



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

Tuesday, June 4, 2019

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 5:49 P.M.

2 ROLL CALL / CITY COUNCIL

Excused 1 - Laurence E. Reid

Present 7 - Nikki Bas, Noel Gallo, Dan Kalb, Lynette McElhaney, Loren Taylor, Sheng Thao, and Rebecca Kaplan

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

There were 39 open forum speakers

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

(Ceremonial Presentations, Reports/Presentations From The Mayor, Council Acknowledgements/Announcements):

Councilmember Kalb took a point of personal privilege and requested that the meeting be adjourned in memory of Dr. Joel Tolbert

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

5 Approval Of The Draft Minutes From The Committee Meeting Of May 21, 2019

[18-1844](#)

Attachments: [View Report](#)

Item 6 should read as follows:

Councilmember Gibson McElhaney, made a motion, seconded by Vice Mayor Reid, to withdraw Item S14, with a vote: 2 AYES: Gibson McElhaney and Vice Mayor Reid; 5 NOS: Bas, Kalb Gallo, Thao and President Kaplan; and 1 RECUSED: Taylor; The Motion FAILED

This Report and Recommendation be Approve with the following amendments.

Excused: 1 - Reid

Aye: 7 - Bas, Gallo, Kalb, McElhaney, Taylor, Thao, 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):**

There was a motion by Councilmember Gall, seconded by President Pro Tempore Kalb to remove item 7.11 from the consent calendar. The motion passed with a vote of 7 AYES (Bas, Gallo, McElhaney; Taylor, Thao and President Kaplan) and 1 EXCUSED REID

7 CONSENT CALENDAR (CC) ITEMS:

Approval of the Consent Agenda

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

Excused: 1 - Reid

Aye: 7 - Bas, Gallo, Kalb, McElhaney, Taylor, Thao, 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
[18-1845](#)

Attachments: [View Report](#)
[87709 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
[18-1846](#)

Attachments: [View Report](#)
[87710 CMS](#)

This City Resolution was Adopted.

- 7.3** Subject: Declaration Of A Local Emergency On Homelessness
From: Council President Kaplan
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's
Declaration Of A Local Emergency Due To The Existence Of The City's Homelessness
Crisis
[18-1847](#)

Attachments: [View Report](#)
[87711 CMS](#)

This City Resolution was Adopted.

- 7.4** Subject: FY 2019-20 Appropriations Limit
From: Finance Department
Recommendation: Adopt A Resolution Establishing An Appropriations Limit For Fiscal
Year 2019-20 Pursuant To Article XIII B Of The California Constitution
[18-1822](#)

Attachments: [View Report](#)
[87712 CMS](#)

This City Resolution was Adopted.

- 7.5** Subject: Measures M, N, Q, Z, And D FY 19-20 Cost-Of-Living Tax Adjustment
From: Finance Department
Recommendation: Adopt An Ordinance Authorizing A Fiscal Year 2019-20 Increase In
Accordance With The Consumer Price Index (CPI), Fixing The Rate Of The Property Tax,
And Levying A Tax On Real And Personal Property In The City Of Oakland For Fiscal
Year (FY) 2019-20 For Voter Approved Measure M (The Emergency Medical Services
Retention Act Of 1997), Measure N (The Paramedic Services Act Of 1997), Measure Q
(The Library Services Retention And Enhancement Act Of 2004), Measure Z (The 2014
Oakland Public Safety And Services Violence Prevention Act), And Measure D (The
2018 Oakland Public Library Preservation Act)
[18-1757](#)

Attachments: [View Report](#)
[13536 CMS](#)

This Ordinance was Approved for Final Passage.

- 7.6 Subject: Emergency Shelter Activities And Amendment To Planning Code
From: Building And Planning Department
Recommendation: Adopt An Ordinance, As Recommended By The City Planning Commission, Amending Oakland Planning Code Section 17.07.060 To Allow Emergency Shelter Residential Activities And Emergency Housing Facilities On Property Designated By The City Administrator And Owned Or Leased By The City With No Discretionary Planning Approvals

[18-1762](#)

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[13537 CMS](#)

This Ordinance was Approved for Final Passage.

- 7.7 Subject: Fruitvale Transit Village IIB LDDA And Ground Lease
From: Economic Workforce Development Department
Recommendation: Adopt An An Ordinance Authorizing The City Administrator To Negotiate And Execute A Lease Disposition And Development Agreement, A Ninety-Nine Year Ground Lease And Related Documents (Collectively "LDDA") Among The City Of Oakland, The Spanish Speaking Unity Council Of Alameda County, Inc., And Bridge Housing Corporation Or Affiliated Entities For The Fruitvale Transit Village Phase IIB Affordable Housing Development To Be Located On APN 033-2197-019 Bounded By East 12th Street, 35th Avenue To The West, And 36th Avenue To The East

[18-1749](#)

Attachments: [View Report](#)

[13538 CMS](#)

This Ordinance was Approved for Final Passage.

- 7.8 Subject: City Of Oakland 2019-2020 Tax And Revenue Anticipation Note
From: Finance Department
Recommendation: Adopt An Ordinance Providing For The Borrowing Of Funds And The Issuance And Sale Of 2019-2020 Notes Payable From Revenues Received During The Fiscal Year 2019-2020 In An Amount Not To Exceed \$120,000,000 And Approving Certain Related Matters

[18-1740](#)

Attachments: [View Report](#)

[13539 CMS](#)

This Ordinance was Approved for Final Passage.

- 7.9** Subject: The Sanctuary City Contracting And Investment Ordinance
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance: (1) Amending Title Two Of The Oakland Municipal Code (Title Two) To Prohibit The City From Contracting With Companies That Contract With The United States Immigration And Customs Enforcement (ICE) Or Customs And Border Protection (CBP) To Provide Services Or Goods For Data Collection Or Immigration Detention Facilities; (2) Amending Title Two To Prohibit The City From Investing In Companies That Contract With Ice Or CBP For The Services Or Goods Mentioned Above; And (3) Requiring The City To Encourage The Governing Bodies Of The City's Employee Pension Plans To Avoid Investing In Companies That Contract With Ice Or CBP For The Services Or Goods Mentioned Above
[18-1056](#)

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[13540 CMS](#)

This Ordinance was Approved for Final Passage.

- 7.10** Subject: Brooklyn Basin Affordable Housing Agreements
From: Housing And Community Development Department
Recommendation: Adopt An Ordinance (1) Authorizing Lease Disposition And Development Agreements With Midpen Housing Corporation And The Oakland Housing Authority, Or Affiliated Entities, For The Long-Term Ground Lease Of Parcel A At Brooklyn Basin, 2) Finding And Determining That The Lease Of The Parcel A Property To Nibbi Brothers Associates, Inc. For Less Than Its Fair Market Rental Value Is In The Best Interest Of The City, And (3) Making CEQA Findings For This Action
[18-1751](#)

Attachments: [View Report](#)
[13541 CMS](#)

This Ordinance was Approved for Final Passage.

- 7.12** Subject: Salary Amendment And Equity Adjustments Of Various Classifications
From: Human Resources Management Department
Recommendation: Adopt The Following Pieces Of Legislation;

1) A Resolution Recommending To The Civil Service Board The Exemption Of The Classification Of Fire Marshal From The Operation Of Civil Service; And
[18-1888](#)

Attachments: [View Report](#)
[87713 CMS](#)

This City Resolution was Adopted.

Subject: Salary Amendment And Equity Adjustments Of Various Classifications
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To: 1) Provide A One Percent (1%) Wage Increase To The Salaries Of Employees In Representation Units SB1, SC1, SD1, SI1, TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, U41, U31, IE1, TV1, FQ1, US1, UR1, UU1, UK1, UK2 And UP1 Effective The First Pay Period After January 1, 2019; 2) Provide A One Percent (1%) Wage Increase To The Salary Schedule Of Unrepresented Units In Con, U51, UG1, TL1 And UJ1 Effective The First Pay Period After January 1, 2019; 3) Provide A Wage Increase To The Salaries Of Certain Unrepresented Employees In Units Con, U51, UG1, TL1, UJ1 UK1, UK2, UP1, And US1 As Follows: Increase Of Two Percent (2%) Effective The First Full Pay Period In July 2019 And An Increase Of Two Percent (2%) Effective The First Full Pay Period In July 2020; 4) Provide A Five Percent (5%) Wage Increase To The Salaries Of The Full-Time Classifications Of Deputy Chief Of Fire Department And Assistant Chief Of Fire Department Effective The First Full Pay Period In July 2019; 5) Provide A Twenty Percent (20%) Wage Increase To The Salary Of The Full-Time Classification Of Executive Assistant To The City Administrator And Amend The Representation Unit From U31 To UP1 Effective First Full Pay Period In July 2019; And 6) Amend The Title Of The Full-Time Classification Of Equal Employment Opportunities Officer To Equal Employment Opportunity And Civil Rights Director, Change The Classification Representation Unit From UK2 To UK1, And Internally Align The Compensation Range With The Department Of Race And Equity Director Effective The First Full Pay Period In July 2019

[18-1889](#)

Attachments: [View Report](#)

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This item was amended at the meeting, removing the "UJ1" rep unit, because this rep unit is a federal grant for Senior Aides and receives increases when the local minimum wage is increased.

This Ordinance 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 6/18/2019

7.13 Subject: Juanita Johnson v. City Of Oakland And Gloria Brown
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Juanita Johnson V. City Of Oakland And Gloria Brown, Alameda County Superior Court Case No. RG17886477, In The Amount Of Thirty Four Thousand Five Hundred Dollars And No Cents (\$34,500.00) (Department Of Transportation - Vehicle Collision)

[18-1893](#)

Attachments: [View Report](#)

[87714 CMS](#)

This City Resolution was Adopted.

7.14 Subject: Settlement Agreement - Blake Trisler 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 Blake Trisler V. City Of Oakland, Alameda County Superior Court Case No. RG18899726, In The Amount Of Fifty Thousand Dollars And No Cents (\$50,000.00) (Department Of Transportation - Vehicle Collision)

[18-1894](#)

Attachments: [View Report](#)

[87715 CMS](#)

This City Resolution was Adopted.

7.15 Subject: Settlement Agreement - Beverly Whittington Burton 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 Beverly Whittington Burton V. Mark Hoffmann, City Of Oakland, Et Al, Alameda County Superior Court Case No. RG17883475, In The Amount Of Fifty Thousand Dollars And No Cents (\$50,000.00) (Oakland Fire Department - Vehicle Collision)

[18-1895](#)

Attachments: [View Report](#)

[87716 CMS](#)

This City Resolution was Adopted.

7.16 Subject: Claim Of Tien-Yu Mao
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Tien-Yu Mao, In The Amount Of Three Hundred Ten Thousand Dollars And 00/100 Cent (\$310,000.00) (Public Works-Failed Sewer Main)
[18-1901](#)

Attachments: [View Report](#)
[87717 CMS](#)

This City Resolution was Adopted.

S7.17 Subject: Neonicotinoid Restriction To Protect Pollinators
From: President Pro Tempore Kalb, Councilmember Bas And President Kaplan
Recommendation: Adopt A Ordinance: (1) Establishing The City Of Oakland's (City) Policy Prohibiting The City's Use Of Neonscotinoid Pesticides (Neonicotinoids) In Order To Protect Honey Bees And Other Pollinators; (2) Urging The Adoption Of State And Federal Restrictions On Neonscotnsoids; And (3) Urging Retailers Operating In The City Of Oakland To Not Sell Neonscotinoids
[18-1638](#)

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This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 6/18/2019

S7.18 Subject: On-Call General Environmental Consulting Contracts
From: Oakland Public Works
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Enter Into Eight Professional Service Agreements With 1) EKI Environment & Water, Inc., 2) Fugro USA Land, Inc., 3) GSI Environmental Inc, 4) Haley & Aldrich, Inc., 5) Northgate Environmental Management, Inc., 6) Terraphase Engineering, 7) TRC Companies, Inc., And 8) Weiss Associates For On-Call General Environmental Consulting Contracts In An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) Each For A Three-Year Period From July 1, 2019 Through June 30, 2022
[18-1801](#)

Attachments: [View Report](#)
[87718 CMS](#)

This City Resolution was Adopted.

S7.19 Subject: Civicorps School Contracts
From: Oakland Public Works
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into A Three-Year Agreement With The Possibility Of Two (2) One Year Extensions At The City's Option With Civicorps Schools, And Appropriate The Amount Of Three Hundred Thousand Dollars (\$300,000.00) To Assist With Used Oil Recycling Activities, Perform Bicycle Locker And Sign Cleaning, And Provide Interns To Assist The City's Recycling Hotline And Community Outreach, And Waive The Advertising And The Competitive Request For Proposal/Qualification Selection Requirements
[18-1802](#)

Attachments: [View Report](#)
[87719 CMS](#)

This City Resolution was Adopted.

S7.20 Subject: Courtland Creek Restoration Design And Construction Services
From: Oakland Public Works
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Award And Execute A Professional Services Agreement With FlowWest, LLC For An Amount Not-To-Exceed Four Hundred Thousand Dollars (\$400,000.00) To Complete Initial Design Services (Phase I) For The Courtland Creek Restoration Project, With The Option To Complete Remaining Design, Construction, And Postconstruction Support Services (Phase II) Upon Identification And Receipt Of Additional Funding And Future Council Approval
[18-1795](#)

Attachments: [View Report](#)
[87720 CMS](#)

This City Resolution was Adopted.

S7.21 Subject: Pedestrian Lighting And Sidewalk Improvement On International Blvd
From: Transportation Department
Recommendation: Adopt A Resolution Authorizing The City Council Adopt A Resolution Authorizing The City Administrator To Award A Construction Contract To Ray's Electric, The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications And Contractor's Bid For The Pedestrian Lighting, Sidewalk Repair And Crosswalk Striping On International Boulevard From 1st Avenue To 5th Avenue, And 22nd Avenue To Fruitvale Avenue Project (Project No. 1004422) Including Base Bid And Bid Alternate For A Total Contract Amount Not-To-Exceed One Million, Two Hundred Thirty-Seven Thousand, Five Hundred Dollars (\$1,237,500.00) As Additional Funds Become Available

[18-1798](#)

Attachments: [View Report](#)

[87721 CMS](#)

This City Resolution was Adopted.

S7.22 Subject: Write Off Of Three Loans For Total Of \$241,926
From: Housing And Community Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: Write-Off Three Uncollectible Loans For A Total Of \$241,926 Under The Economic Development Administration Revolving Loan (EDA RL) Program To Decrease - Reportable Default Rate, Enabling The City To Maintain The EDA RL Balance For Future Loans To Oakland Small Businesses; And Authorize Without Returning To Council, Future Small Business Loans That Meet The EDA RL Grant Requirements Up To The Available Balance Of \$201,676.30 Under EDA Award #07-39-02873

[18-1820](#)

Attachments: [View Report](#)

[87722 CMS](#)

This City Resolution was Adopted.

S7.23 Subject: Children's Fairyland Agreement
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With Oakland Children's Fairyland, Inc. For The Operation And Management Of Children's Fairyland For A Fifteen Year Term Expiring On December 31, 2034, And Authorizing An Annual Subsidy To Children's Fairyland Of \$200,000 Plus Cost Of Living Adjustments

[18-1753](#)

Attachments: [View Report](#)

[87723 CMS](#)

This City Resolution was Adopted.

S7.24 Subject: Grant Extension For Safe Parking Program
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend The Grant Agreement With WeHOPE To Extend The Grant Term Through April 30, 2020 To Continue The Operation Of A Safe Parking Program For Persons Living In Vehicles

[18-1789](#)

Attachments: [View Report](#)

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[87724 CMS](#)

This City Resolution be Adopted as Amended.

S7.25 Subject: Increase Advance Crime Scene Restoration Contract
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Increase Spending Authority For Advance Crime Scene Restoration, For Removal Of Biohazards, Contaminants And Physical Hazards From City Vehicles And Property, By One Hundred Thousand Dollars (\$100,000) For A Total Contract Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000) For The Period Of November 1, 2017 Through October 31, 2019

[18-1821](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

[87725 CMS](#)

This City Resolution was Adopted.

S7.26 Subject: Condemning Deportations Of Southeast Asian Refugee Communities
From: Councilmember Bas And Councilmember Thao
Recommendation: Adopt A Resolution Condemning Deportations Of Southeast Asian Refugee Communities By The Trump Administration's Immigration And Customs Enforcement (ICE); Respectfully Urging Governor Newsom To Grant Pardons For Rehabilitated Formerly Incarcerated Southeast Asian Individuals; And Respectfully Urging Alameda County District Attorney O'Malley To Collaborate With The Public Defender To Reopen Old Cases And Lower Offensives To Non-Deportable Charges
[18-1837](#)

Attachments: [View Report](#)
[View Supplemental Report](#)
[View Supplemental Report 5/31/2019](#)
[87726 CMS](#)

This City Resolution was Adopted.

S7.27 Subject: Disclosure Of Principal Officers And Solicitation Of Contributions
From: Council President Kaplan
Recommendation: Adopt A Ordinance Amending The "Oakland Campaign Reform Act" By Amending Section 3.12.020 And Adding Sections 3.12.116 And 3.12.117 To Require Disclosure Of The Principal Officers Of Non-Candidate Controlled Committees Required To File Campaign Statements In Oakland And Requiring That City Public Servants Also Disclose Solicitation Of Contributions From Any Person Or Entity Contracting Or Proposing To Contract With The City Of Oakland
[18-1796](#)

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[87727 CMS](#)

This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 6/18/2019

S7.28 Subject: Gwen Jackson Park
From: Councilmember Gallo
Recommendation: Adopt A Resolution Authorizing The Renaming Of Nicol Park To Gwen Jackson Park
[18-1760](#)

Attachments: [View Report](#)
[87727 CMS](#)

This City Resolution was Adopted.

S7.29 Subject: Proposed Amendments To AB 1487 (Chiu)
From: Council President Kaplan
Recommendation: Adopt A Resolution In Support Of Proposed Amendments To
Assembly Bill 1487 (Chiu) To Address Funding And Governance Strategies For Regional
Housing Solutions
[18-1830](#)

Attachments: [View Report](#)
[View Report 5/31/2019](#)
[87728 CMS](#)

This City Resolution be Adopted.

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

There were 3 speakers on this item. There were no final decisions made in closed session,

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

Excused: 1 - Reid

Aye: 7 - Bas, Gallo, Kalb, McElhaney, Taylor, Thao, 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: 2019/20 Consolidated Annual Action Plan
From: Housing And Community Development
Recommendation: Adopt A Following Pieces Of Legislation;

1) A Resolution: 1. Authorizing The City Administrator To Prepare And Submit To The U.S. Department Of Housing And Urban Development The Fiscal Year 2019-2020 Consolidated Annual Action Plan; 2. Accepting And Appropriating An Anticipated Award Of U.S. Department Of Housing & Urban Development Grant Funds In The Amount Of \$13,964,586 For Community Development Block Grant, Home Investments Partnership, Emergency Solutions Grant, And Housing Opportunities For Persons With Aids Fiscal Year 2019-2020 Programs; And 3. Appropriating \$850,000 In Revolving Fund Program Income And Any Amounts In Excess Thereof For Housing Rehabilitation Activities; And 4. Authorizing The City Administrator To Negotiate And Execute Grant Agreements For The Fiscal Year 2019-2020 Community Development Block Grant, Home Investments Partnership, Emergency Solutions Grant, And Housing Opportunities For Persons With Aids Programs; And 5. Authorizing The Use Of General Purpose Funds To Pay Central Service Overhead Charges For The Emergency Solutions Grant And Housing Opportunities For Persons With Aids Program; And
[18-1799](#)

Attachments: [View Report](#)
[87729 CMS](#)

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 7:56 p.m.

2 individuals spoke on this item.

Councilmember Gallo made a motion, seconded by President Pro Tempore Kalb, to close the Public Hearing, and hearing no objections, the motion passed by 7 AYES: Bas, Gallo, Kalb, McElhane, Taylor, Thao and President Kaplan and 1 EXCUSED Reid

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 - Reid

Aye: 7 - Bas, Gallo, Kalb, McElhane, Taylor, Thao, and Kaplan

NO VOTE: 0

2) A Resolution: 1. Authorizing Reappropriation And Use Of \$394,739 In Surplus Community Development Block Grant Funds For Fiscal Year 2019- 2020 And Fiscal Year 2020-2021 Community Development Block Grant Programs And Activities; And 2. Authorizing The Use Of Approximately \$1,632,035 In Surplus Community Development Block Grant Funds And Approximately \$579,100 In Surplus Revolving Loan Program Income For Fiscal Year 2019-2020 And 2020-2021 Residential Lending/Rehabilitation Programs; And 3. Authorizing Use Of Available 2014 Housing Opportunities For Persons With Aids Grant Funds To Increase Existing Grant Agreement With Contra Costa County By \$57,193 As Approved By The U.S. Department Of Housing And Urban Development; And 4. Reinstating Previously Approved Community Development Block Grant Funds For The Bus Rapid Transit/Business Mitigations Assistance Program; And 5. Authorizing The Allocation Of Up To \$236,712 In Economic Development Initiative Funds To The City's Commercial Lending Program For FY 2019-2020 To Supplement Community Development Block Grant Funds Awarded To Main Street Launch [18-1843](#)

Attachments: [View Report](#)
[87730 CMS](#)

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 7:56 p.m.

2 individuals spoke on this item.

Councilmember Gallo made a motion, seconded by President Pro Tempore Kalb, to close the Public Hearing, and hearing no objections, the motion passed by 7 AYES: Bas, Gallo, Kalb, McElhaney, Taylor, Thao and President Kaplan and 1 EXCUSED Reid

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 - Reid

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

NO VOTE: 0

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

- 11 Subject: Elimination Of Rent Ordinance For Owner-Occupied Duplexes And Triplexes
From: President Pro Tempore Kalb And Councilmember Gallo
Recommendation: Adopt An Ordinance Amending (1) The Rent Adjustment Ordinance (O.M.C. 8.22.020 Et SEQ) To Eliminate Exemptions For Owner-Occupied Duplexes And Triplexes And Allow A Limited Transitional Rent Increase For Newly Covered Units And (2) The Tenant Protection Ordinance (O.M.C. 8.22.600 Et SEQ) To Eliminate Exemptions For Owner-Occupied Duplexes And Triplexes
[18-1636](#)

Attachments: [View Report](#)
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[13542 CMS](#)

There were 58 speakers on this item

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

Excused: 1 - Reid

Recused: 1 - Taylor

Aye: 6 - Bas, Gallo, Kalb, McElhaney, Thao, and Kaplan

NO VOTE: 0

The Roll Call was modified to note Councilmember McElhaney absent at 9:46 p.m.

- S12 Subject: Decriminalizing Entheogenic Plants
From: Councilmember Gallo
Recommendation: Adopt A Resolution Supporting Entheogenic Plant Practices And Declaring That The Investigation And Arrest Of Individuals Involved With The Adult Use Of Entheogenic Plants On The Federal Schedule 1 List Be Amongst The Lowest Priority For The City Of Oakland
[18-1790](#)

Attachments: [View Report](#)
[87731 CMS](#)

There was a motion by Councilmember Gallo, seconded by Council President Kaplan to approve the item with the amendments presented by Councilmember Taylor

There were 30 speakers on this item

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

Excused: 2 - McElhaney, and Reid

Aye: 6 - Bas, Gallo, Kalb, Taylor, Thao, and Kaplan

NO VOTE: 0

7.11 Subject: Ordinance Amending Cannabis Business Tax Rates
From: Pro Tempore Kalb And Council President Kaplan
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Title 5,
Chapter 5.04, Section 5.04.480 And Section 5.04.481, To Create A Tiered And
Category Based Tax Structure For Cannabis Businesses, Merge Medical And
Non-Medical Cannabis Business Classifications, And Reduce Tax Rates For Cannabis
Businesses
[18-1321](#)

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[View Supplemental Legislation 5/17/2019](#)

[View Supplemental Finance Report 5/17/2019](#)

[View Supplemental Legislation 5/24/2019](#)

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***This item was re-introduced with the following amendments presented by
Councilmember Taylor:***

Title 5, Chapter 5.04, sections 5.04.480 and 5.04.481, are amended as follows:

“5.04.480 - Cannabis businesses.

A. The following definitions apply to this section:

1. “Cannabis Business” means any business that involves planting, cultivating, harvesting, transporting, dispensing, delivering, selling at retail or wholesale, manufacturing, compounding, converting, processing, preparing, storing, packaging, or testing any part of the plant Cannabis sativa L. or any of its derivatives.

2. “Medical Cannabis Business” means any Cannabis Business conducted pursuant to Health and Safety Code Sections 11362.5 and 11362.7—11362.83.

3. “Non-medical Cannabis Business” means any Cannabis Business not conducted pursuant to Health and Safety Code Sections 11362.5 and 11362.7—11362:83.

B. Every person engaged in a Cannabis Business with total gross receipts less than or equal to five hundred thousand dollars (\$500,000.00) shall pay a business tax of one-dollar and twenty cents (\$1.20) for each one thousand dollars (\$1,000.00) of gross receipts, or fractional part thereof.

C. Every person engaged in a Cannabis Business with total gross receipts greater than five hundred thousand dollars (\$500,000.00) shall pay a business tax of:

- 1. Fifty dollars (\$50.00) for each one thousand dollars (\$1,000.00) of gross receipts, or fractional part thereof, derived from any Medical Cannabis Business activity; plus**
- 2. One hundred dollars (\$100.00) for each one thousand dollars (\$1,000.00) of gross receipts, or fractional part thereof, derived from any Non-medical Cannabis Business activity.**

D. Before applying the rates described above, persons will be allowed to make deductions from any gross receipts entirely or partially derived from any manufacturing cannabis activity or cannabis cultivation activity carried on within Oakland in the same manner as manufacturing businesses subject to section 5.04.390(A).

E. To the extent that the tax rates described in this Section are less than the maximum rates approved by City of Oakland Measure V, as submitted to voters on November 6, 2018, the reduction in the tax rate is intended as a provisional adjustment that the City Council may reconsider and eliminate, in part or in whole, in the future.

F. Notwithstanding Sections 5.04.080, 5.04.110, and 5.04.120 of this Chapter, any Cannabis Business may elect to remit business taxes on a Quarterly basis according to rules and procedures adopted by the Director of Finance.

G. The business tax rates defined by this Section apply to any gross receipts subject to taxation as of January 1, 2020 and beyond.”

“Section 5.04.481 – Non Medical Cannabis Businesses [Repealed]”

And Adding a Final Whereas Clause that reads “Whereas 2020 cannabis business taxes will be levied at the tax rates authorized by this ordinance and based on gross receipts earned in 2019.”

This motion was seconded by Pro Tem Kalb, and passed on Introduction by the following vote; AYES: Bas, Gallo, Kalb, Kaplan, Taylor, Thao; EXCUSED: McElhaney and Reid

There were 47 speakers on this item

A motion was made by Loren Taylor, seconded by Dan Kalb, that this matter be Approved 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 6/18/2019. The motion carried by the following vote:

Excused: 2 - McElhaney, and Reid

Aye: 6 - Bas, Gallo, Kalb, Taylor, Thao, 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 Dr. Joel Tolbert, Gwen Jackson and Juanita Hughes at 12:00 a.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.