting.***

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

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

**S16** Subject: Resolution In Support Of Proposition 64  
From: Councilmember Kaplan And Kalb  
Recommendation: Adopt A Resolution In Support Of Proposition 64, The Marijuana  
Legalization Initiative  
[16-0368](#)

**Sponsors:** Kaplan and Kalb

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

*Councilmember Kaplan made a motion seconded by Councilmember Kalb to approve the urgency finding on item S16 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action relates to federal or state legislation.*

*Councilmember Gallo noted as absent at 9:08 p.m.*

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

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

**Absent:** 1 - Gallo

## 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 Fred Hampton, Bobby Hutton, members of the Black Panther Party, Luella Juanita Bailey, and Doneta Modley at 9:17 p.m.*

### **Americans With Disabilities Act**

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