



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, October 16, 2018

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 5:32 p.m. President Pro Tem Guillen chaired the meeting.

2 ROLL CALL / CITY COUNCIL

Excused 1 - Desley Brooks

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

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

16 speakers spoke during open forum

Councilmember Kalb arrived at 5:34 P.M.

President Reid arrived at 5:35 P.M.

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

Councilmember McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Clifton Harrison

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF OCTOBER 2, 2018 [18-0952](#)

Attachments: [View Reports](#)

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

Excused: 1 - Brooks

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

NO VOTE: 0

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

Approval of the Consent Agenda

There were 4 speakers on the Consent Calendar.

This was Approve as Submitted.

Excused: 1 - Brooks

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

NO VOTE: 0

- 7.1** Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's
Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health
Crisis With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired
Immunodeficiency Syndrome ("AIDS") Epidemic
[18-0950](#)

Attachments: [View Report](#)

[87364 CMS](#)

This City Resolution was Adopted.

- 7.2** Subject: Declaration Of Medical Cannabis Health Emergency
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A
Local Public Health Emergency With Respect To Safe, Affordable Access To Medical
Cannabis In The City Of Oakland
[18-0951](#)

Attachments: [View Report](#)

[87365 CMS](#)

This City Resolution was Adopted.

7.3 The Item Regarding The "Loan Term Extension For Madison Park Apartments" Was Removed From This Agenda At The October 11, 2018 Rules And Legislation Committee, And Rescheduled To Be Heard At The October 23, 2018 Community And Economic Development Committee

- 7.4 Subject: Mayor's Designation To The Oakland Police And Fire Retirement Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Approving The Mayor's Designation Of The Director Of Finance Of The City Of Oakland To Serve In The Mayor's Place And Stead As A Member Of The Oakland Police And Fire Retirement Board, Effective October 17, 2018
[18-0980](#)

Attachments: [View Report](#)
[87366 CMS](#)

This City Resolution was Adopted.

- 7.5 Subject: Appointment To The Library Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Carolyn H. Moskowitz As A Member Of The Library Advisory Commission
[18-0982](#)

Attachments: [View Report](#)
[87367 CMS](#)

This City Resolution was Adopted.

7.6 Pursuant To Charter Section 601, The Item Regarding "Appointment To The Parks And Recreation Advisory Commission" Was Removed From This Agenda.

- 7.7 Subject: Settlement Claim Of Gregory Nuti
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Gregory Nuti, In The Amount Of Forty Four Thousand Nine Hundred Twenty Six Dollars And 00/100 Cents (\$44,926.00) (Public Works - Failed Storm Pipe)
[18-0974](#)

Attachments: [View Report](#)
[87368 CMS](#)

This City Resolution was Adopted.

- 7.8 Subject: Settlement Agreement - Michaela A. Morales V. City Of Oakland, Et Al.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Michaela A. Morales V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG15762482, In The Amount Of Ninety-Three Thousand, Seven Hundred Fifty Dollars And No Cents (\$93,750.00) As A Result Of A Trip And Fall Incident On August 7, 2013 (Department Of Transportation - Dangerous Condition)

[18-0975](#)

Attachments: [View Report](#)
[87369 CMS](#)

This City Resolution was Adopted.

- 7.9 Subject: Claim Of Simone And Micah Koga
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Simone And Micah Koga, In The Amount Of Forty One Thousand Three Hundred Fifty One Dollars And 97/100 Cents (\$41,351.97) (Public Works - Failed Storm Drain)

[18-0976](#)

Attachments: [View Report](#)
[87370 CMS](#)

This City Resolution was Adopted.

- 7.10 Subject: Claim Of Martin And Jennifer Clevinger
From: Office Of The City Attorney
Recommendation: Adopt Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Martin And Jennifer Clevinger, In The Amount Of Sixty Seven Thousand Eight Hundred Four Dollars And 49/100 Cents (\$67,804.49) (Public Works - Failed Storm Pipe)

[18-0977](#)

Attachments: [View Report](#)
[87371 CMS](#)

This City Resolution was Adopted.

S7.11 Subject: Major Encroachment Permit At 350 Hawthorne Avenue
From: Department Of Transportation
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Sutter Bay Hospitals, A California Nonprofit Benefit Corporation DBA Alta Bates Summit Medical Center, To Allow A New Emergency Drop Off Canopy Structure Above Grade At 350 Hawthorne Avenue To Encroach Into The Public Right-Of-Way On 34th Street, Major Encroachment Permit ENMJ18058
[18-0902](#)

Attachments: [View Report](#)
[87372 CMS](#)

This City Resolution was Adopted.

S7.12 Subject: Acceptance Of California Active Transportation Grants
From: Department Of Transportation
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator Or Her Designee To Accept And Appropriate Ten Million Five Hundred Seventy-Eight Thousand Dollars (\$10,578,000.00) In Active Transportation Program Funds Assigned To The California Transportation Commission For The 14th Street Safe Routes In The City Project, And; Commit Matching Funds Of Up To Three Million Four Hundred Fifty-Four Thousand Dollars (\$3,454,000.00); And

[18-0893](#)

Attachments: [View Report](#)
[87373 CMS](#)

This City Resolution was Adopted.

2) A Resolution Authorizing The City Administrator Or Her Designee To Accept And Appropriate Five Million Eight Hundred Fifty Thousand Dollars (\$5,850,000.00) In Active Transportation Program Funds Assigned To The California Transportation Commission For The Fruitvale Alive Gap Closure Project, And; Commit Matching Funds Of Up To Two Million Four Hundred Forty-One Thousand Dollars (\$2,441,000.00)

[18-0894](#)

Attachments: [View Report](#)
[87374 CMS](#)

This City Resolution was Adopted.

S7.13 Subject: Sheriff Work Alternative Program
From: Oakland Public Works
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To: 1) Execute An Agreement With Alameda County For The City's Participation In The Sheriff's Office Work Alternative Program (SWAP) Through The Oakland Public Works Department (OPW) For A Term Of Five (5) Years, With Three (3) Two (2) Year Options To Extend Without Returning To Council, And 2) Add Individuals Participating In The Swap To The City's Self-Administered And Excess Workers' Compensation Programs
[18-0863](#)

Attachments: [View Report](#)
[87375 CMS](#)

The Council amended the resolution to include "the City of Oakland add no further restrictions or limitations in requirements to participate in the program."

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

Excused: 1 - Brooks

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

NO VOTE: 0

S7.14 Subject: Capital Improvement Program Prioritization Process Update
From: Oakland Public Works
Recommendation: Adopt A Resolution To Approve The Updated Capital Improvement Program Prioritization Process, Adopt The Weighting System And Authorize The City Administrator To Implement The Process Beginning Budget Cycle FY2019-21
[18-0857](#)

Attachments: [View Report](#)
[View Supplemental Report 9-21-2018](#)
[87376 CMS](#)

This City Resolution was Adopted.

S7.15 Subject: Transformative Climate Communities Program Grant
From: Planning And Building Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Their Designee To Apply For, Accept, And Execute All Related Documents For Grant Funds In An Amount Of Twenty-Three Million Dollars (\$23,000,000) To Thirty-Three Million Dollars (\$33,000,000), Depending On The Grant Amount, From The State's Transformative Climate Communities (TCC) Program, Administered By The California Strategic Growth Council (SGC) And Department Of Conservation, For Projects Within Or Contiguous To The East Oakland Neighborhoods Initiative Project Area
[18-0908](#)

Attachments: [View Report](#)
[87377 CMS](#)

This City Resolution was Adopted.

S7.16 Subject: Resolution For State Grant Application Friends Of Peralta Hacienda
From: Oakland Parks And Recreation Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Apply For, Accept And Appropriate Grant Funds In The Amount Of \$160,000 From The State Of California Department Of Parks And Recreation Habitat Conservation Fund Program To Expand Youth Wildlife Activities; And 2) Enter Into A Grant Agreement With Peralta Hacienda Historical Park In The Amount Of \$160,000 For Use Of The Grant Funds To Provide Expanded Youth Wildlife Activities For The Four-Year Grant Term.
[18-0907](#)

Attachments: [View Report](#)
[87378 CMS](#)

This City Resolution was Adopted.

S7.17 Subject: Safe Parking Program For The Unsheltered
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: Enter Into A Grant Agreement With A Fiscal Sponsor On Behalf Of The Interfaith Council Of Alameda County In An Amount Not To Exceed \$300,000 To Provide A Safe Parking Program For Persons Living In Vehicles For A Grant Term Commencing On November 1, 2018 And Ending October 31, 2019; And If Additional Funds Become Available Amend The Grant Agreement To Increase The Grant Amount For The Provision Of Additional Safe Parking Sites Within The Grant Term
[18-0910](#)

Attachments: [View Report](#)
[87379 CMS](#)

This City Resolution was Adopted.

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

*The Oral report from the Office of the City Attorney of 1 final decision made during
Closed Session:*

*1) The Case of Thomas Lippman. v. City of Oakland Alameda County Superior
Court Case No. RG12657623. The Council authorized settlement in the amount of
\$60,000. This case arose out of incidents that occurred 2009 to 2010 regarding the
Building Code Appeals Process. The motion authorizing the settlement was made
by Council President Reid, seconded by Councilmember Kaplan and passed.
Councilmember Brooks was excused.*

A motion was made by Rebecca Kaplan, seconded by Lynette McElhaney, that
this matter be Accepted. The motion carried by the following vote:

Excused: 1 - Brooks

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

NO VOTE: 0

**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:**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

- 11 Subject: 2018-2019 Winter Shelter Strategy
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Take The Following Actions To Provide Emergency Year-Round And Winter Shelter From October 15, 2018 Through June 30, 2019: 1) Accept Up To \$130,000 From Alameda County And Accept And Appropriate Up To \$30,000 From The City Of Emeryville; And 2) Enter Into A Grant Agreement With The Society Of Saint Vincent De Paul In An Amount Not To Exceed \$210,758 To Operate A Year-Round Emergency Shelter; And 3) Amend The Grant Agreements With St. Mary's Center To Increase The Grant Amount By An Amount Up To \$30,000, And East Oakland Community Project To Increase The Grant Amount By An Amount Up To \$30,000 To Provide Winter Shelter; And 4) Accept And Appropriate Any Additional Year-Round Or Winter Shelter Funds From Alameda County, The City Of Emeryville, And Private Grants And/Or Donations, And Amend The Grant Agreements Above To Increase The Grant Amounts, Without Returning To Council
[18-0960](#)

Attachments: [View Report](#)
[87380 CMS](#)

There were speakers on this item

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

Excused: 1 - Brooks

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

NO VOTE: 0

- 12 Subject: Resolution Opposing Proposition 6
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Of The Oakland City Council In Opposition Of Proposition 6: Voter Approval For Future Gas And Vehicle Taxes And 2017 Tax Repeal Initiative
[18-0949](#)

Attachments: [View Report](#)
[87381 CMS](#)

There were 3 speakers on this item

The Roll Call was modified to show Council President Reid out his seat

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

Excused: 1 - Brooks

Aye: 6 - Campbell Washington, Gallo, McElhaney, Guillén, Kalb, and Kaplan

Absent: 1 - Reid

NO VOTE: 0

- 13** Subject: Ordinance Repealing In Its Entirety Ordinance No. 10342
From: Office Of The City Attorney And Councilmember McElhaney
Recommendation: Adopt An Ordinance Repealing Ordinance No. 10342 C.M.S. Entitled
Loitering About Property Owned By The Housing Authority Of The City (Oakland
Municipal Code Title 9, Chapter 9.08, Section 9.08.250), Which Makes It An Infraction To
Loiter On Oakland Housing Authority Property Without Lawful Business And Fail To
Leave Upon The Request Of A Peace Officer
[18-0978](#)

Attachments: [View Report](#)
[13505 CMS](#)

There were 3 speakers on this item

The Roll Call was modified to show Council President Reid Present at 7:05pm

A motion was made by Rebecca Kaplan, seconded by Lynette McElhaney, 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 10/30/2018. The motion carried by the following vote:

Excused: 1 - Brooks

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

NO VOTE: 0

S14 Subject: Seismic Retrofit Of 23rd Avenue Bridge Over UPRR (1001681)
From: Department Of Transportation
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Up To Ten Million Twenty-Five Thousand Dollars (\$10,025,000.00) In Federal Highway Administration And State Proposition 1B Funds For The Seismic Retrofit Of 23rd Avenue Bridge Project (Project No. 1001681); And [18-0903](#)

Attachments: [View Report](#)
[87382 CMS](#)

There was 1 speaker on this item

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

Excused: 1 - Brooks

Abstained: 1 - Kaplan

Aye: 6 - Campbell Washington, Gallo, McElhaney, Guillén, Kalb, and Reid

NO VOTE: 0

2) A Resolution Authorizing The City Administrator To Award A Construction Contract To Proven Management, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Plans And Specifications, For The Seismic Retrofit Of 23rd Avenue Bridge (Project No. 1001681) In The Amount Of Six Million Three Hundred Fifty-Eight Thousand Seven Hundred Seventy-Seven Dollars (\$6,358,777.00); And [18-0904](#)

Attachments: [View Report](#)
[87383 CMS](#)

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

Excused: 1 - Brooks

Abstained: 1 - Kaplan

Aye: 6 - Campbell Washington, Gallo, McElhaney, Guillén, Kalb, and Reid

NO VOTE: 0

3) A Resolution Waiving Further Request For Proposal/Qualification Competitive Selection Process Requirements And Authorizing The City Administrator, Or Designee, To Amend The Professional Services Contract With URS Corporation For Bridge Seismic Retrofit Projects By Increasing The Scope Of Work And The Contract Amount By Four Hundred Twenty Thousand Six Hundred Dollars (\$420,600.00) For A Total Contract Amount Not-To-Exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) [18-0905](#)

Attachments: [View Report](#)
[87384 CMS](#)

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

Excused: 1 - Brooks

Abstained: 1 - Kaplan

Aye: 6 - Campbell Washington, Gallo, McElhane, Guillén, Kalb, and Reid

NO VOTE: 0

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 Clifton Harrison at 7:28 p.m.

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