



City of Oakland Meeting Minutes

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

*** 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, May 21, 2013

5:30 PM

City Council Chambers, 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 5:48 p.m.

2 Roll Call / City Council

ORA\Councilmember Present: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, Vice Mayor Reid, Council President Kernighan, Member Brooks, President Pro Tempore Kaplan and Chairperson Schaaf

3 Open Forum / Citizens Comments
(Time Available: 15 minutes)

There were 9 speakers for Open Forum.

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

Councilmember Schaaf took a point of personal privilege and requested that the meeting be adjourned in memory of Ross Moreno.

Vice Mayor Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Oklahoma Tornado Victims of Shawnee and Morrow, OK.

Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Kostos Gus Argyropoulos.

- 4.1 Subject: National Public Works Week
From: President Pro Tempore Rebecca Kaplan
Recommendation: Adopt A Resolution Celebrating The Week Of May 19-25, 2013 As
National Public Works Week In The City Of Oakland
[12-0452](#)

A motion was made by Vice Mayor Reid, seconded by Councilmember Schaaf, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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- 4.2 Subject: May 2013 As National Older Americans Month
From: Department Of Human Services
Recommendation: Adopt A Resolution Declaring May 2013 As "National Older Americans Month"
[12-0499](#)

A motion was made by Councilmember Gibson McElhaney, seconded by President Pro Tempore Kaplan, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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- ~~4.3~~ ~~Subject: Honoring Sergeant Robert Crawford~~
~~From: Councilmember Libby Schaaf~~
~~Recommendation: Adopt A Resolution Honoring Sergeant Robert Crawford For Forty-Five Years Of Service To The City Of Oakland~~
~~[12-0484](#)~~

No Action Taken

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- 4.4 Subject: Support For "The Last Closet Campaign"
From: Council President Kernighan
Recommendation: Adopt A Resolution In Support Of The Last Closet Campaign Urging The
Commissioners Of Men's Professional Sports Leagues To Publicly Support Gay, Lesbian,
Bisexual And Transgender Athletes
[12-0504](#)

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Schaaf, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF APRIL 30, 2013 AND MAY 7, 2013

A motion was made by Councilmember Schaaf, seconded by Councilmember Gibson McElhaney, to *Approve as Submitted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks

- 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 22 speakers for these items.

7.1-CC 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
[12-0487](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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7.2-CC 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
[12-0488](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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7.3-CC Subject: Citizen's Police Review Board Reappointment - Sung
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Virginia
K. Sung To The Citizen's Police Review Board
[12-0461](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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7.4-CC Subject: Library Advisory Commission Appointments - Franco And Mack
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Yael Franco
And Jeanetta Mack As A Members Of The Library Advisory Commission
[12-0485](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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7.5-CC Subject: Violence Prevention & Public Safety Oversight Committee Appointment -
Daumont
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Lucas Daumont As A Member Of The
Violence Prevention And Public Safety Oversight Committee
[12-0486](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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7.6-CC Subject: Community Policing Advisory Board Appointment - James Williams
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of James
Williams As A Member Of The Community Policing Advisory Board
[12-0491](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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7.7 Subject: Civil Service Board Appointment - Gourdine
 From: Office Of The Mayor
 Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Andrea
 Gourdine To The Civil Service Board
 [12-0493](#)

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

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
 ORA\Councilmember Ayes: 7 - Councilmember Gallo, Councilmember Gibson
 McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
 Councilmember Schaaf, Vice Mayor Reid and Council President Kernighan
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7.8-CC Subject: Extend And Assign Sears LDDA
 From: Office Of Neighborhood Investment
 Recommendation: Adopt An Ordinance Authorizing: 1) An Amendment To A Lease
 Disposition And Development Agreement With Sears Development Company To Extend
 Development Deadlines For An Automotive Service Project Located At 2000-2016 Telegraph
 Avenue And 490 Thomas L. Berkeley Way; And 2) An Assignment Of The Lease Disposition
 And Development Agreement To The Strategic Urban Development Alliance, LLC, Or An
 Affiliated Entity
 [12-0428](#)

This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
 McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
 Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
 Councilmember Brooks
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7.9-CC Subject: Army Base Purchase And Sale Agreement
From: Office Of Neighborhood Investment
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Negotiate And Execute A Purchase And Sale Agreement(s) With The Port Of Oakland For The Purchase Of Up To Approximately 4 Acres Of Former Oakland Army Base Property And Authorizing Up To \$50,000 For Appraisal And Real Estate Closing Costs
[12-0425](#)

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

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid and Council President Kernighan
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7.10-CC Subject: Ordinance Amending OMC Chapter 5.64 "Taxicab Operations"
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code (OMC) Chapter 5.64 (Taxicabs) To A) Establish Criteria, As Required By State Law, To Investigate Unpermitted Taxicab Operations; B) Clarify Provisions Regarding Use Of Credit Cards; C) Removal Of Dispatch Service Requirement For Companies With Fewer Than Five Taxis; D) Add Option Of Electronic Waybills For Documenting Taxi Usage; E) Establish A Fleet Of Ramped Taxis For Transporting Passengers With Disabilities And A Ratio Of Such Taxis To Oakland's Regular Taxis; F) Establish Vehicle Age And Alternative Fuel Requirements; G) Authorize The City Administrator To Promulgate Standards Of Comportment For Drivers And To Provide For Permit Suspension, Revocation, And Non-Renewal On The Basis Of Violations; And H) Eliminate Expired Section Of OMC Chapter 5.64
[12-0328](#)

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

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid and Council President Kernighan
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7.11-CC Subject: 2013-2014 Tax And Revenue Anticipation Notes
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Providing For The Borrowing Of Funds For Fiscal Year 2013-2014 In An Amount Not To Exceed \$100,000,000 And The Issuance And Sale Of 2013-2014 Tax And Revenue Anticipation Notes Therefore And Approving Certain Related Matters
[12-0407](#)

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

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid and Council President Kernighan
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7.12-CC Subject: Settlement Agreement - Sherryel Johnson
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Sherryel Johnson, City Attorney's Claim No. C29476, In The Amount Of Twelve Thousand One Hundred Dollars And No Cents (\$12,100.00) (Public Works Agency - Sewers)
[12-0494](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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7.13-CC Subject: Settlement Agreement - Liberty Mutual Insurance
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Liberty Mutual Insurance Company, City Attorney's Claim No. C29456, In The Amount Of Nine Thousand Eight Hundred Thirty Nine Dollars And Seventy-Two Cents (\$9,839.72) (Public Works Agency-Sewers)
[12-0495](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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7.14-CC Subject: Settlement Agreement - Vernesta Johnson
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Vernesta Johnson, Et Al. v. City Of Oakland, United States District Court Case No. C12-01725 LB, City Attorney's File No. 28811, In The Amount Of Fifty Thousand Dollars And No Cents (\$50,000.00) (Oakland Police Department-Civil Rights/Wrongful Death)
[12-0496](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks

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S-7.15-CC Subject: Fiscal Year 2013-2014 Wildfire Prevention Assessment District
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Initiating The FY 2013-14 Assessment Confirmation Process For The City Of Oakland Wildfire Prevention Assessment District And Authorizing The City Administrator To Order A Preliminary Annual Report Pursuant To The Oakland Municipal Code
[12-0401](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks

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S-7.16-CC Subject: Fiscal Year 2013-2014 Landscaping And Lighting Assessment District
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Initiating The FY 2013-14 Assessment Process For The City Of Oakland Landscaping And Lighting Assessment District And Authorizing The City Administrator To Order A Preliminary Engineer's Report Pursuant To The California Streets And Highways Code
[12-0403](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks

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S-7.17-CC Subject: Single Audit Report For The Year Ended June 30, 2012
From: Office Of The City Administrator
Recommendation: Receive An Informational Report Presenting The Single Audit Report For
The Year Ended June 30, 2012
[12-0451](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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S-7.18-CC Subject: FY 2013-2014 Wildfire Prevention Assessment District - Intention
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Of Intention To Levy Assessments, Acceptance Of The
FY Year 2013-14 Preliminary Annual Report For The City Of Oakland Wildfire Prevention
Assessment District, And Setting June 4, 2013 As The Date For A Public Hearing
[12-0448](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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S-7.19-CC Subject: FY Year 2013-2014 Landscaping & Lighting Assessment District - Intention
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Of Intention To Levy Assessments, Acceptance Of The
FY 2013-14 Preliminary Engineer's Report For The City Of Oakland Landscaping And
Lighting Assessment District, And Setting June 4, 2013 As The Date For A Public Hearing
[12-0450](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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S-7.20-CC Subject: Appropriation of Federal Highway Safety Grant Funds
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee,
The Director Of Public Works, To Accept And Appropriate Two Million Dollars
(\$2,000,000.00) In Highway Safety Improvement Program Cycle 5 (HSIP-5) Grant Funds, For
Roadway Safety Improvements On West Macarthur Boulevard, 98th Avenue, And At Market
Street/Adeline Street
[12-0454](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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S-7.21-CC Subject: Transportation Development Act Article 3 Funds Approval
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For,
Accept, And Appropriate Up To Three Hundred Forty-Seven Thousand Six Hundred
Thirty-Nine Dollars (\$347,639.00) In Fiscal Year 2013-14 State Transportation Development
Act Article 3 Funds As Follows: (1) Bicyclist Safety Education Classes, Twenty-Five Thousand
Dollars (\$25,000.00); (2) Stanford Avenue Crossing At Lowell Street, One Hundred Twelve
Thousand Dollars (\$112,000.00); (3) Pedestrian Stairs And Paths Rehabilitation Projects, Two
Hundred Ten Thousand Six Hundred Thirty-Nine Dollars (\$210,639.00)
[12-0455](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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S-7.22-CC Subject: Safe Routes To School Cycle 10 Grant Funds
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, The Director Of Public Works, To Accept And Appropriate Two-Hundred Sixteen Thousand Dollars (\$216,000) In Safe Routes To Schools Cycle 10 Grant Funds For Pedestrian Safety Improvements Near Parker Elementary School, World Academy, Achieve Academy, Urban Promise Academy, And Elmhurst Community Prep School
[12-0456](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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S-7.23-CC Subject: Owner Controlled Insurance Program
From: Council Member Brooks
Recommendation: Possible Action Directing The City Administrator To Convene A Revolving Owner Controlled Insurance Program (OCIP) Work Group From January 2013 Through March 2013. The Membership Of The Working Group Shall Include A Representative From The Following City Of Oakland Offices: Risk Management, Controller, Public Works, Community And Economic Development, City Attorney, And Purchasing. A Representative Of The Successor Agency And A Representative From The Port Of Oakland Should Also Be Included As Members. The Working Group Shall Be Tasked With Evaluating OCIP Programs From A Citywide Perspective; Researching Best Practices For OCIPs And To Provide Recommendations For Implementation Of A City Of Oakland OCIP Program. By March 2013 The Working Group Will Issue Recommendations On (a) General Policy, (b) Feasibility Analysis Bid/Request For Proposal (RFP) And Contract Language, (c) Insurance Program Design, (d) Safety And Loss Control, (e) Administration, (f) Claims Management And Adjudication, And (g) Funding Sources. City Administrator Shall Provide A Status Report At The First CED Committee Meeting In January 2013 To Include The Membership Roster And Schedule Of Meetings Of The OCIP Working Group
[12-0213](#)

This Matter was *Received and Filed on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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S-7.24-CC Subject: Contributions For Mayor's Summer Jobs Program
From: Office Of Economic And Workforce Development
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Grants And Contributions To The City For The Mayor's Summer Jobs Program, And Contract With And Disburse Such Funds To Current Youth Service Providers For Summer Employment Services For Youth Or Program Support Services, Without Returning To Council
[12-0464](#)

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

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
ORA\Councilmember Noes: 1 - Vice Mayor Reid
ORA\Councilmember Ayes: 6 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan
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S-7.26-CC Subject: Kiva Zip Microlending
From: Offices Of Economic And Workforce Development, Councilmember Libby Shaaf and City Attorney
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With Kiva Microfunds, A California Non-Profit Public Benefit Corporation ("Kiva") To Identify And Recommend Small Businesses In Oakland For Kiva Zip's Microlending Platform
[12-0466](#)

This Matter was Adopted as Amended on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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S-7.27-CC Subject: Jack London Improvement District 2013
From: Office Of Economic And Workforce Development
Recommendation: Adopt The Following Pieces Of Legislation:

1) Resolution Of Intention To Form The Jack London Improvement District, Granting Preliminary Approval Of The Management Plan, Directing Filing Of The Proposed Assessment District Boundary Description, Submitting A Proposed Assessment To The Affected Property Owners For Majority Protest Procedure Approval; And Scheduling A Public Hearing For July 16, 2013; And
[12-0480](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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2) A City Resolution Authorizing The City Administrator To Sign The Ballot And To Pay The FY 13/14 Assessment For One (1) City-Owned Property On Which Assessments Are To Be Levied (APN 018 04250 0401) To Support The Formation Of The Jack London Improvement District
[12-0480-1](#)

This Matter was Adopted as Amended as follows: 1. The district name will be made the consistent throughout all documents; 2. Section 8 will be amended to clarify the assessment methodology that will be used to levy assessments on condominiums; 3. Under Section 13, "to complete the counting of the returned ballots on the night of the Public Hearing" will be added; and 4. Section 19, will be amended to clarify how the percentages will be calculated when the ballots are tallied to be consistent with local governing ordinances on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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S-7.28-CC Subject: Head Start- Early Head Start Grant Renewal 2013-2014
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To 1) Apply For, Accept, And Appropriate Head Start (HS) Basic, Head Start Training And Technical Assistance, Early Head Start (EHS) Basic, And Early Head Start Training And Technical Assistance Grants For Program Year 2013-2014 In The Estimated Amount Of \$17,434,862 From The U.S. Department Of Health And Human Services, Administration For Children And Families (DHHS/ACF); And 2) Enter Into Grant Agreements To Fund Comprehensive Child Development Services With: Unity Council In An Estimated Amount Of \$4,734,529; The Salvation Army In An Estimated Amount Of \$219,357; Brighter Beginnings In An Estimated Amount Of \$464,326; And Children's Hospital-Oakland In An Estimated Amount Of \$22,000; And 3) Accept And Appropriate Additional Federal Grant Funding If It Becomes Available And Amend The Existing Grant Agreements With Unity Council, The Salvation Army, Brighter Beginnings, And Children's Hospital-Oakland, Without Returning To Council; And 4) To Review And Approve Oakland Head Start-Early Head Start Governance Procedures Developed In Accordance With Head Start Legislation And Updated Annually
[12-0477](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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S-7.29-CC Subject: California State Preschool Program (CSPP) 2013-2014
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, 1) To Apply For, Accept And Appropriate The California State Preschool Program (CSPP) Expansion Grant From The California Department Of Education In An Estimated Amount Of \$937,485 From July 1, 2013 To June 30, 2014, And 2) To Enter Into A Grant Agreement With The Unity Council For The Estimated Amount Of \$98,170 To Fund Prekindergarten And Family Literacy Services In Accord With Said Grant
[12-0478](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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S-7.30-CC Subject: Child & Adult Care Food Program (CACFP) 2013-2014
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept And Appropriate The Child And Adult Care Food Program (CACFP) Grant From The California Department Of Education, Nutrition Services Division (NSD) In An Estimated Amount Of \$545,000 To Provide Funding For Nutritious Meals To Children Enrolled In The City Of Oakland's Head Start Program From September 1, 2013 Through August 31, 2014
[12-0479](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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S-7.31-CC Subject: Measure Y Audit Report
From: Office Of The City Administrator
Recommendation: Receive An Informational Report Presenting The Measure Y - Violence Prevention And Public Safety Act Of 2004 Audit And Program Status Report
[12-0442](#)

This Matter was *Received and Filed on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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S-7.32-CC Subject: Port Security Grant Program Funds
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee
To: 1. Accept, Appropriate And Administer Supplemental Fiscal Year 2008 PSGP Grant
Award Funds In An Amount Up To Two Hundred And Eighty Thousand Dollars (\$280,000)
For A Cumulative FY 08 PSGP Grant Award Allocation Amount Not To Exceed One Millions
Two Hundred Thousand Nine Hundred Forty Two Dollars (\$1,224,942); And 2. Approve The
Preliminary Spending Plan; And 3. Expend Funds In Accord With The Preliminary Spending
Plan Without Further Council Authorization, Including Purchases Approved In The Federally
Authorized Equipment List, Provided City Competitive Solicitation And Purchasing
Programs/Policies Are Followed
[12-0462](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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S-7.33-CC Subject: Big Valley Aviation Maintenance Contract
From: Oakland Police Department
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator Or Her
Designee To Enter Into A Professional Services Agreement With Big Valley Aviation, Inc.,
(Big Valley) In An Amount Not To Exceed Two Hundred Twenty Thousand, Two Hundred
Fourteen Dollars (\$220,214.00) For The Period Of May 14, 2013 To June 30, 2014 For
Helicopter Maintenance Services; And 2) Waiving The Competitive Request For
Proposal/Qualification (RFP/Q) Process, The Advertising And Bidding Requirements, And
Local And Small Business Enterprise Program (L/SBE) Provisions For The Proposed
Professional Services Agreement
[12-0475](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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S-7.34-CC Subject: Support For HR 1579: The Inclusive Prosperity Act
From: President Pro Tempore Rebecca Kaplan
Recommendation: Adopt A Resolution Expressing Support For The Inclusive Prosperity Act (HR 1579) To Impose A Tax On Certain Trading Transactions To Strengthen Our Financial Security, Reduce Market Volatility, Expand Opportunity, And Stop Shrinking The Middle Class
[12-0483](#)

This Matter was Adopted as Amended on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks

An amended resolution was provided which was amended by the Office of the City Attorney regarding only technical corrections, not substantive changes.

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COUNCIL PRESIDENT KERNIGHAN RELINQUISHED THE CHAIR AT 7:19 P.M. AND PRESIDENT PRO TEMPORE KAPLAN PRESIDED AS CHAIRPERSON.

S-7.25-CC Subject: Broadway Transit Study
From: Office Of Economic And Workforce Development
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Professional Services Agreement With Fehr & Peers To Complete The Broadway Transit Urban Circulator Study In An Amount Not To Exceed \$329,200, Using \$299,200 In Caltrans Urban Transit Grant Funds Previously Appropriated By The City Council To Complete This Study, And A Local Match Of \$30,000 In Prior Year Economic Development Allocations Of Community Development Block Grant Funds
[12-0465](#)

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

Votes: ORA\Councilmember Recused: 1 - Council President Kernighan
ORA\Councilmember Ayes: 7 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid and Councilmember Brooks

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COUNCIL PRESIDENT KERNIGHAN WAS NOTED PRESENT AT 7:23 P.M. AND RESUMED PRESIDING AS CHAIRPERSON

A motion was made by Councilmember Kalb, seconded by Councilmember Schaaf, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks

- 8 Oral Report Of Final Decisions Made During Closed Session & Disclosure Of Non-Confidential Closed Session Discussions

A motion was made by Councilmember Schaaf, seconded by Councilmember Kalb, to *Approve as Submitted the oral report from the Office of the City Attorney of 2 final decisions made during Closed Session. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks

9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: New Dog Play Area Appeal
From: Department Of Planning And Building
Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Upholding The Appeal (A12-062), Of The Decision Of The Oakland Planning Commission, And Granting Approval Of An Application For A Minor Conditional Use Permit For The Creation Of A New Dog Play Area At Lakeview Park (Planning Case File No. Cull-208); Or
[11-0624](#)

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2) A Resolution Denying The Appeal (A12-062), Of The Decision Of The Oakland Planning Commission And Denying The Application For A Minor Conditional Use Permit For The Creation Of A New Dog Play Area At Lakeview Park (Planning Case File No. Cull-208) [11-0624-1](#)

No action taken.

12 Subject: City Council Legislative Priorities 2013-2014
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Establishing The Oakland City Council's Legislative Priorities For 2013-2014
[12-0393](#)

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Schaaf, that this matter be Adopted as Amended. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid and Council President Kernighan
The City Council further amended the resolution to include the following amendments:

Under Public Safety add "restorative justice" language to reentry priority, add funding priority for case management of Ceasefire, and "ammunition control."

Under Economic Development add "job development and job creation."

Under Youth Programs add "truancy intervention" and "support for literacy."

Under Environmental, Energy & Sustainable Development add "graffiti, blight and illegal dumping prevention."

Under Misc. add "improved relationships with local, county, state and federal agencies."

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13 Subject: Budget Adoption Transparency And Public Participation Policy
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Establishing The City Of Oakland's Budget Process
Transparency And Public Participation Policy
[12-0424](#)

A motion was made by Councilmember Schaaf, seconded by Councilmember Kalb, that this matter be Adopted as Amended to include the following language under Section 8 of the resolution: "The City Council President shall prepare a proposed budget for Council consideration to be heard at a Special City Council Budget Hearing occurring before June 17th. The Council President may delegate the duty to prepare a budget proposal to another member of the Council. A costing analysis request for any proposed amendments must have been submitted.."

The committee also approved recommendations to add the language "including changes to service levels" to the first sentence of Section 5 under "Requirements."

The committee also approved recommendations to delete the last sentence of the first paragraph of Section 5 of the resolution and replace with: "Every effort should be made to thoroughly respond to any public request for departmental budget details, such as line item budgets. The requested information shall also be made available on the City's website and open data portal within a reasonable time period following the request." The motion carried by the following vote:

Votes: ORA\Councilmember Noes: 2 - Vice Mayor Reid and Councilmember Brooks
ORA\Councilmember Ayes: 6 - Councilmember Gallo, Councilmember Gibson McElhane, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan
Council further amended the resolution to include the amendments to the resolution provided in the supplemental materials and to include the following amendments:

Add "on behalf of the council," in the Requirements paragraph of Section 108.

Under Section 109, add "impacting the budget by at least \$1 million" and "such as employee layoffs" to the Requirements section.

There were 7 speakers on this item.

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14 Subject: Debarment Process For Goldman Sachs
 From: Councilmember Desley Brooks
 Recommendation: Adopt A Resolution Amending City Council Resolution No. 83962
 Authorizing The City Administrator To Negotiate And Terminate The City's Interest Rate
 Swap Agreement With Goldman Sachs & Co. To The Extent That The City Is Able To Do So
 At A Below Market Value Cost And Not Later Than The End Of The Next Fiscal Year, June
 30, 2013, To Provide That If Such Agreement Is Not Reached The City Will Pursue All
 Appropriate Recourse To Exclude Them From Future City Business
 [12-0314-1](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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15 Subject: Army Base Real Property Issues
From: Office Of Neighborhood Investment
Recommendation: Receive An Informational Report And Recommend Possible Action To
Address Issues Of Immediate Concern To Current City Tenants At The Former Oakland Army
Base, And Receive Additional Information Requested By The City Council At Its May 7
Meeting
[12-0505](#)

A motion was made by Councilmember Gibson McElhaney, seconded by President Pro Tempore Kaplan, that this matter be Continued to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, due back on June 4, 2013. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Council President Kernighan
ORA\Councilmember Ayes: 7 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid and Councilmember Brooks

Council adopted the following motion:

- 1. Defer unlawful detainer actions for 15 days (6/1/13 - 6/15/13) pending further clarification regarding overall development;*
- 2. Prohibit real estate manager from giving consent to issue unlawful detainer actions against Oakland Army Base tenants between 6/1/13 - 6/15/13;*
- 3. Maintain regular communication with tenants;*
- 4. Maintain open and honest negotiations with OMSS*
- 5. Maintain communication with the Port for smooth transition of tenants.*

There were 12 speakers on this item.

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16 Subject: Priority Project Funds To Latino Commission On Alcohol And Drug Abuse
 From: Councilmember Noel Gallo
 Recommendation: Adopt A Resolution Authorizing A Grant In The Amount Of \$25,000 From
 Councilmember Gallo's Priority Project Funds To The Latino Commission On Alcohol And
 Drug Abuse Of Alameda County For Their Centro De Juventud Program To Support The
 Organization's Operating Expenses
 [12-0492](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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17 Subject: Support For Local Control Funding Formula For Schools
 From: Councilmember Libby Schaaf
 Recommendation: Adopt A Resolution In Support Of Governor Jerry Brown's Local Control
 Funding Formula (LCFF) Budget Trailer To The State Of California 2013-2015 Budget
 [12-0506](#)

**A motion was made by Councilmember Schaaf, seconded by President Pro
Tempore Kaplan, that this matter be Adopted. The motion carried by the
following vote:**

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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S-18 Subject: 2013-2014 Tax And Revenue Anticipation Notes
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The Sale Of 2013-2014 Tax And Revenue
Anticipation Notes In An Amount Not To Exceed One Hundred Million Dollars
(\$100,000,000); Authorizing The Execution And Delivery Of Related Documents And
Approving Certain Related Actions
[12-0453](#)

**A motion was made by Councilmember Schaaf, seconded by President Pro
Tempore Kaplan, that this matter be Adopted. The motion carried by the
following vote:**

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan,
Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and
Councilmember Brooks
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S-19 Subject: Support For Projects Submitted In The ACTC Coordinated Call For Projects
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To: (A) Apply For, Accept And
Appropriate Twenty Million And Fourteen Thousand Dollars (\$20,014,000.00) In Metropolitan
Transportation Commission ("MTC") Discretionary Funding; And (B) Commit Matching
Funds Of Two Million Five Hundred Ninety-Four Thousand Dollars (\$2,594,000.00) For The
Oakland Pavement Rehabilitation, The Lakeside Green Street, The Lake Merritt Bart
Bikeways, The 7th Street West Oakland Transit Village Phase II, And The MLK Jr. Way &
Peralta Phase I; And
[12-0457](#)

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2) A Resolution Authorizing The City Administrator To: (A) Apply For, Accept And Appropriate Up To Four Hundred Sixty-Five Thousand Dollars (\$465,000.00) In Alameda County Transportation Commission ("ACTC") Measure B And Vehicle Registration Fee Grant Funding; (B) Enter Into A Grant Funding Agreement With The ACTC; And (C) Commit Matching Funds Not To Exceed One Hundred Thirteen Thousand Dollars (\$113,000.00), For The Fruitvale Alive Gap Closure Streetscape Study And The Broadway Shuttle Project [12-0457-1](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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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 Ross Moreno, Oklahoma Tornado Victims of Shawnee and Morrow, OK, and Kostos Gus Argyropoulos at 10:20 p.m.

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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 8:30AM TO 5:00PM**

City Clerk and Clerk of the Council