

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, February 7, 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 5:39 p.m.

2 ROLL CALL / CITY COUNCIL

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

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

There were 19 speakers during open forum.

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 Rosa V. James and Queen Mother Makinyah Kouate.

Councilmember Kaplan took a point of personal privilege and requested that the meeting be adjourned in memory of Frederick Douglas.

Council President Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Ernestine Limbrick Gale.

4.1 Subject: Honoring Brooke A. Levin

From: Vice Mayor Campbell Washington, President Reid, Pro Tem Guillén, &

Councilmember Gibson McElhaney

Recommendation: Adopt A Resolution Honoring Brooke A. Levin For 26 Years Of Exemplary Service To Oakland Public Works Department And Congratulating Her On Her Retirement

16-0534

Sponsors: Campbell Washington, Mr. Reid, McElhaney and Guillén

Attachments: View Report

86573 C.M.S.

There were no speakers on this item.

Adopted

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

4.2 The item regarding "Gregory Chan Of EBMUD" was withdrawn by Rules and Legislation Committee February 2, 2017

4.3 Subject: Honoring 2016 Youth Poet Laureate Azariah Cole-Shephard
From: Councilmember Dan Kalb And Councilmember Gibson McElhaney
Recommendation: Adopt A Ceremonial Resolution Honoring Azariah Cole-She

Recommendation: Adopt A Ceremonial Resolution Honoring Azariah Cole-Shephard For Receiving 2016 Youth Poet Laureate And For Her Artistic Contributions To The City Of Oakland

16-0657

Sponsors: Dan Kalb

Attachments: View Report

View Supplemental Report

86574 C.M.S.

Adopted

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

Excused: 1 - Campbell Washington

Ave: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF JANUARY 9, 17, 23 AND 31, 2017

16-0620

Attachments: View Report

View Report
View Report

Accepted as Amended

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

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):

There were no changes to the order of the agenda items.

There was no action necessar for this item.

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 16-0632

Sponsors: Office Of The City Attorney

Attachments: View Report

86575 C.M.S.

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

16-0633

Sponsors: Office Of The City Attorney

Attachments: View Report

86576 C.M.S.

Adopted

7.3 Subject: Appointments To The Public Art Advisory Committee

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Bryan Cain, And Appointment Of Patricia Carino, Chris Treggiari, Charmin Roundtree-Baaqee And Jennifer Kesseler As Members Of The Public Art Advisory Committee

16-0640

Sponsors: Office Of The Mayor

Attachments: View Report

86577 C.M.S.

Adopted

7.4 Subject: Appointments To The Bicyclist And Pedestrian Advisory Commission

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Midori Tabata, Fred McWilliams And Kenya Wheeler To The Bicyclist And Pedestrian Advisory Commission

16-0641

Sponsors: Office Of The Mayor

Attachments: View Report

86578 C.M.S.

7.5 Reappointment To The Youth Advisory Commission Subject:

> From: Office Of The Mayor

Recommendation: Adopt A Resolution Amending Resolution No. 86496 C.M.S. Confirming The Mayor's Reappointment Of Rachel Dharmapalan, Addison Duchin, Elena Larsen, Ryan Hunt, Gloria Guzman, And Bethania Tadesse As Members Of The Youth Advisory Commission In Order To Correct The Appointments 16-0665

Sponsors: Office Of The Mayor

Attachments: View Report

86579 C.M.S.

Adopted

7.6 Subject: Appointment To The Youth Advisory Commission

> From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Kamar Nelson, Roxana Perez, Abel Regalado, Natalie Dharmapalan, Kian Nouri And Rahma Mahdi As Members Of The Youth Advisory Commission 16-0666

Attachments: View Report

86580 C.M.S.

Adopted

7.7 Parking And Mobility Initiatives Subject: From:

Transportation Services Division

Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Negotiate, Finalize And Execute A Non-Exclusive Agreement With Streetline Inc. For A Smart Parking System At No Direct Cost To The City For A Term Of Three Years

16-0220

Sponsors: Transportation Department

Attachments: View Report

View Report

View Supplemental Report View Supplemental Report

86581 C.M.S.

7.8 Subject: ENA For 3 City Owned Parcels On The Oak Knoll Development Site

From: Economic And Workforce Development

Recommendation: Adopt A Resolution Authorizing An Exclusive Negotiating Agreement With Oak Knoll Venture Acquisitions LLC, Or Affiliates, For One Year, With One Optional Six Month Administrative Extension, For The Disposition And Development Of City-Owned Parcels At Oak Knoll 16-0574

Sponsors: Economic & Workforce Development Department

Attachments: View Report

86582 C.M.S.

Adopted

7.9 Subject: Public Space Maintenance Services Contracts

From: Economic And Workforce Development

Recommendation: Adopt A Resolution Waiving Advertising And Competitive Bidding Requirements And Authorizing The City Administrator To Negotiate And Enter Into The Following Proposed Contracts For Maintenance Services:

- (1) A Contract Or Contracts With The Lake Merritt-Uptown District Association For Maintenance Of (A) The Bart 17th Street Gateway Entrance To The 19th Street Bart Station Fronting Broadway And Telegraph Avenue Between 17th And 19th Streets And (B) The Property Located At 1911 Telegraph Avenue (Collectively, "Uptown Sites"), In An Amount Not To Exceed \$24,950 For Each Of The Uptown Sites; And
- (2) A Contract With The Downtown Oakland Association For Maintenance Of The Civic Center T-5/6 Parcels Located On The Block Bounded By Broadway, 11th Street, 12th Street And Clay Street ("T -5/6 Site") In An Amount Not To Exceed \$24,950 16-0575

Sponsors: Economic & Workforce Development Department

Attachments: View Report

86583 C.M.S

7.10 Subject: FY16-17 Cultural Funding Grants

From: Economic And Workforce Development Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into Eighty-Nine (89) Cultural Services Grant Agreements To Seventy-Nine (79) Oakland-Based Individual Artists And Nonprofit Organizations Providing Arts And Cultural Services In Oakland During Fiscal Year 2016-17, In A Total Amount Not To Exceed \$1,121,853

16-0571

and the City Council

Sponsors: Economic & Workforce Development Department

Attachments: View Report

86584 C.M.S Adopted

7.11 Subject: Cell Site Simulator PolicyFrom: Oakland Police Department

Recommendation: Adopt The Following Pieces Of Legislation:

1) Adopt Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) With The Alameda County District Attorney's Office (ACDA) To Allow Members Of The Oakland Police Department (OPD) To Use Cellular Site Simulator Technology, For Five Years From The Effective Date Of The MOU At No Cost To OPD; And

16-0576

Attachments: View Report

86585 C.M.S.

Adopted

2) Approve A Resolution Establishing The City Of Oakland's Cellular Site Simulator Usage And Privacy Policy

16-0577

Attachments: 86586 C.M.S.

7.12 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

16-0558

Sponsors: Housing And Community Development Department

Attachments: View report

13418 C.M.S.

Consistency And Efficient Program Operation

Councilmember Gibson McElhaney was noted absent at 7:58 p.m.

Approved for Final Passage

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

There were no final decisions made during closed session.

Approve as Submitted

Excused: 1 - Campbell Washington

Aye: 6 - Brooks, Guillén, Kalb, Reid, Kaplan, and Gallo

Absent: 1 - McElhaney

Excused: 1 - Campbell Washington

Aye: 6 - Brooks, Guillén, Kalb, Reid, Kaplan, and Gallo

Absent: 1 - 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:

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 8:01 p.m.

9.1 Subject: Plug In Electrical Vehicle Readiness Code Update

From: Oakland Public Works

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The

Following Pieces Of Legislation;

1) A Resolution Of Findings Supporting Local Amendments To Sections 4.106.4 And 5.106.5.3 Of The 2016 Edition Of The California Green Building Standards Code To Comply With Changes To State Law And Adopting California Environmental Quality Act (CEQA) Exemption Findings; And 16-0359

Sponsors: Oakland Public Works Department

Attachments: View report

View Supplemental Report
View Supplemental Report

86587 C.M.S.

Adopted

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

Subject: Plug In Electrical Vehicle Readiness Code Update

From: Oakland Public Works Department

Recommendatio: Adopt An Ordinance Adopting Local Amendments To Sections 4.106.4 And 5.106.5.3 Of The 2016 Edition Of The California Green Building Standards Code And Amending Oakland Municipal Code Chapter 15.04 To Include New Requirements For Plug-In Electric Vehicle Infrastructure To Comply With Changes To State Law And Adopting CEQA Exemption Findings 16-0370

Attachments: View Report

13419 CMS

One individual spoke on this item.

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

Reid, 1 Excused - Campbell Washington

Approved On Introduction and Scheduled for Final Passage

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 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-SEEED 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

Sponsors: Planning & Building Department

Attachments: View Report

View Supplemental Report
View Supplemental Report

No Action Taken

- 2) A Resolution Authorizing The City Administrator To: A. Execute A Professional Services Contract With The I-SEEED 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 Dollars (\$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;
- D. Enter Into A Memorandum Of Understanding With Bay Area Rapid Transit (BART) For The FTA Transit-Oriented, Development Pilot Program Funds To Include An In-Kind Contribution Of \$100,000 Towards The Project As A Local Match, Through The Provision Of Services City Staff, Without Returning To Council. 16-0667

Attachments: View Report

86588 C.M.S.

There was 1 speaker on this item.

Adopted as Amended

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

Excused: 1 - Campbell Washington

Ave: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

12 Subject: Programmatic Agreement With SHPO Relating To The Hotel

Menlo/Empyrean Towers

From: Bureau Of Planning

Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Negotiate And Execute A Programmatic Agreement, Pursuant To Section 106 Of The National Historic Preservation Act, With The California State Historic Preservation Officer Regarding The Rehabilitation Of The Hotel Menlo/ Empyrean Towers Located At 340-344 13th Street, Oakland, California, Without Returning To The City Council

16-0627

Sponsors: Planning & Building Department

Attachments: View Report

86589 C.M.S.

There was 1 speaker on this item.

Adopted

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

Subject: Worker's Compensation Third Party Administrator Agreement Extension (March 1, 2017 Through February 28, 2018)

From: Human Resources Management

Recommendation: Adopt One Of The Following Pieces Of Legislation

1) A Resolution Authorizing The City Administrator To Extend The Professional Services Agreement With JT2 Integrated Resources To Continue Provision Of Worker's Compensation Administration Services For The Period March 1, 2017, Through February 28, 2018, In An Amount Of \$2,511,538.40 For A Total Amount Over The Four Year Term Of The Contract Of \$9,943,374.86; Or 16-0578

Attachments: View Report

View Supplemental Report

No Action Taken

2) Resolution Authorizing The City Administrator To Extend The Professional Services Agreement With JT2 Integrated Resources To Continue Provision Of Worker's Compensation Administration Services For The Period Of March 1, 2017, Through February 28, 2019, In An Amount Of \$5,058,021.56 For A Total Amount Over The Five Year Term Of The Contract Of \$12,489,858.02

Sponsors: Human Resources Management Department

Attachments: View Report

86590 C.M.S.

There were 4 speakers on this item,

Adopted

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

Excused: 1 - Campbell Washington

Aye: 7 - Brooks, Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

14 The item regarding "Healthy Vending Ordinance" was withdrawn by Rules and Legislation Committee February 2, 2017

15 Subject: Contract Agreement For Anne Kirkpatrick As Oakland Police Chief

From: Office Of The City Administrator

Recommendation: Adopt The Following Pieces OF Legislation

1. A Resolution Authorizing The City Administrator To Execute An Employment Agreement Between The City Of Oakland And The Chief Of Police, Anne Kirkpatrick, For A Total Annual Compensation Of \$299,675.00 Which Includes An Annual Salary Of \$270,000.00 And Premium Pay Required By The Memorandum Of Understanding Between The City Of Oakland And The Oakland Police Management Association In The Amount Of \$29,675.00; And

16-0660

Sponsors: Office Of The City Administrator

Attachments: View Report

86591 C.M.S.

Adopted

Excused: 1 - Campbell Washington

Abstained: 1 - Brooks

Aye: 6 - Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

Excused: 1 - Campbell Washington

Abstained: 1 - Brooks

Ave: 6 - Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

Subject: Contract Agreement For Anne Kirkpatrick As Oakland Police Chief

From: Office Of The City Administrator

Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Increase The Salary For Chief Of Police And The City Administrator

16-0661

Sponsors: Office Of The City Administrator

Attachments: View Report

13420 CMS

There were 5 speakers on the item.

Approved On Introduction and Scheduled for Final Passage

Excused: 1 - Campbell Washington

Abstained: 1 - Brooks

Aye: 6 - Guillén, Kalb, Reid, McElhaney, Kaplan, and Gallo

Excused: 1 - Campbell Washington

Abstained: 1 - Brooks

Aye: 6 - Guillén, Kalb, Reid, McElhaney, Kaplan, and 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 Rosa V. James, Queen Mother Makinyah Kouate, Fredrick Douglas, and Ernestine Limbrick Gail at 9:25 p.m.

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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.