



# 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

### Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board

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

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

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Tuesday, November 29, 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 5:42 p.m.*

#### 2 ROLL CALL / CITY COUNCIL

**Present** 8 - Desley Brooks, Annie Campbell Washington, Noel Gallo, Abel J. Guillén, Dan Kalb, Rebecca Kaplan, Lynette Gibson McElhaney, and Laurence E. Reid

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

*There were 16 speakers on Open Forum.*

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

*Councilmember Guillen took a point of personal privilege and requested that the meeting be adjourned in memory of Tel Cary-Sadler.*

*President Pro Tempore Reid and Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Deborah Hudson Williams.*

*Council President Gibson McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Jerry Harbin, Allyn Redd, Deante Miller, and Roderick Traeyvon Godfrey.*

*Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Will Sims.*

- 4.1 Subject: Presentation By Assemblymember Rob Bonta  
From: Council President Lynette Gibson McElhaney  
Recommendation: Receive An Informational Presentation From Assemblymember Rob Bonta To Update The City Council On The 2017 Legislative And Budgetary Outlook And Discuss The Accomplishments Of The 2016 Legislative Session  
[16-0396](#)

**Sponsors:** Gibson McElhaney

**A motion was made by Dan Kalb, seconded by Annie Campbell Washington, that this matter be Received and Filed. The motion carried by the following vote:**

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

- 4.2 Subject: Resolution Honoring Key Source International (KSI)  
From: President Pro Tem Reid  
Recommendation: Adopt A Resolution Honoring Key Source International (KSI) For Receiving A National Innovation Award Sponsored By The American Hospital Association  
[16-0452](#)

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

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

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

- S4.3 Subject: Honoring Director John Sutter Upon His Retirement  
From: Council President Gibson McElhaney  
Recommendation: Adopt A Resolution Honoring Director John Sutter Upon His Retirement After 20 Years Of Service On The East Bay Regional Parks Board And 60 Years Of Dedicated Public Service To The Citizens Of Oakland And The East Bay  
[16-0477](#)

**Sponsors:** Gibson McElhaney

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

[86472 CMS](#)

**President Pro Tempore Reid noted out of his seat at 6:05 p.m.**

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

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

**S4.4** Subject: Commending The 100 Black Wings Track Team  
From: Council President Gibson McElhaney  
Recommendation: Adopt A Resolution Commending The 100 Black Wings Track  
Team For Their Success At The 2016 International Children's Games In Taipei  
[16-0476](#)

**Sponsors:** Gibson McElhaney

**Attachments:** [View Report](#)  
[86473 CMS](#)

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

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

**Absent:** 1 - Reid

**5** APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF November 1,  
2016.  
[16-0479](#)

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

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

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

**Absent:** 1 - Reid

**6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS  
(Requests To: Reschedule Items From Consent To Non-Consent  
To The Next Council Agenda, Speak On Consent Calendar, Register Votes,  
Change Order Of Items, Reconsiderations, Pull Items Held In Committee):**

*Councilmember Kaplan made a motion, seconded by Councilmember Brooks, to reschedule Item 13 OPIC Prompt Payment Settlement. This item will be brought back to Rules and Legislation for scheduling.*

*Councilmember Gallo made a motion, seconded by Councilmember Brooks, to refer Item 7.24 regarding Police Training, Policy, And Accountability back to Public Safety Committee on 12/06/2016.*

*President Gibson McElhanev made a motion to withdraw Item 9.5 regarding 24th and Harrison Appeal, not hear item 11, and Item 15 regarding Compassionate Communities Informational Presentation would be continued to City Council meeting on 12/13/2016. Lastly, Item 8 regarding Oral Report of Final Decisions Made During Closed Session be heard last on the agenda.*

Subject: Police Training, Policy, and Accountability  
From: Oakland Police Department  
Recommendation: Receive Informational Report With Information Regarding Internal Affairs Investigations, Police Personnel Trainings, Updates To Police Policy, And Recent Developments In Police Discipline  
[16-0321](#)

**Sponsors:** Oakland Police Department

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

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

*There were 10 speakers on this item.*

*President Gibson McElhanev requested to hear item 14 regarding Reaffirming Oakland As A City of Refuge For Immigrants right after Consent Calendar items.*

**At this time the Council will adjourn as the Special Meeting of the Oakland Redevelopment Successor Agency/CityCouncil and Convene as the Geological Hazard Abatement District Board**

*At 7:23 p.m., the meeting of the Geological Hazard Abatement District was convened.*

## ***Approval of the Consent Agenda***

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

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

- 7.1** Subject: Annexation Of The Kenilworth Road Development  
From: Geologic Hazard Abatement District (GHAD)  
Recommendation: Take The Following Actions:  
1.) Accept The Petition For Annexation Of The Kenilworth Property Into The Existing Oakland Area Geologic Hazard Abatement District ("GHAD"); And  
2.) Accept The Draft Kenilworth Property Plan Of Control (November 15, 2016); And [16-0435](#)

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

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

3) Adopt Resolution No. 14 To Do The Following: (A) Conduct A Public Hearing 20 Days After Notice Is Sent To Property Owners Within The Territory Requesting The Annexation To Consider The Proposed Annexation Of Territory Into The Existing Oakland Area GHAD And The Draft Plan Of Control, And Hear Any Written Objections Thereto; And (B) DIRECT The Oakland Area GHAD Clerk, Or Their Designee, To Mail, By First Class Mail, A Written Notice Of The Hearing To Consider The Proposed Annexation And The Draft Plan Of Control To Each Owner Of Real Property As Required By GHAD Law.

[16-0438](#)

**This City Resolution was Adopted.**

**At this time the Geological Hazard Abatement District Board will adjourn and reconvene as the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council**

***At 7:24 p.m., the meeting of the Geological Hazard Abatement District adjourned.***

- 7.2** Subject: Declaration Of A Local Emergency Due To AIDS Epidemic  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The Human Immunodeficiency Virus ("HIV") / Acquired Immunodeficiency Syndrome ("AIDS") Epidemic.  
[16-0402](#)

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

[86474 CMS](#)

**This City Resolution was Adopted.**

- 7.3 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.  
[16-0403](#)

**Attachments:** [View Report](#)  
[86475 CMS](#)

**This City Resolution was Adopted.**

- 7.4 Subject: City Attorney Settlement Authority  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing The City Attorney To Settle Claims  
And Litigation For Twenty Five Thousand Dollars (\$25,000) Or Less  
[16-0291](#)

**Sponsors:** Office Of The City Attorney

**Attachments:** [View Report](#)  
[86476 CMS](#)

**This City Resolution was Adopted.**

- 7.5 Subject: City Of Oakland V. Frances Mitchell  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Frances Mitchell v. City Of Oakland, Alameda  
County Superior Court Case No. RG15776510, City Attorney's File No. 30551, In The  
Amount Of Thirty-Nine Thousand Three Hundred And Seventy Five Dollars And Zero  
Cents (\$39,375.00) (Oakland Public Works - Dangerous Condition)  
[16-0392](#)

**Sponsors:** Office Of The City Attorney

**Attachments:** [View Report](#)  
[86477 CMS](#)

**This City Resolution was Adopted.**

**7.6** 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](#)

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

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](#)

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

7.7 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 for Final Passage.**



- 7.8 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](#)

***Councilmember Kaplan directed the City Administrator to have staff work with the stakeholders to provide dire code amendments at a later date that reflect stakeholders input for further amendments.***

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

- 7.9** 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 was Approved for Final Passage.**

- 7.10** 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](#)

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

**7.11** Subject: Settlement Of City Of Oakland V. Clarence W. Payne, Jr., Et Al.  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Amending And Correcting The Title Of  
Resolution No. 86470, Passed November 14, 2016, Which Authorized And Directed  
The City Attorney To Compromise And Settle The Case Of City Of Oakland V.  
Clarence W. Payne, Jr., Et Al., Alameda County Superior Court No. 784459-1, To  
Clarify The Correct Settlement Amount Is Twenty-Five Thousand Dollars (\$25,000.00)  
[16-0450](#)

**Attachments:** [View Report](#)  
[86478 CMS](#)

**This City Resolution was Adopted.**

**7.12** Subject: Side Letter with IAFF Regarding Hazardous Materials Pay  
From: Employee Relations Department  
Recommendation: Adopt A Resolution Approving A Side Letter With The International  
Association Of Fire Fighters (IAFF), Local 55 Regarding Incentive Pay For Bargaining  
Members Who Have Completed A Fire Department Approved Hazardous Materials  
Certification Program And Are Assigned To Work At Fire Station 3  
[16-0414](#)

**Sponsors:** Human Resources Management Department

**Attachments:** [View Report](#)  
[86479 CMS](#)

**This City Resolution was Adopted.**

**7.13** Subject: Side Letter With SEIU Regarding Library Holiday Hours  
From: Employee Relations Department  
Recommendation: Adopt A Resolution To Implement The Terms Of A Side Letter  
Agreement Between The City Of Oakland And SEIU 1021, To Modify Article 11.2 -  
Christmas Eve And New Years' Eve Of The Current Labor Agreement  
[16-0415](#)

**Sponsors:** Human Resources Management Department

**Attachments:** [View Report](#)  
[86480 CMS](#)

**This City Resolution was Adopted.**

- 7.14** Subject: SeeClickFix License Amendment  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend The Agreement With SeeClickFix To Continue Use Of An Online And Mobile Application That Improves Customer Service, Enables The Public To Report And Track Issues In The City Of Oakland, Increases Transparency, And Provides Tools To Manage And Respond To Requests, For An Amount Up To \$56,000 In The First Year And \$41,000 Annually For The Following Four Years, For A Total Amount Over The Five Year Period Not To Exceed \$220,000, Bringing The Total Amount Since The Start Of The Agreement To \$263,220 And Waiving The Competitive Selection Requirements

[16-0361](#)

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

[86481 CMS](#)

**This City Resolution was Adopted.**

- 7.15** Subject: Microcomputers, Desktop And Tower-Based Systems, And Monitors  
From: Department Of Finance  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award A Contract To Cyber Computers INC, The Lowest Responsible And Responsive Bidder, In An Amount Up To Three Hundred Eighty-Six Thousand Eighty-Dollars And One Cent (\$386,080.01) To Purchase Microcomputers, Desktop And Tower-Based Systems, And Monitors For A Period Of Nine (9) Months, In Accordance With Specification No. 17-204-53/ Request For Quotation (RFQ) 6175,1.

[16-0358](#)

**Sponsors:** Finance Department

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

[86482 CMS](#)

**This City Resolution was Adopted.**

- 7.16** Subject: Correct Salary Increases For Unit TL1 Employees  
From: Human Resources Management  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Correct An Error In The Salary Scheduled For Unrepresented Employees In Classifications In Unit TL1 So The Salary Rates For The TL1 Part Time Classifications Align With Their Full Time Equivalent Classifications

[16-0356](#)

**Sponsors:** Human Resources Management Department

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

[13405 CMS](#)

**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 12/13/2016**

- 7.17** Subject: Public Bank Feasibility Study  
From: Councilmember Kaplan, Councilmember Kalb and Councilmember Guillen  
Recommendation: Adopt A Resolution Directing The City Administrator To Prepare An Informational Report With The Cost Estimates Of Commissioning A Study Analyzing The Feasibility And Economic Impact Of Establishing A Public Bank For Or Including The City Of Oakland, And Providing Funding Options For The Feasibility Study, Including The Option Of Allocating To The Study Any Remainder Of The Money That Was Budgeted For The Goldman Sachs Debarment Proceedings

[16-0339](#)

**Sponsors:** Kaplan and Kalb

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

**This City Resolution was Adopted.**

- 7.18** Subject: FY 2015-16 Fourth Quarter Revenue & Expenditure Report  
From: Finance Department  
Recommendation: Receive An Informational Report On The Unaudited Fiscal Year (FY) 2015-16 Fourth Quarter Revenue And Expenditure Results And Year-End Summaries For Six Selected Funds - General Purpose Fund (GPF, 1010), Multipurpose Reserve Fund (1750), State Gas Tax Fund (2230), State Gas Tax Proposition 42 Replacement Fund (2231), Landscape & Lighting Assessment District Fund (LLAD, 2310), And Facilities Fund (4400); And Overtime Analysis For The General Purpose Fund (1010) And All Funds.

[16-0397](#)

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

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

**7.19** Subject: MacArthur Station - Consent To Property Conveyance  
From: Economic And Workforce Development  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An ORSA Resolution Authorizing The Oakland Redevelopment Successor Agency Administrator Or Designee To (A) Execute A Consent To The Conveyance Of Parcels A And C-1 Of MacArthur Station By MacArthur Transit Community Partners, LLC ("MTCP") To Hines, Or One Of Its Affiliates, For Development Of Two Rental Residential/Retail Buildings, Pursuant To The Terms Of An Owner Participation Agreement ("OPA") Between The Oakland Redevelopment Successor Agency And MTCP; And (B) Amend The OPA To (1) Reduce The Size Of The Retail Component, Change The Size Of The Retail Component For Each Parcel And Establish Retail Leasing Requirements For Parcel A, And (2) Extend Certain Development Deadlines; Relying On The Previously Certified 2008 Environmental Impact Report And 2015 CEQA Addendum Per CEQA Guidelines Sections 15162-15164, 15183, 15183.3, 15168 And 15180, And Separately And Independently Finding Certain Of The Above Actions Are Not A "Project" Under CEQA; And [16-0275](#)

**Sponsors:** Economic & Workforce Development Department

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[2016-010 CMS](#)

**This City Resolution was Adopted.**

2) A Resolution Authorizing The City Administrator Or Designee To Execute A Consent To The Conveyance By Macarthur Transit Community Partners, LLC ("MTCP") To Hines, Or One Of Its Affiliates, Of Parcels A And C-1 Of Macarthur Station For Development Of Two Rental Residential/Retail Buildings, Pursuant To The Terms Of A Development Agreement Between The City Of Oakland And MTCP And Relying On The Previously Certified 2008 Environmental Impact Report And 2015 CEQA Addendum Per CEQA Guidelines Sections 15162-15164, 15183, 15183.3, 15168 And 15180, And Separately And Independently Finding The Conveyance Is Not A "Project" Under CEQA [16-0276](#)

**Sponsors:** Economic & Workforce Development Department

**Attachments:** [86484 CMS](#)

**This City Resolution was Adopted.**

**7.20** Subject: Salary Ordinance Amendment/Specialty Combination Inspector And Senior Combination Inspector  
From: Human Resources Management  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Change The Representation Unit Designations Of The Classifications Of Specialty Combination Inspector And Specialty Combination Inspector, Senior, And Amend The Salary Schedule Of Specialty Combination Inspector, Senior  
[16-0354](#)

**Sponsors:** Human Resources Management Department

**Attachments:** [View Report](#)  
[13406 CMS](#)

**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 12/13/2016**

**7.21** Subject: Montclair BID Annual Report And Intention To Set FY 2017-2018 Assessment  
From: Economic And Workforce Development Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2017-2018 For The Montclair Business Improvement District, Approving The Annual Report Of The Montclair Business Improvement District Advisory Board  
[16-0365](#)

**Sponsors:** Economic & Workforce Development Department

**Attachments:** [View Report](#)  
[86485 C.M.S.](#)

**This City Resolution was Adopted.**

- 7.22** Subject: Service Opportunity For Seniors /Meals On Wheels Program 2016-2017  
From: Human Services Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Grant Agreement With Service Opportunity for Seniors In An Amount Not To Exceed \$176,000 To Provide Operational Support To The Meals On Wheels Program For Fiscal Year 2016-2017.

[16-0366](#)

**Sponsors:** Human Services Department

**Attachments:** [View Report](#)  
[86486 C.M.S.](#)

**This City Resolution was Adopted.**

- 7.23** Subject: Measure Z Evaluation Services Contract Award  
From: Office Of The City Administrator  
Recommendation: Adopt A 1) Resolution Authorizing The City Administrator To Enter Into A Contract With Mathematica Policy Research, Inc. To: A) Evaluate Select Oakland Unite Strategies For One Year From October 2016 Through December 2017 For Up To \$175,000, With The Option To Extend The Contract For Three Additional Years For A Total Amount Of Seven Hundred Twelve Thousand Dollars (\$712,000); And, B) Evaluate, Annually, All Oakland Unite Programs For One Year From October 2016 Through December 2017 For Up To \$170,000, With The Option To Extend The Contract For Three Additional Years For A Total Amount Of Seven Hundred Twenty-Five Thousand Dollars (\$725,000). 2) Enter Into A Contract With Resource Development Associates To Evaluate, Annually, The Police Department's Geographic And Community Policing Programs For One Year From October 2016 Through December 2017 For Up To \$102,000, With The Option To Extend The Contract For Three Additional Years, For A Total Amount Of Four Hundred Ninety-Eight Thousand Dollars (\$498,000)

[16-0282](#)

**Sponsors:** Office Of The City Administrator

**Attachments:** [View Report](#)  
[86487 C.M.S.](#)

**This City Resolution was Adopted.**



**7.24** Subject: Police Training, Policy, and Accountability  
From: Oakland Police Department  
Recommendation: Receive Informational Report With Information Regarding Internal  
Affairs Investigations, Police Personnel Trainings, Updates To Police Policy, And  
Recent Developments In Police Discipline  
[16-0321](#)

**Sponsors:** Oakland Police Department

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
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*Councilmember Gallo, seconded by councilmember Brooks, requested this item to be heard on the Public Safety Committee meeting on 12/6/2016.*

*Councilmember Brooks requested Police Department staff to clarify in the supplemental report cases versus allegations of failures to supervise and to correct the chart regarding cases and outcomes on page 4 of the City Attorney's report to reflect the correct total number of cases.*

A motion was made by Desley Brooks, seconded by Noel Gallo, that this matter be Referred to go before the \*Special Public Safety Committee, to be heard 12/6/2016. The motion carried by the following vote:

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

**7.25** Subject: OPD 911 Systems Upgrade  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept 9-1-1 Customer Premise Equipment (CPE) And Related Technology, Valued At Six Hundred Thirty Five Thousand Dollars (\$635,000), Funded By The California Governor's Office Of Emergency Services (CALOES) California 9-1-1 Emergency Communications Branch, To Support The Modernization Of The Oakland Police Department's (OPD) 9-1-1 Communications Technology  
[16-0351](#)

**Sponsors:** Oakland Police Department

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[86488 C.M.S.](#)

**This City Resolution was Adopted.**

- 7.26** Subject: Amendment Of Resolution No. 85222 C.M.S. Funding The CPRB Database And Case Management System  
From: Citizens' Police Review Board  
Recommendation: Adopt A Resolution Waiving The Competitive Selection Requirements And Authorizing The City Administrator Or Designee To Enter Into A Contract With Microsoft Corporation For The Purchase Of Professional Services, Software And License, To Build The Citizens' Police Review Board Database And Case Management System Modeled After The Oakland Police Department's Second Generation Early Warning System And Technology Platform ("IPAS2") System In The Amount Of One Hundred-Thirty Thousand Dollars (\$130,000)  
[16-0352](#)

**Sponsors:** Office Of The City Administrator

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[86489 C.M.S.](#)

**This City Resolution was Adopted.**

**7.27** Subject: Fiscal Year 2016 FEMA, Urban Search and Rescue Grant  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee To: A) Enter Into A Grant Cooperative Agreement With The Federal Emergency Management Agency (FEMA) To Accept And Appropriate Federal (FEMA) Funds For The Period September 1, 2016 To August 31, 2019, In The Amount Of One Million Two Hundred Sixty Nine Thousand Five Hundred Eighty Two Dollars (\$1,269,582) To Meet Continuing Management, Training And Equipment Needs Of The Fire Department's Urban Search And Rescue (US&R) Task Force; B) Expend The FEMA Funds In Accordance With The Preliminary Spending Plan Without Further Council Approval, Including The Purchase Of Equipment From The General Services Administration And Other Government Required Pricing Schedules; C) Waiving The City's Advertising And Competitive Bidding And Purchasing Requirements For Procurement Of Equipment When Required By The Grantor; D) Approve Travel For City Personnel For The FEMA Cooperative Agreement Program On Short Notice; E) Approve A Contribution From The General Purpose Fund (GPF) In An Amount Equivalent To The Information Technology Department (ITD) -Internal Service Fund (ISF) Charges Affiliated With Said Grant, Estimated At Six Thousand Seven Hundred And Four Dollars (\$6,704.00) For Fiscal Year 2016-17, And To Provide A Contribution Equivalent To The ITD-ISF Charge For The Duration Of The Grant Period  
[16-0353](#)

**Sponsors:** Oakland Fire Department and

**Attachments:** [View Report](#)  
[86490 C.M.S.](#)

**This City Resolution was Adopted.**

**7.28** Subject: 2016 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 Seven Hundred Fifty-Three Thousand Three Hundred Fifty Dollars (\$753,350) From The State Of California, Office Of Traffic Safety (OTS), For The Fiscal Year (FY)2016-17 Selective Traffic Enforcement Program (STEP) To Be Administered By The Oakland Police Department (OPD) And To Authorize The General Purpose Fund To Contribute Sixty-Two Thousand Four Hundred Fifteen Dollars (\$62,415) To Cover The Central Service Overhead Charges  
[16-0348](#)

**Sponsors:** Oakland Police Department

**Attachments:** [View Report](#)  
[86491 C.M.S.](#)

**This City Resolution was Adopted.**

**7.29** Subject: Fiscal Year 2016 Urban Area Security Initiative Program Grant Agreement  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee To: 1. Enter Into The Urban Area Security Initiative (UASI) Grant Administration Agreement With The City And County Of San Francisco; 2. Accept, Appropriate, And Administer Up To One Million Sixty Three Thousand And Six Hundred Twenty Nine Dollars (\$1,063,629.00) UASI Grant Funds For Federal Fiscal Year (FY) 2016-18; 3. Approve The FY 2016-18 UASI Recommended Spending Plan And Authorize A Contribution From The General Purpose Fund In An Amount Equivalent To The Department's Central Services Overhead (CSO) Charges Affiliated With Said Grant Estimated At Nineteen Thousand, Five Hundred Eighteen Dollars (\$19,518.00) For FY 2016-17 And Forty-Five Thousand, Five Hundred Forty-Two Dollars (\$45,542.00) For FY 2017-18; And 4. Expend Funds In Accordance With Said Recommended Spending Plan Without Further Council Approval Provided The City's Hiring And Contract Services Requirements And Programs/Policies Are Followed.  
[16-0383](#)

**Sponsors:** Oakland Fire Department and

**Attachments:** [View Report](#)  
[86492 C.M.S.](#)

**This City Resolution was Adopted.**

- 7.30** Subject: Removing The Bike Registration Requirement  
From: Council President Lynette Gibson McElhaney  
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 12.60 To Repeal The City's Requirements On Bicycle Registration And Licensing, The Reporting Of Bicycle Ownership Transfer And Sales, And The Prohibition On Destroying Bicycle Numbers Or Licenses  
[16-0244](#)

**Sponsors:** Gibson McElhaney

**Attachments:** [View Report](#)  
[View Report](#)  
[13404 CMS](#)

**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 12/13/2016**

- 7.31** Subject: Appointment To The Cannabis Regulatory Commission  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Reappointment Of Amanda Reiman And A. Kathryn Parker As A Members Of The Cannabis Regulatory Commission  
[16-0458](#)

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[86493 C.M.S.](#)

**This City Resolution was Adopted.**

- 7.32** Subject: Appointment To The Oakland Housing Authority Board  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Anne E. Griffith To A Four-Year Term On The Oakland Housing Authority Board  
[16-0457](#)

**Attachments:** [View Report](#)  
[86484 C.M.S.](#)

**This City Resolution was Adopted.**

- 7.33 Subject: Appointment To The Community Policing Advisory Board  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of  
Michelle Martin As A Member Of The Community Policing Advisory Board  
[16-0455](#)

**Attachments:** [View Report](#)  
[86495 C.M.S.](#)

**This City Resolution was Adopted.**

- 7.34 Subject: Appointment To The Youth Advisory Commission  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of  
Rachel Dharmapalan, Addison Duchin, Elena Larsen, Ryan Hunt, Gloria Guzman,  
And Bethania Tadesse, And Appointment Of Jackeline Rivas As Members Of The  
Youth Advisory Commission.  
[16-0456](#)

**Attachments:** [View Report](#)  
[86496 C.M.S.](#)

**This City Resolution was Adopted.**

- 7.35 Subject: Rockridge BID Annual Report And Intention To Set FY 2017-2018  
Assessment  
From: Economic And Workforce Development Department  
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment  
For Fiscal Year 2017-2018 For The Rockridge Business Improvement District,  
Approving The Annual Report Of The Rockridge Business Improvement District  
Advisory Board  
[16-0364](#)

**Sponsors:** Economic & Workforce Development Department

**Attachments:** [View Report](#)  
[86497 C.M.S.](#)

**This City Resolution was Adopted.**

**COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE  
THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:**

*The items were taken in the order that follows.*

- 14 Subject: Reaffirming That Oakland Is A City Of Refuge For Immigrants  
From: Vice Mayor Campbell Washington, Councilmembers Gallo, Guillen And  
Pro Tempore Reid  
Recommendation: Adopt A Resolution Denouncing Tactics Used To Intimidate  
Immigrants Residing In Oakland And Re-Affirming The City's Declaration As A City Of  
Refuge  
[16-0440](#)

**Sponsors:** Campbell Washington, Gallo and Mr. Reid

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[86498 C.M.S.](#)

*There are 38 speakers on this item.*

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

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

9 **CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING  
REQUIREMENTS:**

**9.1** Subject: Macarthur BART Parcels A And C1 Revision To FDP  
From: Planning And Building Department  
Recommendation: Adopt A Resolution, As Recommended By The Planning  
Commission, Revising The MacArthur BART Parcels A And C1 Final Development  
Permit (Case File PUDF08/ER01), Relying On The 2008 Macarthur Station Project  
Environmental Impact Report And Addenda, Finding That No Additional  
Environmental Review Is Needed Pursuant To CEQA Guidelines Sections  
15162-15164 And Adopting Related CEQA Findings  
[16-0274](#)

**Sponsors:** Planning & Building Department

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[86499 C.M.S.](#)

***Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 8:34 p.m.***

***5 individuals spoke on this item.***

***Councilmember Kalb made a motion, seconded by Councilmember Guillen, to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, and President Gibson McElhane; 1 Absent: Reid.***

***The amendments submitted by Councilmember Kalb are as follows:***

***Following paragraph is to be added as a footnote to the Conditions of Approval: The Conditions of Approval reflect the project description and project circumstances as of July 1, 2008. Since that time, certain elements of the project have been constructed and the City has approved certain modifications to the project description and phasing schedule contained in these 2008 Conditions of Approval, including the current revision to the FDP for Parcels A and C1 (“the subsequent approvals”). Although these Conditions of Approval have not been updated to reflect the subsequent approvals, the City acknowledges that changes and modification to the project description and project phasing schedule included in the subsequent approvals modify and supersede any***



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*conflicting provision in the 2008 Conditions of Approval.*

*Following Conditions of Approval are to be added or amended as follows:*

**41. Groundfloor Retail Leasing.**

*Prior to any conversion of groundfloor space from retail to live/work for Parcels A and C1*

*Provide active retail leasing period during 24-month construction period and for 15 months following issuance of Temporary Certificate of Occupancy for Parcels A and C1, for a total of 39 months. Work with Temescal Telegraph Business Improvement District (TTBID) during this period to identify and attract retail tenants.*

**42. Groundfloor Retail Leasing.**

*Prior to Certificate of Occupancy for REMOVE "Parcel A or C1 (and annual reporting)" AND ADD "retail and/or live/work space for Parcels A and C1"*

*Comply with any leasing requirements included in the Owner Participation Agreement, and provide a permanent REMOVE "retail" leasing program to ensure that every time a commercial REMOVE "or," live/work, ADD "or work/live" space is available to lease, the space is actively marketed to retail tenants for retail uses, REMOVE "subject to Planning staff approval. Annual retail leasing program." ADD "An annual Retail Marketing Plan (see section 43 b.)" compliance REMOVE "reporting" ADD "report" is to accompany ADD "the" required Development Agreement compliance annual report.*

**REMOVE "43 Groundfloor Active Uses.**

*Prior to issuance of Certificate of Occupancy for Parcel A or C1*

*For ground-floor space that can be converted to live-work, designate not less than 50 percent of the affected square footage to be occupied by active business, subject to approval by the Director of Planning and Building or his/her designee. Factors to be considered in this determination may include, but are not limited to, amount of ground-floor transparency, hours of operation, and type of business to be located in the affected space."*

**ADD "43. Groundfloor use requirements.**

**Concurrent with compliance with Conditions 41-42**

**The following additional requirements apply to Conditions 41-42:**

**a. It is the stated desire of the Applicant/Developer and the City of Oakland that the ground floor units along 40th Street of Parcel A (and other identified units) and Parcel C1 considered for conversion be used for active retail uses.**

**b. The Applicant/Developer shall consult and work closely in good faith with the Temescal Telegraph BID on the development and implementation of reasonable and objective parameters for the commercial retail marketing and leasing plan (the "Retail Marketing Plan"), which will include but not be limited to detailed conditions and action items by applicant/developer to actively market the space as commercial retail and in case of live-work conversion, prioritize tenants with active uses accessible to the public and the items contained in 43.e., 43.f and 43.g. The Retail Marketing Plan will also be submitted to City staff for review and approval by March 1st, 2017. This plan has to be approved by the city prior to any**

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*conversion of groundfloor space from retail to live/work or work/live units.*

*c. If Applicant/Developer seeks to expand the allowable use of these units to live/work or work/live, Applicant/Developer must submit an annual compliance reporting document reflecting actual steps taken to implement the Retail Marketing Plan to the T-T BID. T-T BID shall be given no less than 30 calendar days to review the annual compliance reporting document before Applicant/Developer submits it to the city for review and approval.*

*d. If any conversion or expansion of allowable uses is granted, they shall include live/work or work/live or retail. Leases for all groundfloor uses will require tenants to maintain areas visible from the street clean, organized and blight free. For all groundfloor uses, Applicant/Developer shall ensure that the façade and storefront portion of each unit promotes the visual transparency.*

*e. If conversion or expansion of allowable uses is approved, Applicant/Developer shall actively market and promote the spaces as commercial retail spaces on an ongoing basis.*

*f. Applicant/Developer shall give preference to live/work or work/live tenants who agree (in writing) to use the front portion of the unit in a manner that is generally open to the public and activated in some fashion for most of the typical workday retail hours. The terms of these leases shall include the agreed-upon requirement of the activation and public access.*

*g. The Applicant/Developer voluntarily agrees that the commercial retail spaces will be offered at a rental rate of no greater than the market rate for commercial retail."*

**44. Pedestrian Street Lighting.**

*Prior to issuance of first construction-related permit for Parcel A or C1 The applicant has voluntarily agreed to contribute \$75,000 to Temescal Telegraph Business Improvement District, specifically for the purpose of providing pedestrian street-lighting on Telegraph Avenue between West MacArthur Boulevard and 40th Street.*

**ADD "45. Telegraph Avenue driveway entrance.**

*Prior to issuance of a building permit To ensure the safety of pedestrians, cyclists, and nearby residents, the Applicant/Developer shall obtain approval from the City to install the best management practices safety technology to be used at the residential parking ramp off of Telegraph Avenue."*

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

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

**Absent:** 1 - Reid

- 9.2** Subject: Local Amendments To 2016 California Model Housing Law  
From: Planning And Building Department  
Recommendation: Adopt An Ordinance (1) Repealing The Oakland Amendments To  
The 2013 Edition Of The State Housing Law Regulations, (2) Adopting Local  
Amendments To The 2016 Edition Of The State Housing Law Regulations, And (3)  
Amending Oakland Municipal Code Chapter 15.08 To Comply With Changes To State  
Law And Adopting CEQA Exemption Findings  
[16-0357](#)

**Sponsors:** Oakland Public Works Department

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[13407 CMS](#)

*Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 8:47 p.m.*

*No individuals spoke on this item.*

*Councilmember Kaplan made a motion, seconded by Councilmember Kalb to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, and President Gibson McElhane; 1 Absent: Reid.*

*Councilmember Kaplan made a motion, seconded by Councilmember Kalb, to amend the Ordinance on page 2 consisting of an additional Whereas clause stating the following: "Whereas City Staff will work together with stakeholders to explore any potential further amendments."*

**A motion was made by Rebecca Kaplan, seconded by Dan Kalb, that this matter be Approved As Amended 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 12/13/2016. The motion carried by the following vote:**

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

**Absent:** 1 - Reid

2) A Resolution Of Findings Supporting Local Amendments To The 2016 Edition Of The State Housing Law Regulations To Comply With Changes To State, Law And Adopting CEQA Exemption Findings

[16-0360](#)

**Sponsors:** Oakland Public Works Department

**Attachments:** [86500 1215A](#)

**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, Gallo, Guillén, Kalb, Kaplan, and Gibson McElhaney

**Absent:** 1 - Reid

**9.3** Subject: Local Amendments to 2016 California Model Building Construction Codes  
From: Planning And Building Department  
Recommendation: Adopt The Following Legislation To Amend The 2016 Triennial Editions Of The California Model Building Construction Codes:

1) A Resolution Of Findings Supporting Local Amendments To The 2016 Editions Of The California Model Building Construction Codes To Comply With Changes To State Law And Adopting CEQA Exemption Findings; And

[16-0362](#)

**Sponsors:** Oakland Public Works Department

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

[86501 C.M.S](#)

***Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at 8:50 p.m.***

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

***Staff noted the following changes: in the Resolution replace every occurrence of 2001 to 2016.***

***Councilmember Kaplan made a motion, seconded by Councilmember Kalb, to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, and President Pro Tempore Reid; 1 Absent: Gibson McElhaney.***

***Councilmember Kaplan made a motion to amend the Resolution on page 2 consisting of an additional Whereas clause stating the following: "Whereas City Staff will work together with stakeholders to explore any potential further amendments."***

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

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

**Absent:** 1 - Gibson McElhaney

**Subject:** Local Amendments to 2016 California Model Building Construction Codes  
**From:** Planning And Building Department  
**Recommendation:** Adopt An Ordinance (1) Repealing The Oakland Amendments To The 2013 Edition Of The California Model Building Construction Codes, (2) Adopting Local Amendments To The 2016 Edition Of The California Model Building Construction Codes, And (3) Amending Oakland Municipal Code Chapter 15.04 To Comply With Changes To State Law And Adopting CEQA Exemption Findings [16-0363](#)

**Sponsors:** Oakland Public Works Department

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[13408 CMS](#)

**A motion was made by Rebecca Kaplan, seconded by Dan Kalb, 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 12/13/2016. The motion carried by the following vote:**

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

**Absent:** 1 - Gibson McElhaney

- 9.4** Subject: Community Choice Energy Program  
From: Oakland Public Works Department  
Recommendation: Adopt An Ordinance Authorizing The Implementation Of A  
Community Choice Energy Program Within The Corporate Boundaries Of The City Of  
Oakland To Become Effective Thirty Days Following The Final Passage Of The  
Ordinance  
[16-0436](#)

**Sponsors:** Oakland Public Works Department

**Attachments:** [View Report Part A](#)  
[View Report Part B](#)  
[View Report](#)  
[View Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[13409 CMS](#)  
[86502 CMS](#)

*Upon the reading of Item 9.4 by the City Clerk, the Public Hearing was opened at 8:55 p.m.*

*8 individuals spoke on this item.*

*Councilmember Kalb 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 Dan Kalb, 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 12/13/2016. The motion carried by the following vote:

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

2) Adopt A Resolution Approving The East Bay Community Energy Authority Joint Powers Agreement And Authorize The City Administrator To Execute The East Bay Community Energy Authority Joint Powers Agreement; And Adopting California Environmental Quality Act (CEQA) Exemption

Findings

[16-0437](#)

**Sponsors:** Oakland Public Works Department

**Attachments:** [86502 CMS](#)

**A motion was made by Dan Kalb, 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, Gibson McElhaney, and Reid

**9.5** 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](#)

***There are 7 speakers on this item.***

**This City Resolution be Withdrawn with No New Date.**

- 9.6** Subject: 285 And 301 12th Street Appeal  
From: Planning And Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Consider A Resolution Denying The Appeals Of Oakland Residents For Responsible Development And The W12 Benefits Coalition, And Thus Upholding The Planning Commission's Approval Of A Proposal To Construct 416 Dwelling Units Over Approximately 26,200 Square Feet Of Retail Located At 285 And 301 12TH Street, Oakland CA (Project Case No. PLN16133), Including Adopting CEQA Exemptions (15183 & 15183.3) And An Addendum (Relying On The Previously Certified 2014 Lake Merritt Station Area Plan EIR)  
[16-0409](#)

**Sponsors:** Planning & Building Department

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[86503 C.M.S.](#)

***Upon the reading of Item 9.6 by the City Clerk, the Public Hearing was opened at 9:32 p.m.***

***68 individuals spoke on this item.***

***Councilmember Guillen made a motion, seconded by Councilmember Gallo, to close the Public Hearing, and hearing no objections, the motion passed by 9 Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney.***

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

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

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

- 10 THIS NUMBER INTENTIONALLY NOT USED**



- 11 Subject: Workforce System Rapid Response and Layoff Aversion Services  
From: The Office Of The City Administrator  
Recommendation: Recieve An Oral Informational Report On Workforce System Rapid Response and Layoff Aversion Services  
[16-0341](#)

*Item 11 will not be heard. The Administration will be coming to Community and Economic Development Committee on 12/6/2016 with a more substantial report and request for budget allocations.*

**This Informational Report be No Action Taken.**

- 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](#)

***Councilmember Kaplan was noted absent at 10:32 p.m.***

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

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

**Absent:** 1 - Kaplan

- 13** Subject: OPIC Prompt Payment Settlement  
From: Economic And Workforce Development Department  
Recommendation: Adopt A Resolution Authorizing And Directing The City  
Administrator To Settle A Payment Dispute With The Oakland Private Industry  
Council, Inc., Under The Prompt Payment Ordinance For \$150,000  
[16-0424](#)

**Sponsors:** Economic & Workforce Development Department

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

**This City Resolution be Referred.to go before the \*Rules & Legislation Committee**

- 15** Subject: Compassionate Communities Informational Presentation  
From: Council President Gibson McElhaney  
Recommendation: Receive An Informational Presentation On Council President  
McElhaney's Compassionate Communities Initiative To House Unsheltered Residents  
And Address Encampments In Oakland.  
[16-0245](#)

**Sponsors:** Gibson McElhaney

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

***Council President requested to continue this item to the Special City Council meeting on 12/13/2016.***

**This Informational Report be Continued.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 12/13/2016**

- 16** Subject: Compassionate Communities / Homeless Encampments 2016-2017  
From: Human Services Department  
Recommendation: Receive An Informational Report On The Compassionate  
Communities Pilot Program; And  
[16-0238](#)

**Sponsors:** Human Services Department

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

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

**A motion was made by Lynette Gibson McElhaney, seconded by Larry Reid, that this matter be Received and Filed. The motion carried by the following vote:**

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

**Absent:** 1 - Kaplan

2) Adopt A Resolution Authorizing The City Administrator To: Enter Into A Grant Agreement With Bay Area Community Services In An Amount Not To Exceed \$130,000 To Provide Services To The Homeless Encampment At 35th Street And Peralta Avenue For The Period Of October 1, 2016 Through June 30, 2017; And Accept And Appropriate Any Additional Encampment Services Funds That May Become Available From Alameda County, State Of California Community Services Block Grants, The City Of Emeryville, And Any Other Sources During The Period Of October 1, 2016 Through June 30, 2017 Without Returning To Council; And Amend The Above Grant Agreement To Increase The Grant Amount For Additional Encampment Services Efforts Within The Grant Term Of October 1, 2016 Through June 30, 2017 Without Returning To Council

[16-0385](#)

**Sponsors:** Human Services Department

**Attachments:** [86504 C.M.S.](#)

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

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

**Absent:** 1 - Kaplan

- 17 Subject: 12th Street Remainder Parcel DDA  
From: Economic And Workforce Development  
Recommendation: Adopt An Ordinance: (1) Amending The Term Sheet For The Disposition And Development Agreement For The 12th Street Remainder Parcel Located At E12th Street And 2nd Avenue Previously Approved By Ordinance No. 13382 C.M.S. To Identify The Developer As Lakehouse Development Partners, LLC (Or Its Related Entities Or Affiliates) And Lakehouse Commons Affordable Housing, LP (Or Its Related Entities Or Affiliates); And (2) Authorizing The City Administrator, Without Returning To The City Council, To Negotiate And Execute Such Disposition And Development Agreement And Related Documents Between The City Of Oakland And Such Developer Entities, All Of The Foregoing Documents To Be In A Form Andcontent Substantially In Conformance With The Amended Term Sheet Attached As Exhibit A  
[16-0346](#)

**Sponsors:** Economic & Workforce Development Department

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

*There were 5 speakers in this item.*

*Staff noted one amendment to the Ordinance to replace on the first page in the 5th and 6th Whearas clause Behring ZRT Lakehouse LLC with E12th Street GP, LLC.*

**A motion was made by Abel J. Guillén, 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 Redevelopment Successor Agency/City Council, to be heard 12/13/2016. The motion carried by the following vote:**

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

**Absent:** 1 - Kaplan

- 18** Subject: Anti-Hate Resolution  
From: Councilmember Brooks  
Recommendation: Adopt a Resolution Condemning Violence And Hate Speech,  
Expressing Solidarity With Muslims And All Those Targeted For Their Ethnicity, Race,  
Or Religion  
[16-0459](#)

**Sponsors:** Ms. Brooks

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

*Council directed the Mayor to present this resolution along with the Sanctuary City resolution at the Alameda County Conference of Mayors and request the representing cities at the conference adopt similar resolutions.*

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

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

**Absent:** 1 - Kaplan

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

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

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

**Absent:** 1 - Kaplan

**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 Tel Cary-Sadler, Deborah Hudson Williams, Jerry Harbin, Allyn Redd, Deante Miller, Roderick Traeyvon Godfrey and Will Sims at 10:58 p.m.*

### **Americans With Disabilities Act**

**If you need special assistance to participate in Oakland City Council and Committee 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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**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.**