



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 - DRAFT

Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council

Oakland City Hall, 1 Frank H. Ogawa Plaza,
Oakland, CA 94612

Tuesday, September 8, 2015

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 5:35 p.m.

2 ROLL CALL / CITY COUNCIL

The Roll Call was modified to note Councilmember Gallo present at 5:52 p.m.

The Roll Call was modified to note Councilmember Gallo absent at 9:00 p.m.

Excused 1 - Laurence E. Reid

Present 7 - Desley Brooks, Annie Campbell Washington, Noel Gallo, Abel J. Guillén, Dan Kalb, Rebecca Kaplan, and Lynette Gibson McElhaney

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

There were 14 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 Ernestine Jackson Williams.

Councilmember Campbell Washington took a point of personal privilege and requested that the meeting be adjourned in memory of Peter Van Kleef. Council President Gibson McElhaney requested association with this adjournment.

Council President Gibson McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Al Payton.

5
MEETING OF THE
OAKLAND CITY COUNCIL
OCT 06 2015

- 4.1** Subject: Honoring PG&E
From: Office Of The Mayor
Recommendation: Adopt A Resolution Honoring And Thanking PG&E For Their
Contribution To Light Up Oakland During The NBA Finals
14-1210

Attachments: [View Report.pdf](#)

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

Excused: 1 - Reid

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

- 4.2** Subject: Supporting The Development Of Worker Cooperatives
From: Councilmembers Campbell Washington And Gibson McElhaney
Recommendation: Adopt A Resolution Supporting The Development Of Worker
Cooperatives In Oakland
14-1232

Attachments: [View Report.pdf](#)

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

Excused: 1 - Reid

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

- 4.3** Subject: Honoring Osborn Solitei
From: President Pro Tempore Reid
Recommendation: Adopt A Resolution Honoring Former Acting Finance Director /
Controller Osborn Solitei For 10 Years Of Exemplary Service To The City Of Oakland
15-0009

Attachments: [View Report.pdf](#)

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

Excused: 1 - Reid

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

S 4.4 Subject: Honoring City Of Oakland Youth Poet Laureates
From: Councilmember Lynette Gibson McElhaney
Recommendation: Honoring City Of Oakland Youth Poet Laureates Sophie Elkin
(2014) And Tova Ricardo (2015)
15-0047

Attachments: [View Reprt.pdf](#)

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

Excused: 1 - Reid

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

*COUNCIL PRESIDENT GIBSON MCELHANEY RELINQUISHED THE CHAIR AT 6:58
P.M. AND VICE MAYOR KAPLAN PRESIDED AS CHAIRPERSON.*

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF JULY 20, 2015,
JULY 21, 2015 And JULY 30, 2015.
15-0013

Attachments: [JULY 20.PDF](#)

[JULY 21.PDF](#)

[JULY 30.PDF](#)

A motion was made by Kalb, seconded by Guillén, that this matter be Received
and Filed. The motion carried by the following vote:

Excused: 1 - Reid

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

Absent: 1 - Gibson McElhaney

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):

*COUNCIL PRESIDENT GIBSON MCELHANEY WAS NOTED PRESENT AT 7:13
P.M. AND RESUMED PRESIDING AS CHAIRPERSON.*

7. CONSENT CALENDAR (CC) ITEMS:

There were 12 speakers on the Consent Calendar.

Approval of the Consent Agenda

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

Excused: 1 - Reid

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

- 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
15-0010

Attachments: [View Report.pdf](#)

This City Resolution was Approve with the following amendments.

- 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
15-0011

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

- 7.3 Subject: Amending The Department Of Race & Equity Ordinance To Conform To
Council Intent
From: Office Of The City Attorney
Recommendation: Adopt An Ordinance Amending Ordinance No. 13319 C.M.S.,
Which Amended Oakland Municipal Code Chapter 2.29, City Agencies, Departments
And Offices, To Add The Department Of Race And Equity, Section 2.29.160 To The
Municipal Code, To Revise Oakland Municipal Code Section 2.29.160.2, Definitions,
And Delete Oakland Municipal Code Section 2.29.160.4
14-1187

Attachments: [View Report.pdf](#)

This Ordinance was Approved for Final Passage.

- 7.4 Subject: Peralta Hacienda Historical Park Phase 4 - Museum Grant
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Apply For, Accept, And Appropriate Grant Funds Up To Two Hundred Fifty Thousand Dollars (\$250,000) From The California Cultural And Historic Endowment (CCHE) - Museum Grant Program For The Peralta Hacienda Historic Park Phase 4 - Historic Core Project (Project)
14-1173

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

- 7.5 Subject: 440 59th Street Major Encroachment Permit
From: Planning And Building Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To James Brickley And Tia Hunnicutt To Allow An Existing Building To Encroach Less Than Six Inches (6") Into The Public Right-Of-Way Along The Building's Frontage On Howell Street At 440 59th Street
14-1175

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

- 7.6 Subject: Property Assessed Clean Energy (PACE) Provider Authorizations
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Of Oakland Joining The Western Riverside Council Of Governments (WRCOG) As An Associate Member, (2) WRCOG To Administer The Hero Pace Program In The City, And (3) The City Administrator To Execute Necessary Agreements To Support The Launch Of The Hero Pace Program;
And

14-1176

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

2) A Resolution Authorizing The City Of Oakland Joining The Figtree Pace Program For Alameda County, Authorizing The California Enterprise Development Authority (CEDA) To Administer The Pace Program In The City, And Authorizing The City Administrator To Execute Necessary Agreements To Support The Launch Of The Figtree Pace Program; And

14-1177

This City Resolution was Adopted.

3) A Resolution Authorizing The City Of Oakland Joining The California Home Finance (CHF) Authority As An Associate Member, Authorizing CHF To Administer The Ygrene Pace Program In The City, And Authorizing The City Administrator To Execute Necessary Agreements To Support The Launch Of The Ygrene Pace Program; And 14-1178

This City Resolution was Adopted.

4) A Resolution Authorizing The City Of Oakland Joining The Ygrene Pace Program, Authorizing The California Home Finance (CHF) Authority To Administer The Ygrene Pace Program In The City, And Authorizing The City Administrator To Execute Necessary Agreements To Support The Launch Of The Ygrene Pace Program; And 14-1179

This City Resolution was Adopted.

5) A Resolution Authorizing The City Of Oakland Joining The Open PACE Program, Authorizing Alliancenrg, Through The California Statewide Communities Development Authority (CSCDA), To Administer The Open Pace Program In The City, And Authorizing The City Administrator To Execute Necessary Agreements To Support The Launch Of The Open PACE Program 14-1180

This City Resolution was Adopted.

7.7 Subject: Grant To Develop Building Code Changes For Vehicle Charging Stations
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation

1) A Resolution Authorizing The City Administrator, Or Her Designee, To Apply For, Accept And Appropriate A California Energy Commission (CEC) Alternative And Renewable Fuel Vehicle And Technology Program (ARFVTP) Grant Award Of One Hundred Seventy Thousand Three Hundred Twenty-Four Dollars (\$170,324.00) From The State Of California Other Fund (2159) To Prepare Building Code Amendments Which Will Increase The Number Of Plug-In Electric Vehicle (PEV) Charging Stations In Oakland, The City And County Of San Francisco, And The Town Of Tiburon; And 14-1170

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

2) A Resolution Waiving The Request For Proposals/Qualifications ("RFP/Q") Requirement And Authorizing The City Administrator, Or Her Designee, To Execute A Professional Services Contract With Energy Solutions, In An Amount Of One Hundred Fifty-Two Thousand Six-Hundred Nineteen Dollars (\$152,619.00) For A Term Of Twenty Six (26) Months, To Assist Oakland, The City And County Of San Francisco, And The Town Of Tiburon To Prepare Building Code Amendments Which Will Increase The Number Of Plug-In Electric Vehicle (PEV) Charging Systems Within These Jurisdictions

14-1171

This City Resolution was Adopted.

7.8 Subject: Office Of Traffic Safety STEP Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Accept And Appropriate Grant Funds In The Amount Of Two Hundred Ninety Thousand Dollars (\$290,000) From The State Of California, Office Of Traffic Safety (OTS), For The FY 2015-16 Selective Traffic Enforcement Program (Step) To Be Administered By The Oakland Police Department (OPD); 2) Authorize The General Purpose Fund To Contribute Eleven Thousand Eight Hundred Twelve Dollars (\$11,812) To Cover The CSO Charges; And 3) To Accept And Appropriate The FY 2016-17 OTS Step Grant Award In Advance In An Amount Not To Exceed Three Hundred Forty-Eight Thousand Dollars (\$348,000) And Authorize The General Purpose Fund To Cover The Associated CSO Charges

14-1172

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

7.9 Subject: Adding Chapter 9.08.270 To Chapter 9 Of The Oakland Municipal Code
From: Members Of The Public:100 Black Men
Recommendation: Adopt An An Ordinance Adding Chapter 9.08.270 To Chapter 9 Of The Oakland Municipal Code Establishing The Right To Photograph, Video And/Or Audio Record Police And/Or Peace Officer(S)

14-1219

Attachments: [View Report.pdf](#)

This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the Meeting of the Oakland City Council to be heard 9/22/2015

- 7.10 Subject: "Do Shoot" Campaign
From: 100 Black Men Of The Bay Area
Recommendation: Receive A Report And Recommendations Encouraging The Public To Initiate A "Do Shoot" Campaign Urging Anyone Who Sees Someone Being Pulled Over By The Police Or Being Arrested To Shoot Video Of The Incident With Their Cell Phone Camera As A Means Of Self Defense
14-0830

The Council adopted the campaign as amended to change the title to "100 Cameras" Campaign.

This Report and Recommendation was Approve with the following amendments.

- 7.11 Subject: Civil Service Board Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Christopher Johnson To The Civil Service Board
15-0014

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

- 7.12 Subject: Commission On Persons With Disabilities Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Thomas Gregory, Caleb Van Docto, Danelle P. Roundtree, Miquette A. Thompson, Aaron B. Zisser, Brian D. Harrington, And The Reappointment Of Fatimah Simmons, Elise Bernstein To The Commission On Persons With Disabilities
15-0015

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

- 7.13 Subject: Parks And Recreation Advisory Commission - Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Marsha C. Peterson, Faith Du Bois, Mandolin Kadera-Redmond, Paul Rosenbloom, Toshia Marshall And The Appointment Of Chryl N.E. Corbin And Cyril Manning To The Parks And Recreation Advisory Commission
15-0016

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

- 7.14** Subject: Library Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Rebekah Randle And Traci M.S. Griffin As Members Of The Library Advisory
Commission
15-0017

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

- 7.15** Subject: FY 2014-2015 State Homeland Security Grant Program
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her
Designee To: 1) Accept Fiscal Year 2014-2015 Grant Funds In An Amount Not To
Exceed One Hundred Thousand Dollars (\$100,000) From The Statewide Homeland
Security Grant Program (SHSGP); 2) Appropriate And Administer Said Funds; 3)
Approve The Fiscal Year 2014-2015 SHSGP Spending Plan; And 4) Expend Said
Funds In Accordance With The Preliminary Spending Plan
14-1174

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

- S7.16** Subject: 90th Anniversary of Memorial Tabernacle Church
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution Celebrating The 90th Anniversary Of The
Memorial Tabernacle Church
15-0046

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

- S7.17** Subject: Commission On Aging Appointments
From: Office of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of
Joyce Batiste, Johnnie Mae Wiley And D.Blake Spears As Members Of The
Commission On Aging
15-0055

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

S7.18 Subject: Landmarks Preservation Advisory Board Appointments
From: Office of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of
Christopher Andrews And Frank Flores As Members Of The Landmarks Preservation
Advisory Board
15-0056

Attachments: [View Report.pdf](#)

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 Gallo, seconded by Kalb, that this matter be Approve as Submitted the oral report from the Office of the City Attorney of 4 final decisions made during Closed Session. Please refer to Attachment A for the details of the final decision. The motion carried by the following vote:

Excused: 1 - Reid

Aye: 7 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, and Gibson
McElhanev

**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:**

S 9.2 Subject: T5/6 DDA Public Hearing
From: Economic Workforce Development Department
Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) An Ordinance Authorizing: (1) The City Administrator, Without Returning To The City Council, To Negotiate And Execute A Disposition And Development Agreement And Related Documents Between The City Of Oakland, And Strada T5 LLC (Or A Related Entity Or Affiliate) For Sale Of The City Center T-5/6 Parcels Located On The Block Bounded By Broadway, 11th Street, 12th Street And Clay Street For No Less Than \$6.45 Million And Development As A Residential Mixed-Use Project And A Hotel Mixed-Use Project, All Of The Foregoing Documents To Be In A Form And Content Substantially In Conformance With The Term Sheet Attached As Exhibit A; And (2) Set-Aside Of No More Than \$500,000 From Land Sales Proceeds For Remediation Of Property; Or Alternatively
15-0048

Attachments: [View Report.pdf](#)

Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 7:55 p.m.

6 individuals spoke on this item.

Councilmember Gibson McElhaney made a motion, seconded by Councilmember Kalb, to close the Public Hearing, and hearing no objections, the motion passed by 7Ayes: Campbell Washington, Gallo, Guillén, Kalb, Kaplan and Council President Gibson McElhaney, 1 Excused: Reid.

This Ordinance was No Action Taken.

Subject: T5/6 DDA Public Hearing
From: Economic Workforce Development Department
Recommendation: Adopt An Ordinance Authorizing: (1) The City Administrator, Without Returning To The City Council, To Negotiate And Execute A Disposition And Development Agreement And Related Documents Between The City Of Oakland, And Strada T5 Llc (Or A Related Entity Or Affiliate) For Sale Of The City Center T-5/6 Parcels Located On The Block Bounded By Broadway, 11th Street, 12th Street And Clay Street For No Less Than \$6.45 Million And Development As A Residential Mixed-Use Project And A Hotel Mixed-Use Project, All Of The Foregoing Documents To Be In A Form And Content Substantially In Conformance With The Term Sheet Attached As Exhibit A; And (2) Set-Aside Of No More Than \$1,000,000 From Land Sales Proceeds For Remediation Of Property
15-0049

The Council adopted the Alternative Ordinance with the following revision to the attached Term Sheet: The final sentence of Item 4 shall be revised to read: "In the event that Developer has not demonstrated Financial Feasibility of the hotel, or secured City approval of an alternative project proposal, within 27 months of the Effective Date, the City may terminate the DDA with respect to Phase 2."

A motion was made by Gibson McElhaney, seconded by Kalb, that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 9/22/2015. The motion carried by the following vote:

Excused: 1 - Reid

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

No: 1 - Brooks

- 9.3** Subject: Wood Street Development Area 1 Appeal
From: Planning And Building Department
Recommendation: Adopt A Resolution Denying The Appeal Filed By The Law Offices Of Wallace Doolittle, Representing California Waste Solutions (CWS), Of The Planning Commission's May 20, 2015 Approval Of A Preliminary/Final Development Plan, Design Review, And Vesting Tentative Parcel Map For A One-Lot Subdivision To Construct 47 New Townhouse-Style Residential Condominiums Located At A Vacant 2.11-Acre Site (Parcel 2, A Portion Of Development Area 1 Of The Wood Street Zoning District) Bounded By The Pacific Cannery Lofts/Iron horse Apartments To The East, 14th Street To The North, 11th Street To The South And Front Age Road To The West (Zoning Case No. PLN15047-PUDF01-A01; VTPM10346)
15-0012

Attachments: [View Report.pdf](#)

Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at 8:32 p.m.

3 individuals spoke on this item.

Vice Mayor Kaplan made a motion, seconded by Council President Gibson McElhaney, to close the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Brooks, Campbell Washington, Guillén, Kalb, Kaplan, and Council President Gibson McElhaney; 1 Absent - Gallo, and 1 Excused - Reid.

The Resolution was adopted with the following amendments to be added to the conditions of approval:

- 1) The units located closest to CWS be built and occupied last;*
- 2) Require 20 foot set-back between lots;*
- 3) Install sound barriers and landscaping between the lots; and*
- 4) Install triple pane windows for south-facing units.*

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

Excused: 1 - Reid

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

Absent: 1 - Gallo

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

S12 Subject: Resolution In Support Of SB 168 - Drones And Emergency Situations
From: Council Member Dan Kalb
Recommendation: Adopt A Resolution In Support Of State Senate Bill (Sb) 168
(Gaines And Jackson) That Would Make It Unlawful To Interfere With Firefighting
With An Unmanned Aircraft And Would Limit Exposure To Liability For Emergency
Responders (And Their Agencies) That Damage Unmanned Aircraft That Interfere
With Ambulances, Firefighting, Or Search & Rescue Operations
15-0045

Attachments: [View Report.pdf](#)

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

Excused: 1 - Reid

Aye: 6 - Brooks, Campbell Washington, Guillén, Kalb, Kaplan, and Gibson McElhane

Absent: 1 - Gallo

S13 Subject: California Partnership Agreement Extension for Ceasefire
From: Oakland Police Department
Recommendation: Adopt A Resolution Extending The Contract With The California
Partnership For Safe Communities (CPSC) For Technical Assistance Support To
Implement The Ceasefire Strategy For Fiscal Years 2015-2016, 2016-2017, And
2017-2018, As Part Of The Public Safety And Services Violence Prevention Act Of
2014 (Measure Z), In An Amount Not To Exceed \$125,000.00 Per Year, For A Total
Contract Amount Not To Exceed \$775,000.00, And Waiving The Advertising And
Request For Proposal (RFP) Requirements For This Contract
15-0052

Attachments: [View Report.pdf](#)

There was 1 speaker on this item.

This City Resolution was Adopted.

Excused: 1 - Reid

Aye: 6 - Brooks, Campbell Washington, Guillén, Kalb, Kaplan, and Gibson McElhane

Absent: 1 - Gallo

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 Ernestine Jackson Williams, Peter Van Kleeef
and Al Peyton at 9:34 p.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.**

ATTACHMENT A

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: **Tuesday, September 8, 2015**

The Council made a final decision in Closed Session on one item of Pending Litigation:

NAME OF ACTION:

Kenneth Windsor v. City of Oakland

Alameda County Superior Court Case No. RG14733628

This matter is listed as **Item No. 1(b)** on the Closed Session Agenda:

The Council authorized settlement in the amount of **\$80,000.00**

This case arose out of incidents that occurred on **September 7, 2013**

FACTS/ISSUES:

This action arises from an incident on September 7, 2013, wherein Mr. Windsor struck a pothole while riding his bicycle in front of 6421 Benvenue Avenue in Oakland. Mr. Windsor suffered injuries to his shoulder, hand and wrist requiring medical treatment. Mr. Windsor sued the City alleging it maintained a dangerous condition and seeks compensation for medical expenses of approximately \$19,000, lost wages of approximately \$9,000, and pain and suffering for continuing pain, range of motion loss and loss of strength in his hand. This settlement will resolve all claims in this matter.

Motion Made by: Councilmember Dan Kalb

Motion Seconded by: Councilmember Annie Campbell-Washington

AYES: ~~Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid~~ and President Gibson McElhaney = 5

NOES: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney =

ABSENT: ~~Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney~~ = 3

ABSTENTIONS: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney =

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: Tuesday, September 8, 2015

The Council made a final decision in Closed Session on one item of Pending Litigation:

NAME OF CASE:

Lakisha Renee Lovely v. Jean Quan, City of Oakland
Alameda County Superior Court Case No. RG14746187

This matter is listed as **Item No. 1(c)** on the Closed Session Agenda:

The Council authorized settlement in the amount of **\$15,000.00**

This case arose out of incidents that occurred on **June 8, 2014**

FACTS/ISSUES:

This matter arises from a motor vehicle accident at the intersection of 26th Street and Market Street on June 8, 2014, when Ms. Lovely's vehicle collided with a City of Oakland vehicle driven by former Mayor Jean Quan. Ms. Lovely suffered injuries to her neck, back and hip requiring medical treatment and damage to her vehicle. Ms. Lovely filed a personal injury action for compensation of approximately \$3,000 in medical costs, \$3,000 in lost wages and compensation for pain and suffering and emotional distress. This settlement will resolve all personal injury claims in this matter.

Motion Made by: Councilmember Abel Guillen

Motion Seconded by: Councilmember Rebecca Kaplan

AYES: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney = 5

NOES: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney =

ABSENT: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney = 3

ABSTENTIONS: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney =

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: Tuesday, September 8, 2015

The Council made a final decision in Closed Session on one item of Pending Litigation:

NAME OF CASE:

State Farm Mutual Automobile Insurance, Co. v. Jean Quan, City of Oakland
Alameda County Superior Court Case No. RG15762054

This matter is listed as **Item No. 1(d)** on the Closed Session Agenda:

The Council authorized settlement in the amount of **\$10,500.00**

This case arose out of incidents that occurred on **June 8, 2014**

FACTS/ISSUES:

This matter arises from a motor vehicle accident at the intersection of 26th Street and Market Street on June 8, 2014, when Ms. Lovely's vehicle collided with a City of Oakland vehicle driven by former Mayor Jean Quan resulting in injuries to Ms. Lovely and damage to her. Her insurer, State Farm, filed a subrogation action seeking to recover the costs of the vehicle repairs. This settlement will resolve all vehicle damage claims in this matter.

Motion Made by: Councilmember Abel Guillen

Motion Seconded by: Councilmember Rebecca Kaplan

AYES: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney = 5

NOES: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney =

ABSENT: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney = 3

ABSTENTIONS: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney =

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: Tuesday, September 8, 2015

The Council made a final decision in Closed Session on one item of Anticipated Litigation:

NAME OF CLAIM:

**Claim of Shirley Zhang
OCA Claim No. C30682
(Police Department – auto collision)**

This matter is listed as **Item No. 2** on the Closed Session Agenda:

The Council authorized settlement in the amount of **\$7,500.00**

This case arose out of incidents that occurred on **October 20, 2013**

FACTS/ISSUES:

On October 26, 2013, a patrol vehicle operated by Officer Hewitt collided with Ms. Zhang's vehicle at the intersection of Coolidge and E. 23rd Street, when he failed to yield to Ms. Zhang the right of way. Ms. Zhang filed a claim for compensation of injuries to her neck and hip and chiropractic treatment. Her medical bills total \$1,600 and her vehicle damage is estimated at \$2,000. This settlement will resolve all claims in this matter.

Motion Made by: Councilmember Abel Guillen

Motion Seconded by: Councilmember Rebecca Kaplan

AYES: ~~Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid~~ and President Gibson McElhaney = 5

NOES: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney =

ABSENT: ~~Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid~~ and President Gibson McElhaney = 3

ABSTENTIONS: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney =

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: Tuesday, September 8, 2015

The Council made a final decision in Closed Session on one item of Anticipated Litigation:

NAME OF CLAIM:

Claim of Ezio Maiolini
OCA Claim No. C30682
(Public Works - sewer overflow)

This matter is listed as **Item No. 2** on the Closed Session Agenda:

The Council authorized settlement in the amount of **\$8,775.70**

This case arose out of incidents that occurred on **March 6, 2015**

FACTS/ISSUES:

On March 6, 2015 a City sewer at 5056 Proctor Avenue failed causing damage to the basement of Mr. Maiolini's home. The claimant filed a claim for compensation of expenses he incurred for clean-up and replacement of the floors. This settlement will resolve all claims in this matter.

Motion Made by: Councilmember Abel Guillen

Motion Seconded by: Councilmember Rebecca Kaplan

AYES: ~~Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid~~ and President Gibson McElhaney = 5

NOES: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney =

ABSENT: ~~Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid~~ and President Gibson McElhaney = 3

ABSTENTIONS: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney =