



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, March 7, 2017

5:30 PM

City Council Chamber, 3rd Floor

DEFINITION OF TERMS:

Consent Item: *any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.*

Non-Consent Item: *any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.*

Action Item: *any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.*

Informational Item: *an item of the agenda consisting only of an informational report that does not require or permit Council action.*

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 5:34 pm.

2 ROLL CALL / CITY COUNCIL

Councilmember Gallo arrived at 5:35pm

Councilmember Kalb arrived at 5:37pm

Present 8 - Desley Brooks, 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)

23 speakers spoke during Open Forum.

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

Councilmember Brooks and Council President Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Gloria Jefferies

Councilmember Gallo took a point of personal privilege and requested that the meeting be adjourned in memory of Juan Chavez

4.1 Item Regarding "Honoring Mrs. Willie Jernigan On Her 105th Birthday" has been moved to the consent portion of the agenda

- 4.2** Subject: Recognizing OUSD Students In The 38th Annual MLK Jr. Oratorical Fest
From: Vice Mayor Campbell Washington
Recommendation: Adopt A Resolution Recognizing Oakland Unified School District Students For Their Outstanding Performances And First Place Awards In The 38th Annual Martin Luther King Jr. Oratorical Fest 2017
[16-0786](#)

This City Resolution be Adopted.

Aye: 8 - Brooks, Campbell Washington, Gallo, McElhaney, Guillén, Kalb, Kaplan, and Reid

NO VOTE: 0

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF FEBRUARY 21, 2017**
[16-0754](#)

No minutes were in the packet for approval. The minutes be presented at the March 21, 2017 meeting.

This Report and Recommendation be No Action Taken.

- 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 28 speakers on the consent calendar

At this time, the Council moved to vote on item 7.13 separate from the consent calendar.

Approval of the Consent Agenda

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

Aye: 8 - Brooks, 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
[16-0787](#)

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
[16-0788](#)

This City Resolution was Adopted.

7.3 Subject: Congressional City Conference Authorization For Councilmember Desley Brooks
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To Travel To Washington D.C. To Attend The 2017 League Of Cities Congressional City Conference From March 10-15, 2017
[16-0744](#)

This City Resolution was Adopted.

7.4 Subject: Support For AB 423 To Preserve Residential Hotels In Oakland
From: Councilmember Lynette Gibson McElhaney
Recommendation: Adopt A Resolution In Support of Assembly Bill 423 (Bonta) That Would Amend The Ellis Act (Government Code Sec. 7060 Et Seq.) To Permit Oakland Effectively Regulate Residential Hotels
[16-0745](#)

This City Resolution was Adopted.

- 7.5** Subject: Appointment To The Public Safety And Services Violence Prevention Oversight Commission
From: The Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of June Williams To The Public Safety And Services Violence Prevention Oversight Commission
[16-0755](#)

This City Resolution was Adopted.

- 7.6** Subject: Reappointment To The Oakland Housing Authority Board
From: The Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Barbara Montgomery And Marlene Hurd To Two-Year Tenant Commissioner Terms On The Oakland Housing Authority Board
[16-0756](#)

This Report and Recommendation was Approve as Submitted.

- 7.7** Subject: Travel Authorization
From: President Pro Tem Guillén
Recommendation: Adopt A Resolution Authorizing Council President Pro Tem Abel Guillén To Travel To Yosemite, California To Attend The 2017 Annual Local Government Commission Policymakers Conference From March 16-19, 2017
[16-0774](#)

This City Resolution was Adopted.

- 7.8** Subject: Settle The Claim Of George Zviagin
From: The Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of George Zviagin, In The Amount Of Seventy Nine Thousand Five Hundred Eighty-Eight Dollars And 29/100 Cents (\$79,588.29) As The Result Of A Failed Sewer Main On July 19, 2016 (Public Works- Failed Sewer Main)
[16-0777](#)

This City Resolution was Adopted.

- 7.9** Subject: Appointments To The National League Of Cities' 2017 Congressional City Conference
From: Council President Reid
Recommendation: Adopt A Resolution Appointing Councilmember Lynette Gibson McElhaney As Delegate And Appointing Councilmember Desley Brooks As Alternate Delegate To Represent The City Of Oakland At The National League Of Cities' 2017 Congressional City Conference Scheduled To Be Held In Washington, DC Beginning March 11
[16-0779](#)

This City Resolution was Adopted.

- 7.10** Subject: Support Of Senate Bill 54 - California Values Act
From: Pro Tem Guillén, Council President Reid, & Councilmember Gallo
Recommendation: Adopt A Resolution In Support Of Senate Bill 54 (De Leon), Pending Amendments, That Would Prevent The Use Of State And Local Resources For Federal Immigration Enforcement Actions That Will Separate Families And Hurt The State's Economy
[16-0696](#)

This City Resolution was Adopted.

- 7.11** Subject: Honoring Mrs. Willie Jernigan On Her 105th Birthday
From: Councilmember Kalb
Recommendation: Adopt A Resolution Honoring Mrs. Willie Jernigan On Her 105th Birthday
[16-0781](#)

This City Resolution was Adopted.

- S7.12** Subject: Salary Ordinance Amendment
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance. No. 12187 C.M.S. ("Salary Ordinance") To Add The Full-Time Classification Of Head Start ERSEA (Eligibility, Recruitment, Selection, Enrollment And Attendance) And Data Program Coordinator; To Add The Part-Time Classification Of Fireboat Attendant, PT; To Add The Full-Time And Permanent Part-Time Classifications Of US&R Warehouse And Logistics Specialist; To Add The Fulltime Classification Of Van Driver; To Amend The Title Of Head Start Nutrition Coordinator To Head Start Health And Nutrition Coordinator; To Adjust The Representation Unit Of The Classification Of Energy Engineer III; And To Delete The Full-Time Classifications Of Zoo Keeper And Zoo Keeper III
[16-0706](#)

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 3/21/2017

- S7.13** Subject: Extension Of Primary Depository Services Agreement Through June 30, 2018
From: Oakland Treasury Bureau
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Negotiate And Execute An Extension Through June 30, 2018 Of The Current Agreement With J.P. Morgan Chase, N.A. To Provide Primary Depository Services For The City At An Estimated Annual Cost Of \$275,000
[16-0714](#)

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

Aye: 4 - Campbell Washington, Gallo, Guillén, and Kalb

No: 3 - Brooks, Kaplan, and Reid

Absent: 1 - McElhaney

NO VOTE: 0

- S7.14** Subject: Alameda County-Oakland Community Action Partnership CSBG 2017-2019 Funding Cycle
From: Human Services Department
Recommendation: Adopt A Resolution Amending The Adopted Appropriation For The 2017 Community Services Block Grant (CSBG) Up To \$1,360,989 And Authorizing The City Administrator To: (1) Enter Into Grant Agreements, Professional Services Agreements, And Amendments With Anti-Poverty Service Providers For The Alameda County - Oakland Community Action Partnership (AC-OCAP) 2017 CSBG Program Year, And Enter Into Amendments For The 2018 And 2019 Program Years; And (2) Amend The Agreements To Increase The Amount If Additional CSBG Funding Becomes Available During The 2017-2019 Three-Year Funding Cycle
[16-0731](#)

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

Abstained: 1 - Brooks

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

NO VOTE: 0

- S7.15** Subject: Realignment Funds Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee
To: (1) Accept And Appropriate Ninety Thousand Six Hundred And Sixty-Three Dollars (\$90,663) In Fiscal Year 2016-2017 California Board Of State And Community Corrections (BSCC) Grant Funds, Disbursed From The City Of Fremont As Fiscal Agent For The Alameda County Chiefs Of Police And Sheriffs Association (ACCPSA), To Mitigate The Impacts Of California Assembly Bill 109; (2) Contribute Thirteen Thousand Nine Hundred Twenty-Six Dollars (\$13,926) For The Central Services Overhead Cost; And (3) Allocate The Grant Funds To Oakland Police Department (OPD) Projects In Accordance With The BSCC Grant Restrictions
[16-0713](#)

This City Resolution was Adopted.

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

A motion was made by Rebecca Kaplan, seconded by Noel Gallo, the City Attorney's report that there were no final decisions made during closed session be Approved as Submitted. The motion carried by the following vote:

Aye: 8 - Brooks, 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:**

- 9.1** Subject: New Citywide Mobile Food Vending Program
From: Planning And Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Amending The Oakland Municipal Code ("OMC") To Adopt A New Citywide Food Vending Program, Delete Chapters 5.49 Push Cart Food Vending Pilot Program, 5.51 Food Vending Group Site Pilot Program, And 8.09 Vehicular Food Vending, Adopt New Chapter 5.51 Food Vending Program And Various Conforming Changes To The OMC And City Planning Code, And Adopting CEQA Findings
[16-0707](#)

There was 1 speaker on this item

This Ordinance be * Withdrawn and Rescheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 3/21/2017

Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 7:06 p.m.

32 individuals spoke on this item.

Vice Mayor Campbell Washington made a motion, seconded by Councilmember McElhaney to close the Public Hearing, and hearing no objections, the motion passed by the following vote:
8 Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, McElhaney, and Council President Reid

9.2 Subject: MacArthur BART Revision To PUD And Amendment To Development Agreement
From: Planning And Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) A Resolution, As Recommended By The City Planning Commission, (A) Revising The MacArthur Bart Planned Unit Development; (B) Adopting A Final Development Permit, Vesting Tentative Parcel Map 10561, And Design Review; And (C) Relying On The 2008 MacArthur Station Project Environmental Impact Report And Addenda, And Other Documents, Finding That No Additional Environmental Review Is Needed Pursuant To California Environmental Quality Act Guidelines Sections 15162-15164, 15168, 15180, 15183, And 15183.3 And Adopting Related CEQA Findings, For Parcel B, Located At 532-39Th Street, Oakland, Ca (Assessor Parcel Numbers 012 102501100 And 012 102501200); And
[16-0708](#)

A motion was made by Dan Kalb, seconded by Annie Campbell Washington, that this matter be Adopted as Amended the motion was approved as amended to include the following language:

***Applicant shall consider all-electric cooking appliances within the Project and shall participate in one meeting with experts on sustainable building practices, organized jointly by the District Obe councilmember and the Applicant. Notwithstanding the foregoing, Applicant shall have no obligation to install all-electric cooking appliances within the Ptoject, unless otherwise required by local law. The motion carried by the following vote:**

Aye: 8 - Brooks, Campbell Washington, Gallo, McElhaney, Guillén, Kalb, Kaplan, and Reid

NO VOTE: 0

Subject: MacArthur BART Revision To PUD And Amendment To Development Agreement
From: Planning And Building Department
Recommendation: Adopt An Ordinance, As Recommended By The City Planning Commission, (A) Amending The Development Agreement By And Between City Of Oakland And MacArthur Transit Community Partners, LLC Regarding The Property And Project Known As "MacArthur Transit Village" To Allow For Increased Height On Parcel B, And (B) Relying On The 2008 MacArthur Station Project Environmental Impact Report And Addenda, Finding That No Additional Environmental Review Is Needed Pursuant To California Environmental Quality Act Guidelines Sections 15162-15164, 15168 And 15180, 15183, And 15183.3 And Adopting Related CEQA Findings, For Parcel B, Located At 532-391th Street, Oakland, Ca (Assessor Parcel Numbers 012 102501100 And 012 102501200)

[16-0709](#)

This Ordinance be * Withdrawn and Rescheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 3/21/2017

Aye: 8 - Brooks, Campbell Washington, Gallo, McElhaney, Guillén, Kalb, Kaplan, and Reid

NO VOTE: 0

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 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](#)

There was 6 speakers on this item

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

Abstained: 1 - Brooks

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

No: 1 - Gallo

NO VOTE: 0

At this time, the Council moved to reconsider the action taken on item 7.13.

Councilmember Kaplan made a motion, seconded by Councilmember McElhaney, to Reconsider the action taken on item 7.13 , and hearing no objections, the motion passed with the following vote: 8 Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, McElhaney, and Council President Reid

Subject: Extension Of Primary Depository Services Agreement Through June 30, 2018
From: Oakland Treasury Bureau
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Negotiate And Execute An Extension Through June 30, 2018 Of The Current Agreement With J.P. Morgan Chase, N.A. To Provide Primary Depository Services For The City At An Estimated Annual Cost Of \$275,000
[16-0714](#)

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

Aye: 5 - Campbell Washington, Gallo, McElhaney, Guillén, and Kalb

No: 3 - Brooks, Kaplan, and Reid

NO VOTE: 0

- 12** Subject: Re-Appointing And Appointing Members To The Oakland-Alameda County Coliseum Authority Board Of Commissioners
From: Council President Reid
Recommendation: Adopt A Resolution Re-Appointing And Appointing Members To The Oakland-Alameda County Coliseum Authority Board Of Commissioners As Follows - Reappointing Council President Larry E. Reid For The Term Beginning January 20th, 2017 And Ending January 19th, 2019, Re-Appointing Yui Hay Lee For The Term Beginning October 8th, 2015 And Ending October 7th, 2017, Appointing Christin J. Hill For The Term Beginning October 8th, 2015 And Ending October 7th, 2017 To Fill The Seat Previously Held By Aaron Goodwin, And Appointing Council Member Lynette McElhaney-Gibson For The Term Beginning January 20th, 2017 And Ending January 19th, 2019 To The Seat Previously Held By Council Member Rebecca Kaplan
[16-0789](#)

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

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

No: 1 - Brooks

NO VOTE: 0

- 13** Subject: Equity Analysis And Proposed Medical Cannabis Ordinances
 From: Office Of The City Administrator
 Recommendation: Receive A Race And Equity Report On Medical Cannabis Regulations
 And Adopt The Following Pieces Of Legislation:

1. An Ordinance Amending Oakland Municipal Code Chapter 5.80, Medical Cannabis Dispensary Permits, To Clarify And Strengthen The City's Equity Permit Program And Provide Additional Updates Consistent With State Law; And
[16-0784](#)

There were 108 speakers on this item

A motion was made by Desley Brooks, seconded by Larry Reid, 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 3/21/2017. The motion carried by the following vote:

Aye: 8 - Brooks, Campbell Washington, Gallo, McElhaney, Guillén, Kalb, Kaplan, and Reid

NO VOTE: 0

2. An Ordinance Amending Oakland Municipal Code Chapter 5.81, Medical Cannabis Cultivation Facility Permits, To Clarify And Strengthen The City's Equity Permit Program And Provide Additional Updates Consistent With State Law
[16-0785](#)

At 11:59 pm, Pro Tempore Guillen made a motion seconded by Councilmember Kaplan to extend the meeting past midnight, and hearing no objections, the motion passed by 8 Ayes; Brooks, Campbell Washington, Gallo, Guillen, Kalb, Kaplan, McElhaney, and President Reid.

A motion was made by Desley Brooks, seconded by Larry Reid, 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 3/21/2017. The motion carried by the following vote:

Aye: 8 - Brooks, Campbell Washington, Gallo, McElhaney, Guillén, Kalb, Kaplan, and Reid

NO VOTE: 0

3. Resolution Establishing Budget Priorities For Expenditure of Cannabis Business Taxes Collected By The City Pursuant To Oakland Municipal Code Section 5.04.480 and 5.04.481.

[16-0790](#)

There were 108 speakers on this item.

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

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

No: 1 - Guillén

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 Gloria Jeffries, Juan Chavez, and Anne Woodell at 12:04 a.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.**