



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>

Tuesday, January 17, 2017

5:30 PM

City Council Chamber, 3rd Floor

1 PLEDGE OF ALLEGIANCE

The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 5:46 p.m.

2 ROLL CALL / CITY COUNCIL

Present 7 - Desley Brooks, Annie Campbell Washington, Noel Gallo, Lynette Gibson McElhaney, Laurence E. Reid, Dan Kalb, and Rebecca Kaplan
Absent 1 - Abel J. Guillén

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

There were 23 Open Forum speakers.

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

Councilmember Gibson McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Devante Lee Thomas and Walter Cohen. Councilmember Brooks and Council President Reid requested association with this adjournment.

Councilmember Kaplan took a point of personal privilege and requested that the meeting be adjourned in memory of Alex Zavell. Councilmembers Gibson McElhaney, Brooks, and Kalb requested association with this adjournment.

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

Council President Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Mark Clemente.

- 4.1 Subject: Honoring Reverend Newton Carey Jr.
From: Councilmember Gibson McElhaney
Recommendation: Adopt A Resolution Celebrating The Life Of Reverend Newton Carey Jr. And Honoring Him For His Lifetime Of Evangelism, Public Service, And Dedication To Helping Those Less Fortunate
[16-0581](#)

This City Resolution be Withdrawn with No New Date.

- 4.2 Subject: Recognizing January As National Slavery And Human Trafficking Prevention Month
From: Vice Mayor Campbell Washington And Councilmember Gibson McElhaney
Recommendation: Adopt A Resolution Recognizing January Of Every Year As Human Trafficking Awareness And Prevention Month In The City Of Oakland And Urging All Oakland Residents, Businesses And Organizations To Actively Engage In The Elimination Of Commercial Sex And Human Trafficking In The City Of Oakland
[16-0582](#)

There were 5 speakers on this item.

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

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

Absent: 1 - Guillén

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF DECEMBER 13, 2016
[16-0563](#)

This Report and Recommendation be Approved.

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

Absent: 1 - Guillén

- 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):

No modifications were presented.

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

- 7.1 Subject: Declaration Of 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
[16-0564](#)

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
[16-0565](#)

This City Resolution be Adopted.

- 7.3 Subject: Appointment Of Debra Mesaros To Housing, Residential Rent And Relocation Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Debra Mesaros To The Housing, Residential Rent And Relocation Board As A Tenant Representative
[16-0503](#)

This City Resolution be Adopted.

- 7.4 Subject: Settlement of Philadelphia Indemnity Insurance Co. 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 Philadelphia Indemnity Insurance Co. V. City Of Oakland, Alameda County Superior Court Case No. RG15768353, City Attorney's File No. 29681, In The Amount Of One Hundred Sixty-Two Thousand Dollars And Zero Cents (\$162,000.00) (Public Works - Inverse Condemnation)
[16-0531](#)

This City Resolution be Adopted.

- 7.5 Subject: Settlement Agreement Of Michele DiFrancia 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 Michelle DiFrancia V. City Of Oakland, Et. Al. Alameda County Superior Court Case No. RG15783586, City Attorney's File No. 30493, In The Amount Of Thirty-One Thousand Dollars And Zero Cents (\$31,000.00) (Oakland Public Works - Dangerous Condition)
[16-0532](#)

This City Resolution be Adopted.

7.6 The Item regarding "12th Street Remainder Parcel DDA" was withdrawn by Rules and Legislation Committee January 12, 2017

- 7.7 Subject: Lease Of 5050 Coliseum Way And 750 50th Avenue
From: Economic And Workforce Development Department
Recommendation: Adopt An Ordinance Authorizing The City Administrator, Without Returning To Council, To Negotiate And Execute A Lease For Properties Located At 5050 Coliseum Way And 750 50th Avenue With Dodg Corporation For Use By The City's Public Works Department For A Term Of Ten (10) Years, With Five, Three-Year Options To Extend The Lease, For The Monthly Rental Amount Of Forty-Three Thousand Dollars (\$43,000), Equal To An Initial Aggregate Annual Amount Of Five Hundred Sixteen Thousand Dollars (\$516,000), Plus Consumer Price Index Increases Each Annual Anniversary Date Not To Exceed Five Percent Per Year; And Making Certain California Environmental Quality Act Exemption Findings
[16-0419](#)

This Ordinance be Approved for Final Passage.

- 7.8 Subject: License Agreement For Use Of Building L-118 At Oakland International Airport
From: Economic And Workforce Development Department
Recommendation: Adopt An Ordinance Authorizing The City Administrator, Without Returning To Council, To Negotiate And Execute An Amendment To A License And Concession Agreement With The Port Of Oakland For The City's Use Of Port Building L-118 At The Oakland Airport For Office Use And Maintenance Of City Helicopters: (1) Extending The Agreement By Five Years, With Five (5) One Year Options; And (2) Setting Rent At Sixteen Thousand Four Hundred Seventeen Dollars And Five Cents (\$16,417.05) Monthly, Such Rent To Be Offset By The Equivalent Value Of Services Provided By The Oakland Police Department At The Airport; And Making Certain California Environmental Quality Act Exemptions
[16-0420](#)

This Ordinance be Approved for Final Passage.

- 7.9** Subject: Brooklyn Basin Affordable Housing Parcel Swap
From: Housing And Community Development Department
Recommendation: Adopt An Ordinance (1) Authorizing The City To Acquire Project Parcel A For Affordable Housing Development At The Brooklyn Basin Project From Zarsion-OHP I, LLC, In Exchange For Project Parcel G, (2) Authorizing An Amendment To The Cooperation Agreement With The Oak To Ninth Community Benefits Coalition To Reflect The Exchange, And (3) Amending Resolution No. 84349 C.M.S. To Terminate The City's Put Option Providing For The Optional Resale Of The Affordable Housing Parcels Back To Zarsion-OHP I
[16-0431](#)

This Ordinance be Approved for Final Passage.

- 7.10** Subject: Ordinance Amending Vehicular Food Vending Program
From: Council President Reid
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapters 8.09, Vehicular Food Vending, And 5.49, Pushcart Food Vending Pilot Program, To Permit Vehicular Food Vending On Private Property And Within The Public Right-Of-Way On 85th Avenue Between Edes Avenue And San Leandro Boulevard And Make Related Administrative Changes, And Adopting California Exemption Quality Act (CEQA) Exemption Findings
[16-0451](#)

This Ordinance be Approved for Final Passage.

- S7.11** Subject: Examining Alameda County Probate Court Process, And Grand Jury Investigation
From: Councilmember Gibson McElhaney
Recommendation: Adopt A Resolution Requesting An Examination Of The Way In Which The Probate Courts In Alameda County Function And Directing The City Administrator To Send Copies Of The Resolution And Agenda Item To The Alameda County District Attorney Nancy O'Malley, The Judicial Council Of California, Alameda County Board Of Supervisors, Assemblymember Tony Thurmond, Assemblymember Rob Bonta, And State Senator Nancy Skinner
[16-0345](#)

This City Resolution be Adopted.

S7.12 Subject: EPA Coalition Brownfields Assessment Grants
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate One Hundred Ten Thousand Dollars (\$110,000.00) From A United States Environmental Protection Agency Coalition Grant Under The Brownfields Grant Program For Assessment Of Petroleum Products And Hazardous Substances In Soil And Groundwater In The International Boulevard Corridor And Execute A Memorandum Of Agreement With The East Bay Brownfields Assessment Grant Coalition
[16-0554](#)

This City Resolution be Adopted.

S7.13 Subject: Lake Merritt Improvement Project
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation

1) A Resolution Authorizing The City Administrator, Or Designee, To Award A Construction Contract To McGuire And Hester, Inc., The Lowest Responsible, Responsive Bidder In Accordance With Project Plans And Specifications, For The Lakeside Merritt Improvement Project (Project No. C394010) In The Amount Of Two Million Thirty Eight Thousand, Two Hundred Twenty Five Dollars (\$2,038,225.00); And
[16-0555](#)

This City Resolution be Adopted.

2) A Resolution Waiving The Competitive Request For Proposal/Qualification Process And Authorizing An Amendment To Increase The As-Needed' Landscape Architectural Services Agreement With Bottomley Design & Planning By An Amount Not-To-Exceed One Hundred Fifty Thousand Dollars (\$150,000.00), Bringing The Total Contract Amount From Five Hundred Thousand Dollars (\$500,000.00) To Six Hundred Fifty Thousand Dollars (\$650,000.00)
[16-0556](#)

This City Resolution be Adopted.

S7.14 Subject: Recognized Obligation Payment Schedule 2017-18
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Approving The Submission Of A Recognized Obligation Payment Schedule And Successor Agency Administrative Budget For July 1, 2017 Through June 30, 2018 To The Oakland Oversight Board, The County And The State
[16-0530](#)

This City Resolution be Adopted.

S7.15 Subject: Downtown Oakland Specific Plan And EIR
From: Planning And Building Department
Recommendation: Adopt One Of The Following Two pieces Of Legislation

1) A. Execute A Professional Services Contract With I-SEED Team Of Consultants, In An Amount Not To Exceed \$255,000 For Services Related To The Downtown Oakland Specific Plan Social Equity Strategy Without Returning To Council; And

B. Amend The Professional Services Contract Between The City Of Oakland And Dover, Kohl & Partners In The Amount Of Four Hundred Fifty Three Thousand Four Hundred Forty Dollars (\$453,440), Plus An Additional Project Contingency Amount Of Forty-Five Thousand Dollars (\$45,000) For An Overall Amount Not To Exceed The Amount Of Four Hundred Ninety Eight Thousand Four Hundred Forty (\$498,440), For Enhanced Services Related To The Downtown Oakland Specific Plan And Environmental Impact Report Without Returning To Council; And

C. Apply For, Accept, And Appropriate Six Hundred Thousand Dollars (\$600,000) From The Federal Transit Administration (FTA) Transit-Oriented Development Pilot Program Funds For Enhanced Transportation, Economic And Environmental Analysis To Develop A Comprehensive Transit-Oriented Development Strategy For Downtown Oakland That Will Help Increase Transit Ridership By Encouraging Reverse Commuting To Oakland Without Returning To Council; And

D. Enter Into A Memorandum Of Understanding With Bay Area Rapid Transit (BART) For The FTA Transit-Oriented Development Pilot Program Funds Without Returning To Council; Or

[16-0557](#)

This City Resolution was Withdrawn and Rescheduled. to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/7/2017

S7.16 THIS ITEM REGARDING THE RENT ADJUSTMENT ORDINANCE AND THE RESOLUTION AMENDING REGULATIONS HAS BEEN RELOCATED TO ITEM NON CONSENT PORTION OF THE AGENDA AS ITEM S17

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

A motion was made by Dan Kalb, seconded by Rebecca Kaplan, that the report of the report of the City Attorney that no final decisions were made during closed session be Approve as Submitted. The motion carried by the following vote:

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

Absent: 1 - Guillén

**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 The Item regarding "Plug In Electrical Vehicle" was withdrawn by Rules and
Legislation Committee January 12, 2017**

At this time, Council President Reid stated that item S15 will be heard before item 9.2.

S15 Subject: East Bay Public Safety Program Appropriation
From: Oakland Police Department
Recommendation: Adopt Resolution Authorizing The City Administrator, Or Designee,
To Accept And Appropriate East Bay Public Safety Program (EBPSP) Funds In The
Amount Of Six Hundred Six Thousand Dollars (\$606,000) For Operation Ceasefire
And Three Hundred Twenty-Five Thousand Dollars (\$325,000) For The Grow Our
Own/Police Pipeline Project For A Total Amount Of Nine Hundred Thirty-One
Thousand Dollars (\$931,000) And To Authorize The Use Of The General Purpose
Fund To Subsidize The Central Services Overhead Charges Of Up To One Hundred
Thirty-Two Thousand Eight Hundred Eighty-Six Dollars (\$132,886)
[16-0562](#)

There were 2 speakers on this item.

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

Absent: 1 - Guillén

Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 7.27 p.m.

- 9.2** Subject: Extending The Emergency Moratorium On Residential Hotel Conversion Or Demolition
From: Council President Gibson McElhaney, President Pro Tem Reid, Councilmember Kaplan and Councilmember Gullien
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt an Ordinance Extending Ordinance No. 13410 C.M.S., An Interim Ordinance, Adopted As An Urgency Measure Pursuant To California Government Code Section 65858, Establishing A Temporary Moratorium On The Conversion, Demolition, Reconfiguration, And Rehabilitation Of Residential Hotels, To Take Immediate Effect, Through December 11, 2018 Or Whenever Permanent Regulations Are Adopted, Whichever Occurs First
[16-0533](#)

There were 17 individuals who spoke on this item.

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

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

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

Absent: 1 - Guillén

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

- 11 Subject: Contracts With Independent Monitor And Compliance Director
From: Oakland Police Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administer Or Designee To Increase The 2016-2017 Professional Services Agreement Between The City Of Oakland And Police Performance Solutions, LLC For Monitoring And Technical Assistance Services In Delphine Allen V. City Of Oakland In An Amount Not To Exceed Seventy Five Thousand Dollars (\$75,000), Waive The City's Advertising And Bidding And Request For Proposals / Qualifications Requirements, And Authorize A One-Year Extension (Through January 20, 2018) Of The Professional Services Agreement Between The City Of Oakland And Police Performance Solutions, LLC For Monitoring And Technical Assistance Services In Delphine Allen V. City Of Oakland, In The Amount Of Seven Hundred Twenty Two Thousand Seventy Six Dollars (\$722,076) For A Total Contract Amount Not To Exceed Six Million Six Hundred Ninety One Thousand Three Hundred Ninety Six Dollars (\$6,691,396); And

[16-0579](#)

There were 2 speakers on this item.

A motion was made by Desley Brooks, seconded by Rebecca Kaplan, that this matter be Adopted as Amended to extend the contracts for 2 months without increase to the contract amount and referral of the full contract extension of the February 14, 2017 Public Safety committee. The motion carried by the following vote:

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

Absent: 1 - Guillén

2) A Resolution Authorizing The City Administrator Or Designee To Waive The City's Advertising And Bidding Requirements And Request For Proposals/ Qualifications (RFP/Q) Requirements And Enter Into A One-Year Extension (Through January 20, 2018) With Warshaw & Associates Inc., To Provide Compliance Director Services To The City In Delphine Allen V. City Of Oakland, In An Amount Not To Exceed One Hundred Sixty Five Thousand Dollars (\$165,000) And For A Total Contract Amount Not To Exceed Six Hundred Sixty Thousand Dollars (\$660,000).

[16-0580](#)

There were 12 speakers on this item.

A motion was made by Rebecca Kaplan that this matter be Adopted as Amended to extend the contracts for 2 months without increase to the contract amount and referral of the full contract extension of the February 14, 2017 Public Safety committee. The motion carried by the following vote:

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

Absent: 1 - Guillén

S12 Subject: Resolution to Protect DACA Youth
From: Councilmember Kaplan
Recommendation: Adopt A Resolution To Demand President Obama Take Action To
Protect Deferred Action For Childhood Arrivals (DACA) Youth
[16-0608](#)

Councilmember Kaplan made a motion seconded by Councilmember Gallo to approve the urgency finding on item 12 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.

There were 7 speakers on this item.

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

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

Absent: 1 - Guillén

S13 Subject: Unity Schools Right Of Entry Agreement
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or
Designee To Enter Into A Memorandum Of Understanding With Unity Schools For
The Period Of October 1, 2016 To September 30, 2017 To Allow The Oakland Police
Department (OPD) To Use Unity Schools Premises For Training Purposes
[16-0528](#)

There was 1 speaker on this item.

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

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

Absent: 1 - Guillén

- S14** Subject: Fiscal Year 2015 FEMA, Urban Search And Rescue Supplemental Funding
From: Oakland Fire Department
Recommendation: Adopt A Resolution Amending Resolution No. 85941 CM.S. Which Authorized The City Administrator Or Her Designee Among Other Things, To Enter Into An Agreement To Accept, Appropriate And Administer FY 2015 Urban Search And Rescue (US&R) Grant Funds, To Accept, Appropriate And Administer Supplemental FY 2015 US&R Grant Funds In An Amount Not To Exceed Forty-Nine Thousand One Hundred And Fifty-One Dollars (\$49,151) For A Cumulative FY 2015 US&R Grant Award Allocation In An Amount Not To Exceed One Million Two Hundred And Seventy-Eight Thousand Seven Hundred And Thirty-Three Dollars (\$1,278,733) And Appropriate Said Funds To The US&R Task Force
[16-0529](#)

There was 1 speaker on this item.

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

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

Absent: 1 - Guillén

- S16** Subject: Rent Adjustment Ordinance And Regulation Changes
From: Housing And Community Development
Recommendation: Adopt An Ordinance Amending The Rent Adjustment Ordinance (Article I Of O.M.C Chapter 8.22) To (1) Facilitate Implementation Of The Requirements For Owner Petitions For Rent Increases In Excess Of The CPI Rent Adjustment And Banking; (2) Enhance The Reporting Requirements Due From The Owner To A Tenant Where The Owner Is Not Permitted To Set The Initial Rent At The Commencement Of A Tenancy; And (3) Make Clarifying Amendments For Internal Consistency And Efficient Program Operation
[16-0558](#)

2) A Resolution Ratifying Amendments To The Rent Adjustment Regulations And Appendix A To The Regulations Approved By The Housing, Residential Rent And Relocation Board To (1) Conform The Regulations To Recent Amendments To The Rent Adjustment Ordinance (Article I of O.M.C Chapter 8.22); (2) Enact A Capital Improvement Amortization Schedule; (3) Make Other Clarifying Amendments For Internal Consistency And Efficient Program Operation; And (4) Remove Inactive Provisions.

[16-0559](#)

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 Devante Lee Thomas, Walter Cohen, Alex
Zavell, Olivia Williams, Mark Clemente at 9:xx p.m.*

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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.**