

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

Tuesday, January 22, 2019

5:30 PM

City Council Chamber, 3rd Floor

1 PLEDGE OF ALLEGIANCE/ OPENING PERFORMANCE

The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency was held on the above date. Opening with an Opening Performance, the meeting was convened at 5:37 P.M.

- 2 ROLL CALL / CITY COUNCIL
 - **Present** 8 Dan Kalb, Larry Reid, Lynette McElhaney, Noel Gallo, Sheng Thao, Loren Taylor, Nikki Bas, and Rebecca Kaplan
- 3 OPEN FORUM / CITIZEN COMMENTS (Time Available: 15 Minutes)

There were 25 open forum speakers

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

Councilmember Bas took a point of personal privilege and requested that the meeting be adjourned in memory of Anthony Rippy

Councilmember Reod took a point of personal privilege and requested that the meeting be adjourned in memory of John Frederick Cook Jr. Esquire and William O'Malley

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF DECEMBER 11, 2018
18-1250

Attachments: View Report

There was one speaker on this item

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

Aye: 8 - Kalb, Reid, McElhaney, Gallo, Thao, Taylor, Bas, and Kaplan

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:

There were 13 speakers on this item

Approval of the Consent Agenda

A motion was made by Reid, seconded by Taylor, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Kalb, Reid, McElhaney, Gallo, Thao, Taylor, Bas, and Kaplan

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 18-1248

Attachments: View Report

87491 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

18-1249

Attachments: View Report

87492 CMS

7.3 Subject: The Oakland Sanctuary City Ordinance

From: Office Of The City Administrator

Recommendation: Adopt An Ordinance Amending Resolution Numbers 63950, 80584 And 86498 In Order To Strengthen The Sanctuary City Policy Of The City Of Oakland Not To Cooperate With Or Provide Support For Federal Immigration Agencies, Based Upon Resolution 87036

18-0972

Attachments: View Revised Report 10-19-2018

13515 CMS

This Ordinance was Approved for Final Passage.

7.4 Subject: Mandatory Seismic Retrofit For Soft Story Residential Buildings

From: Councilmember Kalb And Mayor Schaaf

Recommendation: Adopt An Ordinance, As Recommended, In Part, By The Planning Commission, Amending The Oakland Municipal Code To: (1) Add Building And Construction Code Chapter 15.27 Entitled Mandatory Seismic Evaluation And Retrofit Of Certain Multi-Unit Residential Buildings, (2) Add Planning Code Section 17.102.250 To Create Special Exceptions To Buildings Undergoing Permitted Retrofit Work In Compliance With Chapter 15.27, (3) Make Conforming Changes To Sections 1.08.020 And 15.26.230. And (4) Make Clarifying Amendments Relating To Capital Improvements In Chapter 8.22, Article I (Residential Rent Adjustment); And Directing The Rent Board To Modify Its Capital Improvement Amortization Schedule For Work In Compliance With Chapter 15.27; And Adopting CEQA Exemptions

18-1062

Attachments: View Report

View Supplemental Report 11-9-2018
View Supplemental Report 11-30-2018
View Supplemental Report 12/6/2018
View Supplemental Letter 12/6/2018
View Supplemental Report 1-11-2019

13516 CMS

This Ordinance was Approved for Final Passage.

7.5 The Item regarding "12th Street Remainder DDA Amendment" was approved for Finale Passage December 11, 2018

7.6 Subject: License Agreement At 1910 Mountain Boulevard

From: Vice Mayor Campbell Washington

Recommendation: Adopt A Ordinance Authorizing A License Agreement With Andrew Johnstone For Use Of The City-Owned Property At 1910 Mountain Boulevard For An Amount Less Than Fair Market Value For The Installation Of A Grafitti Abatement Mural For A Term Of Five Years

18-1198

Attachments: View Report

13517 CMS

This Ordinance was Approved for Final Passage.

\$7.7 Subject: CAFR Report And Management Letter

From: Finance Department

Recommendation: Receive The Comprehensive Annual Financial Report (CAFR) And The Auditor's Required Communication To City Council (Management Letter) For The Year Ended June 30, 2018

18-1216

Attachments: View Report

<u>View Report-Attachment A</u> View Report-Attachment B

This Informational Report was Received and Filed.

S7.8 Subject: Recognized Obligation Payment Schedule 19-20

From: Finance Department

Recommendation: Adopt An Oakland Redevelopment Successor Agency Resolution Approving The Submission Of A Recognized Obligation Payment Schedule And Successor Agency Administrative Budget For July 1, 2019, Through June 30, 2020, To The Countywide Oversight Board, The County And The State 18-1259

Attachments: View Report

2019-001 CMS

This ORSA Resolution was Adopted.

\$7.9 Subject: Oakland Redevelopment Successor Agency Audit Report

From: Finance Department

Recommendation: Receive The Oakland Redevelopment Successor Agency (ORSA)

Audit Report For The Year Ended June 30, 2018

18-1226

Attachments: View Report

This Informational Report was Received and Filed.

S7.10 Subject: Extend And Increase Contract With International Contact, Inc.

From: Human Resources Management Department

Recommendation: Adopt A Resolution Extending And Increasing The Contract For On-Call Translation And Interpretation Service With International Contact, Inc. For One Year, From April 1, 2019 To March 31, 2020, By An Amount Not To Exceed \$110,000 (One Hundred Ten Thousand Dollars) To A New Cap Of \$395,000 (Three Hundred Ninety-Five Thousand Dollars) For The Four-Year Contract Term 18-1221

Attachments: View Report

87493 CMS

This City Resolution was Adopted.

\$7.11 Subject: On-Call Surveying Professional Services Agreements

From: Transportation Department

Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee To Execute Professional Services Agreement Contracts For On-Call Land Surveying Services In The Amount Of Nine Hundred And Fifty Thousand Dollars (\$950,000) Each To Five Firms Including 1) Aliquot Associates, Inc.; 2) Bay Area Land Surveyors; 3) BFK Engineers; 4) Towill, Inc.; And 5) Wood Rodgers Inc.

<u>18-1227</u>

Attachments: View Report

87494 CMS

S7.12 Subject: Citywide Curb Ramps And Sidewalk Repair 2019

From: Transportation Department

Recommendation: Adopt A Resolution Awarding A Construction Contract To Rosas Brothers Construction, The Lowest Responsive, Responsible Bidder, For Citywide Curb Ramps And Sidewalk Repair (Project No. 1004519) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Two Million, Two Hundred Fifty-Seven Thousand, Four Hundred Dollars (\$2,257,400.00) 18-1228

<u>Attachments:</u> <u>View Report</u> 87495 CMS

This City Resolution was Adopted.

S7.13 Subject: Caltrans Transportation Art Proposal For Madison Street I-880 Underpass

From: Economic Workforce Development Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Submit An Application And Enter Into An Agreement With The State Of California Department Of Transportation For The Sponsorship And Maintenance Of A Permanent Public Art Project Designed By The Artist Team Machinic LLC ("Future Cities Lab") For The 500 Block Of Madison Street, Under Interstate 880 Between 5th And 6th Streets, As Proposed And Funded By CP V JLS, LLC To Comply With Oakland Municipal Code Chapter 15.78 - Public Art Requirements For Private Development; And 2) Enter Into An Agreement With CP V JLS, LLC For Installation Of The Public Art Project And Ongoing Maintenance Responsibilities

18-1220

Attachments: View Report

87496 CMS

This City Resolution was Adopted.

\$7.14 Subject: Naming Unnamed Road Oscar Grant Way

From: Councilmember Brooks And Council President Kaplan, Councilmember

Taylor, Councilmember McElhaney and Councilmember Thao

Recommendation: Adopt A Resolution Requesting That The Bay Area Rapid Transit District (BART) Rename The Unnamed Road On The West Side Of The Fruitvale Bart Station Between 33rd Avenue And 35th Avenue, "Oscar Grant Way"

[NEW TITLE]

<u>18-1193</u>

Attachments: View Report

View Supplemental Report

87497 CMS

\$7.15 Subject: OPL Resolution For Purchase Authorization And Waiver

From: Oakland Public Library

Recommendation: Adopt A Resolution Rescinding Resolution No. 68254 C.M.S And Authorizing The City Administrator To Purchase Oakland Public Library Materials And Specialized Services Necessary To Facilitate And Support Staff In Lending Materials To Library Patrons, Such As Books, E-Books, DVDS, Newspapers, Periodicals, Database Subscriptions, Tools, And Toys In An Amount Not To Exceed The Budget Available In Designated Library Funds, For Fiscal Years 2019 Through 2023 And Waiving The Competitive Procurement Process For Such Purchases 18-1222

Attachments: View Report

87498 CMS

This City Resolution was Adopted.

\$7.16 Subject: Amendment To FY2018-19 Cultural Funding Grants-Approval

From: Cultural Affairs Department

Recommendation: Adopt A Resolution Amending Resolution No. 87345 C.M.S., Which Authorized Fiscal Year 2018-19 Grant Agreements For Arts And Cultural Services In Oakland, To Correct The Grantee Name From Grown Women Dance Collective To Dancers' Group And To Correct The Name Of Lotus Bloom To Dancers' Group 18-1223

Attachments: View Report

87499 CMS

This City Resolution was Adopted.

\$7.17 Subject: Northern California Grantmakers Arts Loan Fund For FY2018-2021

From: Economic Workforce And Development Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Grant Agreement In An Amount Not To Exceed \$4,000 With Northern California Grantmakers As A Contribution To The Arts Loan Fund Corpus For The Period Of FY2018-2021

18-1224

Attachments: View Report

87500 CMS

\$7.18 Subject: Unapproved Surveillance Technology

From: Oakland Police Department

Recommendation: Receive An Informational Report From The Oakland Police

Department With Information Regarding Usage of Unapproved Surveillance Technology

<u>18-1215</u>

Attachments: View Report

This Informational Report was Received and Filed.

\$7.19 Subject: SAFER Grant

From: Oakland Fire Department

Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To: 1) Enter Into A Grant Agreement With The Federal Emergency Management Agency (FEMA) To Accept Staffing For Adequate Fire Emergency Response (SAFER) Grant Funds In The Amount Of Four Million Two Hundred And Fourteen Thousand One Hundred And Ninety-Nine Dollars (4,214,199,00); 2) Accept, Appropriate, And Administer Said SAFER Funds; And 3) Expend Funds To Hire Up To Fifteen (15) Firefighters And/Or Firefighter Paramedics For The Grant Performance Period Of April 15, 2019 To April 14, 2022, In Accordance With The City's Hiring Policies 18-1218

Attachments: View Report

87501 CMS

This City Resolution was Adopted.

\$7.20 Subject: Fiscal Year 2017 State Homeland Security Grant Program Award

From: Oakland Fire Department

Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Accept And Appropriate Fiscal Year 2017 State Homeland Security Grant In The Amount Of Fifty-Two Thousand Dollars (\$52,000) From The California Governor's Office Of Emergency Services (Cal OES) For The Communities Of Oakland Responding To Emergencies (CORE) Program

18-1225

Attachments: View Report

87502 CMS

S7.21 Subject: Federal Emergency Management Agency, Urban Search And Rescue Grant

From: Oakland Fire Department

Recommendation: Adopt A Resolution: (1) Authorizing The City Administrator, Or Her Designee To: (A) Enter Into A Grant Cooperative Agreement With The Federal Emergency Management Agency (FEMA) For Receipt Of Funds For The Period September 1, 2018 To August 31, 2021, In The Amount Of One Million Two Hundred Thirty-Seven Thousand And Nine Hundred Ninety Dollars (\$1,237,990); (B) Accept And Appropriate Said FEMA Funds For The Fire Department's Urban Search And Rescue (US&R) Task Force (US&R Task Force); (C) To Host The US&R Medical Team Training In June 2019; (D) Expend The FEMA Funds In Accordance With The Preliminary Spending Plan Without Further Council Approval, Including Funding For Training And The Purchase Of Equipment From The General Services Administration And Other Government Pricing Schedules; (2) Waiving The City's Advertising And Competitive Bidding And Purchasing Requirements For Procurement Of Equipment When Required By The Grant Funds; (3) Approve Travel For City Personnel On Short. Notice Without Further Council Authorization; And (4) 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,. For Fiscal Year 2018-2019, And To Provide A Contribution Equivalent To The ITDISF Charge For The Duration Of The Grant Period 18-1229

Attachments: View Report

87503 CMS

This City Resolution was Adopted.

\$7.22 Subject: Charles Vose V. City Of Oakland, ACSC No. RG17870726

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Charles Vose V. City Of Oakland, Alameda County Superior Court Case No. RG17870726, In The Amount Of Two Hundred Ninety Five Thousand Dollars And No Cents (\$295,000) (Alleged Employment Discrimination) 18-1293

Attachments: View Report

87504 CMS

A motion was made that this matter be Adopted. The motion carried by the following vote:

following vote:

Abstained: 1 - Bas

Aye: 7 - Kalb, Reid, McElhaney, Gallo, Thao, Taylor, and Kaplan

NO VOTE: 0

\$7.23 Subject: Graffiti Abatement Mural And Green Wall Funds Grant

From: President Pro Tempore Kalb

Recommendation: Adopt A Resolution Authorizing A Grant Not To Exceed \$1,000 From Councilmember Kalb's Graffiti Abatement Mural And Green Wall Funds To Attitudinal Healing Connection For The "Oakland Super Heroes" Mural On West Street Under The Hwy. 580 Underpass In Oakland

18-1294

Attachments: View Report

87505 CMS

This City Resolution was Adopted.

\$7.24 Subject: Council President Appointments To Association Of Bay Area Governments

From: Council President Kaplan

Recommendation: Adopt A Resolution Reappointing Councilmember Lynette McElhaney And Appointing Councilmember Loren Taylor And Councilmember Nikki Fortunato Bas As Delegates To Represent The City Of Oakland To The Association Of Bay Area Governments (ABAG) Executive Board

18-1299

Attachments: View Report

87506 CMS

This City Resolution was Adopted.

\$7.25 Subject: Appointments The National League Of Cities Conference

From: Council President Kaplan

Recommendation: Adopt A Resolution Appointing Councilmember Noel Gallo As The City Of Oakland's Conference Voting Delegate And Appointing Councilmember Loren Taylor As The City Of Oakland's First Conference Alternate Delegate To The National League Of Cities 2019 Annual Conference Taking Place In Washington D.C. From March 10 To March 13, 2019, Including Approval Of Travel Expenses For Attending The 2019 Conference

18-1300

Attachments: View Report

87507 CMS

S7.26 Subject: Executive Board Of The East Bay Community Energy Authority Joint Powers

From: Council President Kaplan

Recommendation: Adopt A Resolution Reappointing Council President Pro Tempore Dan Kalb To The Executive Board Of The East Bay Community Energy Authority Joint Powers Authority (EBCEA) And Appointing Council President Rebecca Kaplan As An Alternate To The Executive Board Of The East Bay Community Energy Authority Joint Powers Authority (EBCEA) For Terms Commencing February 4, 2019 18-1301

<u>Attachments:</u> <u>View Report</u> 87508 CMS

This City Resolution was Adopted.

\$7.27 Subject: Appointments To Alameda County Transportation Commission

From: Council President Kaplan

Recommendation: Adopt A Resolution Reappointing President Rebecca Kaplan And Councilmember Sheng Thao To The Alameda County Transportation Commission, And Appointing President Pro Tempore Dan Kalb To Serve As Alternate To The Alameda County Transportation Commission ("ACTC") Commencing February 4, 2019 18-1302

<u>Attachments:</u> <u>View Report</u>

87509 CMS

This City Resolution was Adopted.

\$7.28 Subject: Oakland-Alameda County Coliseum Authority Board Of Commissioners

From: Council President Kaplan

Recommendation: Adopt A Resolution Appointing A Community Member To The Oakland- Alameda County Coliseum Authority Board Of Commissioners As Follows - Re-Appointing Christin Hill For The Term Beginning October 9, 2017 And Ending October 8, 2019

<u>18-1303</u>

Attachments: View Report

87510 CMS

\$7.29 Subject: Support For Green New Deal Resolution

From: President Pro Tempore Kalb, Council President Kaplan And Councilmember

Thao And McElhnaey

Recommendation: Adopt A Resolution Supporting A Green New Deal And Encouraging The United States Congress To Solve Human- Caused Climate Change Through Transitioning To A Clean Energy Economy, Phasing Out The Burning Of Fossil Fuels, Increasing Democratic Control Over Our Energy Systems, And Directing The City Administrator To Incorporate, To The Extent Practicable, Principles Of The Green New Deal Into The Energy And Climate Action Plan For Oakland 18-1197

Attachments: View Report

View Supplemenatl Report

87511 CMS

This City Resolution was Adopted.

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

There was one report out during closed session. The City Council authorized a settlement in the amount of \$64,316.64 to Marna Javete. This case arose out of incidents occurring on February 16, 2017.

There was a motion made by Councilmember McElhaney and seconded by Councilmember Gallo. the motion passed with a vote of 8AYES: Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan

A motion was made by Larry Reid, seconded by Loren Taylor, that this matter be Accepted. The motion carried by the following vote:

Ave: 8 - Kalb, Reid, McElhaney, Gallo, Thao, Taylor, Bas, and Kaplan

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:

9.1 Subject: Planning Code Amendments

From: Planning And Building Department

Recommendation: Adopt An Ordinance, As Recommended By The City Planning Commission, Amending Oakland Planning Code Regulations Related To Parking, Loading, Emergency Shelters, Extensive Impact Civic Activities, Permitted Activities In The D-GI Zone, Conditional Use Permits, Hotel Conversions In The CIX-2 Zone, And Joint Living And Working Quarters; And Make Appropriate California Environmental Quality Act Determinations

18-1051

Attachments: View Report

View Supplemental Report 11-30-2018
View Supplemental Report 2-1-2018

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 7:01 p.m.

7 individuals spoke on this item. Reid made a motion, seconded by Councilmember Gallo, to close the Public Hearing, and hearing no objections, the motion passed by 8 Ayes: Bas, Gallo, Kalb, McElhaney, Reid, Taylor, Thao and President Kaplan.

Councilmember Reid made a motion, seconded by Councilmember Gallo to approve the staff recomendation with the following amendments:

Allowing 2 years instead of 1 year to lapse before CAP is estingushed, and this change to be citywide and not just in the CM-1 zone. Requiring a Conditional Use Permit (CUP) for joint living and working quarters with 15 or more instead of 10 sleeping areas. Allowing a CUP to remain in force if there is an intervening activity unless two years lapsed; and Allowing for a single, one year extension of the CUP if the activity has ceased for 2 years

New Exibit A (1/22/19 handout) replaces the previous exibit A

A motion was made that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 2/5/2019. The motion carried by the following vote:

Aye: 8 - Kalb, Reid, McElhaney, Gallo, Thao, Taylor, Bas, and Kaplan

NO VOTE: 0

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 The Item Regarding "OPD-US Marshals MOU" Was Removed By The January 17, 2019 Rules And Legislation Committee Agenda

S12 Subject: Extension Of Temporary Employment Agency On-Call Contracts

From: Human Resources Management Department

Recommendation: Adopt A A Resolution Authorizing The City Administrator To Execute A Two Year Extension For Existing On-Call Professional Service Agreements With (1) HR Management, Inc., (2) Robert Half International And (3) TemPositions, Inc. To Provide Temporary Employment Agency Services On An As-Needed And Rotating Basis At A Cost Not To Exceed \$1,000,000 Per Contract, Which Is An Increase Of \$750,000 Per Contract, For A Total Contracting Cost Not To Exceed \$3,000,000 Through July 1, 2022 And Waiving The Competitive Request For Proposals/Qualifications Process 18-1219

Attachments: View Report

View Supplemental Report

87512 CMS

CouncilmemberReid made a motion, seconded by Councilmember Bas, to approve the recomendation with an amendment to extend the contracts of HR Management, Robert Half and TemPositions to provide temporary employment agency services on an as needed and rotating basis in an amount up to \$275,000.

There were 4 speakers on this item

A motion was made by Larry Reid, seconded by Nikki Bas, that this matter be Adopted as Amended. The motion carried by the following vote:

Aye: 8 - Kalb, Reid, McElhaney, Gallo, Thao, Taylor, Bas, and Kaplan

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 Anthony Rippy, John Frederick Cook Jr. Esquire, and William O'Malley at 8:01 p.m.

Americans With Disabilities Act

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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.