



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, October 15, 2019

5:30 PM

City Council Chamber, 3rd Floor

The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency was held on the above date. Opening with a Performance, the meeting was convened at 5:39 p.m.

1 PLEDGE OF ALLEGIANCE

2 ROLL CALL / CITY COUNCIL

Present 8 - Nikki Bas, Noel Gallo, Dan Kalb, Lynette McElhaney, Laurence E. Reid, Loren Taylor, Sheng Thao, and Rebecca Kaplan

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

12 speakers spoke during Open Forum.

**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 Huong Thi Thruong

- 4.1** Subject: Domestic Violence Awareness Month
From: President Pro Tempore Kalb, Councilmember McElhaney And Thao
Recommendation: Adopt A Resolution Proclaiming October 2019 Domestic Violence Awareness Month In The City Of Oakland

[18-2279](#)

Attachments: [View Report](#)
[View Supplemental Report 10/11/2019](#)
[87881 CMS](#)

There was 1 speaker on this item

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

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

NO VOTE: 0

- 4.2 Subject: National Hispanic Heritage Month
From: Councilmember Gallo
Recommendation: Adopt A Resolution Recognizing September 15th Through October 15th Of The Year 2019 As “National Hispanic Heritage Month”
[18-2256](#)

Attachments: [View Report](#)
[View Supplemental Report 10/11/2019](#)
[87882 CMS](#)

There was 1 speaker on this item

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

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

Absent: 2 - Reid, and Thao

NO VOTE: 0

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF OCTOBER 1, 2019
[18-2286](#)

Attachments: [View Report](#)

The Roll Call was modified to show Councilmember Thao present

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

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

Absent: 1 - 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):

The Roll Call was modified to show Vice Mayor Reid Present at 7:32 p.m.

There was a motion made to move item 12 to heard before item 11

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

There were 12 speakers on these item

Approval of the Consent Agenda

There were 12 speakers on this item

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

Aye: 8 - Bas, Gallo, Kalb, McElhaney, Reid, 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
[18-2287](#)
Attachments: [View Report](#)
[87883 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
[18-2288](#)
Attachments: [View Report](#)
[87884 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
[18-2289](#)
Attachments: [View Report](#)
[87885 CMS](#)
This City Resolution was Adopted.

- 7.4 Subject: Settlement Agreement - Susan Schacher 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 Susan Schacher V. City Of Oakland, Et Al, Alameda County Superior Court Case No. RG17886477, In The Amount Of Fifty Thousand Dollars And No Cents (\$50,000.00) As A Result Of A Trip And Fall Accident On June 16, 2016 (Department Of Public Works - Dangerous Condition Of Public Property Property)
[18-2305](#)

Attachments: [View Report](#)
[87886 CMS](#)

**Council approved recommendations as amended to include the following revision:
Strike RG17886477 and add RG17851458**

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

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

NO VOTE: 0

7.5 The Item Regarding "Oakland Alameda County Coliseum Authority Appointment" Was Removed Via Rule 28

7.6 The Item Regarding "Oakland Alameda County Coliseum Authority Appointment" Was Removed Via Rule 28

- 7.7 Subject: Increased Funding For Undergrounding Of Utility Wires To Prevent Wildfires
From: President Pro Tempore Kalb And Councilmember Thao
Recommendation: Adopt A Resolution In Support Of The League Of California Cities' Resolution To The California Public Utilities Commission (CPUC) Requesting That The CPUC Amend Rule 20A To Allow For The Addition Of Projects In Very High Fire Hazard Severity Zones To The List Of Eligibility Criteria For Utility Wire Undergrounding Projects To Help Prevent Wildfires And To Increase Funding Allocations For Rule 20A Projects
[18-2253](#)

Attachments: [View Report](#)
[View Supplemental Report 9/27/2019](#)
[87887 CMS](#)

This City Resolution was Adopted.

S7.8 Subject: League Of California Cities Travel Authorization
From: Councilmember Kalb
Recommendation: Adopt A Resolution Authorizing Councilmember Dan Kalb's To Travel To Long Beach, California For Attendance At The League Of California Cities From October 16, 2019 Through October 18, 2019 And Reimbursement Of Approximately \$1,750.00 In Travel Costs From The Council Contingency Fund For Travel
[18-2310](#)

Attachments: [View Report](#)
[87888 CMS](#)

This City Resolution was Adopted.

S7.9 Subject: Business Tax Refunds Audit FY 2017-18
From: Office Of The City Auditor
Recommendation: Receive An Informational Report From The City Auditor On The Business Tax Refunds Audit FY 2017-18
[18-2210](#)

Attachments: [View Report](#)

This Informational Report was Received and Filed.

S7.10 Subject: FY 2018-19 Annual Report On Grants And Donations Up To \$50,000
From: Finance Department
Recommendation: Receive An Annual Informational Report From The City Administrator On The Acceptance And Appropriation Of Restricted Grand Funds, Gifts, And Donations Of \$50,000 Or Less For The Period Of July 1, 2018 Through June 30, 2019
[18-2280](#)

Attachments: [View Report](#)

This Informational Report was Received and Filed.

S7.11 Subject: Senate Bill 2 (2017) Planning Grant Program FY 2019-20
From: Planning And Building Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate Funds From The Senate Bill 2 (2017) Planning Grant Program From The California Department of Housing And Community Development In An Estimated Amount Of Up To \$625,000 To Provide Funding For The Preparation, Adoption, And Implementation Of Plans And Policies That Streamline Housing Approvals, Accelerate Housing Production, And Increase Housing Stock From November 1, 2019 Through June 30, 2022
[18-2239](#)

Attachments: [View Report](#)
[87889 CMS](#)

This City Resolution was Adopted.

S7.12 Subject: Parks And Recreation Advisory Commission Report
From: Parks, Recreation & Youth Development Department
Recommendation: Receive An Informational Report From The Parks And Recreation Advisory Commission And Request Future Reporting Occur Annually Each March
[18-1953](#)

Attachments: [View Report](#)

This Informational Report was Received and Filed.

S7.13 Subject: Fiscal Year 2019-20 Cultural Funding Grants
From: Economic Workforce And Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Ninety-One (91) Cultural Services Grant Agreements With Eighty-One (81) Oakland-Based Individual Artists And Nonprofit Organizations Providing Arts And Cultural Services In Oakland During The Fiscal Year 2019-20, In A Total Amount Not To Exceed \$1,221,044.15
[18-2241](#)

Attachments: [View Report](#)
[87890 CMS](#)

This City Resolution was Adopted.

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

There were 8 speakers on this item

There was no Final Decisions made in the October 15, 2019 Closed Session

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

Aye: 6 - Bas, Kalb, McElhaney, Reid, Taylor, and Kaplan

Absent: 2 - Gallo, and Thao

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

12 Subject: 500 Kirkham DDA Amendment
From: Economic Workforce And Development Department
Recommendation: Adopt One Of The Following Pieces Of Legislation;

1) An Ordinance To Amend Ordinance No. 13368 C.M.S. To Authorize A First Amendment To The Disposition And Development Agreement Between The City Of Oakland And 500 Kirkham, To (1)(A) Change The Project Definition To Allow Development Consisting Of Three Buildings And 1,032 Residential Units, (B) Adjust The Affordable Housing Requirement To Include 85 Very Low Income Units On-Site And A \$7.1 Million Payment To The Affordable Housing Trust Fund, (C) Allow The Project Schedule To Be Extended Annually For Up To Ten Years If Payment Of Extension Fees Are Made According To The Extension Schedule Shown In Exhibit A, And (D) Require Evidence Of A Funding Commitment For The West Oakland Shuttle, And (2) To Make The Determination That An Addendum Pursuant To CEQA Guidelines Section 15164 Is Appropriate And Alternatively, The Project Is Exempt From CEQA Pursuant To CEQA Guidelines Sections 15168,15183, And 15183.3; Or
[18-2203](#)

Attachments: [View Report](#)

[View Supplemental Report 10/4/2019](#)

[View Supplemental Report - McElhaney 10/11/2019](#)

[View Supplemental Report - 10/11/2019](#)

The Roll Call was modified to show Councilmember Gallo and Thao present

A motion was made by Lynette McElhaney, seconded by Rebecca Kaplan, that this matter be No Action Taken. The motion carried by the following vote:

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

NO VOTE: 0

Subject: 500 Kirkham DDA Amendment
From: Economic Workforce And Development Department
Recommendation: Adopt An Ordinance To Amend Ordinance No. 13368 C.M.S. To Authorize A First Amendment To The Disposition And Development Agreement Between The City Of Oakland And 500 Kirkham, LLC To (1)(A) Change The Project Definition To Allow Development Consisting Of Three Buildings And 1,032 Residential Units, (B) Adjust The Affordable Housing Requirement To Include 85 Very Low Income Units On-Site And A \$7.1 Million Payment To The Affordable Housing Trust Fund, (C) Allow The Project Schedule To Be Extended Annually For Up To Ten Years If Payment Of Extension Fees Are Made According To The Extension Schedule Shown In Exhibit A, (D) Require 500 Kirkham. LLC To Pay A \$1 Million Workforce Training Payment Directly To The Following Entities In The Amounts Specified: (I) \$300.000 To The West Oakland Job Resource Center; II) \$300.000 To The Workforce Collaborative; (III) \$200.000 To Civicorps; And (IV) \$200.000 To The West Oakland Youth Center, By The Date And With The Form Of Evidence Specified By The City Administrator, And (E) Require Evidence Of A Funding Commitment For The West Oakland Shuttle, And (2) To Make The Determination That An Addendum Pursuant To CEQA Guidelines Section 15164 Is Appropriate And Alternatively, The Project Is Exempt From CEQA Pursuant To CEQA Guidelines Sections 15168, 15183, And 15183.3
[18-2341](#)

Attachments: [View Report](#)
[View Supplemental Report - McElhaney 10/11/2019](#)
[View Report - Legislation](#)
[View Supplemental Report 10/11/2019](#)
[View Supplemental Report 11/1/2019](#)

The agenda was modified to show this item being heard before item 11

The Roll Call was modified to show Councilmember Thao and Gallo present at 9:20 p.m.

There were 26 speakers on this item

A motion was made by Lynette McElhaney, seconded by Rebecca Kaplan, 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 11/5/2019. The motion carried by the following vote:

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

NO VOTE: 0

11 Subject: Vacant Property Tax Implementation Ordinance & Administration
From: Finance Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Title 4, Chapter 4.56 To Clarify And Further Define Various Sections Of The Oakland Vacant Property Tax And Establish A Method For Identifying Vacant Property; And
[18-2201](#)

Attachments: [View Report](#)
[View Supplemental Report 10/11/2019](#)

There were 70 speakers on this item

A motion was made by Loren Taylor, seconded by Larry Reid, that this matter be Continued to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 11/5/2019. The motion carried by the following vote:

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

NO VOTE: 0

2) A Resolution Authorizing The City Administrator, Or Designee, To Execute A First Amendment To An Agreement With Sci Consulting Group For The Implementation, Administration And Management Of The Vacant Property Tax For A Term Of Three Years Plus Two One-Year Options For A Grand Total Not To Exceed \$1,270,000 For All Five Years
[18-2202](#)

Attachments: [View Report](#)

There was a motion made by Council President Kaplan and seconded by President Pro Tempore Kalb to change the time of the October 31, 2019 Rules And Legislation Committee to 10:15 a.m.

A motion was made by Loren Taylor, seconded by Larry Reid, that this matter be Continued to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 11/5/2019. The motion carried by the following vote:

Aye: 8 - Bas, Gallo, Kalb, McElhaney, Reid, 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 Huong Thr Thruong and Tiffany Voice at
11:26 p.m.*

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