



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

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, October 7, 2014

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 5:47 P.M.

2 ROLL CALL / CITY COUNCIL

The Roll Call was modified to note Councilmember Gallo present at 5:53 P.M.

Present 8 - Desley Brooks, Noel Gallo, Lynette Gibson McElhaney, Dan Kalb, Rebecca Kaplan, Laurence E. Reid, Libby Schaaf, and Patricia Kernighan

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

There were 7 Open Forum speakers.

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

Vice Mayor Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Mary Blevins. Councilmember Brooks requested association.

Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Mae Francis "Sue" Howard.

- 4.1 Subject: United Nations Flag Parade And Flag Day Resolution
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Designating October 18-25, 2014 As United Nations Peace Week And October 18, 2014 As United Nations Flag Parade And Flag Raising Day At The United Nations Pole In Jack London Square
[14-0073](#)

Attachments: [View Report.pdf](#)
[85186 CMS.pdf](#)

Councilmember Gibson McElhaney made a motion seconded by Vice Mayor Reid to approve the urgency finding on item 4.1 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action relates to a purely ceremonial or commendatory action. The motion passed with a vote of 8 Ayes.

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

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

- 4.2 Subject: 25th Anniversary Of The Loma Prieta Earthquake
From: Office Of The Mayor
Recommendation: Adopt A Resolution Recognizing The 25th Anniversary Of The Loma Prieta Earthquake
[14-0077](#)

Attachments: [View Report.pdf](#)
[85187 CMS.pdf](#)

Councilmember Gibson McElhaney made a motion seconded by Council President Kernighan to approve the urgency finding on item 4.2 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action relates to a purely ceremonial or commendatory action. The motion passed with a vote of 8 Ayes.

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

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETINGS OF JULY 29, JULY 30, AUGUST 13, SEPTEMBER 22 AND SEPTEMBER 23, 2014

A motion was made by Vice Mayor Reid, seconded by Councilmember Gallo, to approve as submitted. The motion carried with the following vote: 8 Ayes.

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):

Items 7.3, 7.4, 7.5 and 7.6 will be continued to October 21, 2014 City Council meeting to allow for publication of notice & digest in newspaper.

7. CONSENT CALENDAR (CC) ITEMS:

There were 5 speakers on this item.

- 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
[14-0052](#)

Attachments: [View Report.pdf](#)
[85188 CMS.pdf](#)

This Matter was Adopted on the Consent Agenda.

- 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
[14-0053](#)

Attachments: [View Report.pdf](#)
[85189 CMS.pdf](#)

This Matter was Adopted on the Consent Agenda.

- 7.3 Subject: Nuisance Eviction Ordinance Amendments
From: Office Of The City Attorney
Recommendation: Adopt An Ordinance Amending Nuisance Eviction Ordinance (O.M.C. Section 8.23) To: 1) Include Prostitution Related Crimes, Gambling And Illegal Possession Of Ammunition As Grounds To Require A Landlord To Bring An Eviction Action Against A Nuisance Tenant, 2) To Revise Definitions Relating To Drug Nuisance And Weapons, And 3) Authorize The City Attorney, In Addition To The City Administrator, To Issue Notices To Owners To Bring Nuisance Eviction Actions

[13-0748](#)

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[View Supplemental Report.pdf](#)
[13260 C.M.S](#)

- 7.4 Subject: Sale Of Champion Street Site
From: Economic Workforce Development Department
Recommendation: Adopt An Ordinance Authorizing The City Administrator To: 1) Negotiate And Execute A Disposition And Development Agreement For The Sale Of 3455and 3461 Champion Street ("Properties") To Jack Stewart Or A / Legal Entity Affiliated With Jack Stewart And Approved By City Administrator For Development Of A Restaurant On The Following Terms: (1) Purchase Price Not Less Than Three Hundred Eighty Two Thousand Five Hundred Dollars (\$382,500); (2) Credit To Buyer For Fuel Tank Removal Not To Exceed Ten Thousand Dollars (\$10,000); (3) Reservation Of An Easement To The City For A Fiber Optics Hub And Related Uses; 2) Direct Two Hundred Thousand Dollars (\$200,000) Of The Net Sales Proceeds Towards Funding The City's Asset Portfolio Management Plan; And 3) Allocate Seventy Five Thousand Dollars (\$75,000) In Community V Development Block Grant (CDBG) Funds To Developer Exclusively For Facade And Exterior Improvements Of The Properties

[14-0013](#)

Attachments: [View Report.pdf](#)
[13264 C.M.S](#)

- 7.5 Subject: Ordinance Amending Section 12 Of Ordinance 12301 C.M.S.
From: Councilmember Dan Kalb
Recommendation: Adopt An Ordinance Amending Section 12 Of Ordinance 12301 C.M.S. (That Established The Rockridge Business Improvement District, Granted Approval Of The Management Plan For The District, Approved The Assessment District Boundary Description, And Approved The Proposed Assessment To The Affected Businesses), Thereby Modifying The Requirement That The Advisory Board Give Notice Of The Right To Seek Disestablishment Of The District To Once Every Five Years Starting From The Effective Date Of This Ordinance

[14-0009](#)

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[View Supplemental Report.pdf](#)
[13261 C.M.S.](#)

- 7.6 Subject: Amendments To The Oakland Campaign Reform Act
From: Council President Patricia Kernighan
Recommendation: Adopt An Ordinance Amending The Oakland Campaign Reform Act, Oakland Municipal Code Chapter 3.12, To Prohibit The Use Or Transfer Of Funds From Ballot Measure Committees Controlled By Candidates For City Office Or City Officeholders To Support The Candidate's Or Officeholder's Election To City Office

[13-0633](#)

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[13262 C.M.S.](#)

- 7.7 Subject: Budget Advisory Committee Appointments
From: Office of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Zarek A. Woodfork And Reappointments Of Mary Thomas And Kim Mccoy Wade To The Budget Advisory Committee

[14-0054](#)

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[85190 CMS.pdf](#)

This Matter was Adopted on the Consent Agenda.

- 7.8 Subject: Settlement Agreement- Michael Cortez And Ricardo Toscano
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Michael Cortez And Ricardo Toscano Vs. City Of Oakland And Ricky Persons, Alameda County Superior Court Case No. Rg13678090, City Attorney's File No. 29603, In The Amount Of Six Hundred And Fifty Five Thousand Dollars (\$655,000.00) (Public Works Agency - Employment Discrimination)

[14-0055](#)

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[85191 CMS.pdf](#)

This Matter was Adopted on the Consent Agenda.

- 7.9 Subject: Settlement Agreement- Joanne Warwick V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle Plaintiff's Claim For Attorneys' Fees And Costs In The Case Of Joanne Warwick V. City Of Oakland, Et Al, Northern District Of California Case No. C13-0536 Nc, City Attorney's File No. 29139, In The Amount Of Fifteen Thousand Dollars (\$15,000.00) (Oakland Police Department - Excessive Force/Civil Rights)

[14-0056](#)

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[85192 CMS.pdf](#)

This Matter was Adopted on the Consent Agenda.

- 7.10 Subject: Settlement Agreement- Cecilio Felix V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Cecilio Felix V. City Of Oakland, Et Al, Alameda County Superior Court Case No. Rg11-586564, In The Amount Of Seventy-Five Thousand Dollars And No Cents (\$75,000.00) As A Result Of A Vehicle Verses Pedestrian Accident On Or About June 25, 2010 (Public Works Department)

[14-0057](#)

Attachments: [View Report.pdf](#)

[85193 CMS.pdf](#)

This Matter was Adopted on the Consent Agenda.

7.11 Subject: Settlement Agreement- John Dalton V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney
To Compromise And Settle The Case Of John Dalton V. City Of Oakland, United
States District Court, Northern District Of California No. C13-0497 EDL, City Attorney's
File No. 29316 In The Amount Of Ninety-Five Thousand Dollars (\$95,000.00) (Public
Works Department/Office Of Parks And Recreation - American Disabilities Act (ADA)
Access
[14-0058](#)

Attachments: [View Report.pdf](#)
[85194 CMS.pdf](#)

This Matter was Adopted on the Consent Agenda.

7.12 Subject: Settlement Agreement- Donna White V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney
To Compromise And Settle The Case Of Donna White V. City Of Oakland, United
States District Court, Northern District Of California No. C11-03846 NC, City Attorney's
File No. 28414 In The Amount Of Three Hundred Forty eight Thousand Dollars
(\$348,000.00) (Public Works Department/Office Of Parks And Recreation - American
Disabilities Act (ADA) Access)
[14-0059](#)

Attachments: [View Report.pdf](#)
[85195 CMS.pdf](#)

This Matter was Adopted on the Consent Agenda.

7.13 Subject: Settlement Agreement- George Balsbaugh V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney
To Compromise And Settle The Case Of George Balsbaugh V. City Of Oakland, Et
Al., Alameda County Superior Court Case No. Rg12629027, City Attorney's File No.
28719, For A Sum Not To Exceed Four Hundred Thousand Dollars And No Cents
(\$400,000.00) (Public Works-Personal Injury Lawsuit)
[14-0060](#)

Attachments: [View Report.pdf](#)
[85196 CMS.pdf](#)

This Matter was Adopted on the Consent Agenda.

- 7.14 Subject: Violence Prevention And Public Safety Oversight Committee Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Lirio Zepeda And Reappointing
Qa'id Aqueel Tauheed As Members Of The Violence Prevention And Public Safety
Oversight Committee
[14-0061](#)

Attachments: [View Report.pdf](#)
[85197 CMS.pdf](#)

This Matter was Adopted on the Consent Agenda.

- 7.15 Subject: Cannabis Regulatory Commission Appointment - Sean Patrick Donahoe
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Sean Patrick Donahoe As A
Member Of The Cannabis Regulatory Commission
[14-0062](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report.pdf](#)
[85198 CMS.pdf](#)

This Matter was Adopted on the Consent Agenda.

- 7.16 Subject: Maddie's Fund Donation of \$256,000 to Oakland Animal Services
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or
Designee, On Behalf Of The City Of Oakland, To Accept A Donation In The Amount
Of \$256,000 From Maddie's Fund And Appropriate Said Funds To The Oakland
Police Department Animal Services Section To Help Fund Spay And Neuter
Programs, Quality Of Life Projects For Animals, And For The Purchase Of Supplies
And Equipment For The Volunteer Program And The Oakland Animal Shelter
[14-0037](#)

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[View Supplemental Report.pdf](#)
[85199 CMS.pdf](#)

This Matter was Adopted as Amended to include the following addition:
FURTHER RESOLVED: That the \$256,000 from Maddie's Fund, accepted by the
City of Oakland, shall be used exclusively for the enrichment and quality of life of
the animals housed in the Oakland Animal Shelter, and that these funds shall not
be allocated or expended until after an Animal Shelter Director is hired through
the current recruitment process, so that he or she may help decide how to best
allocate these funds in a manner that indeed improves the welfare and quality of
life of the shelter animals, unless compliance with this provision violates a
funding deadline on the Consent Agenda.

- 7.17 Subject: MOU Between Alameda County Health Care Services Agency & OPD
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Enter Into An Intergovernmental Memorandum Of Understanding (MOU) Between The Alameda County Health Care Services Agency, Behavioral Health Care Services (BHCS) And The Oakland Police Department (OPD) To Implement A Six Month Pilot Program Called The Mobile Evaluation Team (M.E.T.)
[14-0040](#)

Attachments: [View Report.pdf](#)
[85200 CMS.pdf](#)

This Matter was Adopted on the Consent Agenda.

- 7.18 Subject: State Grant For Peralta Hacienda Activities
From: Oakland Parks And Recreation
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Apply For, Accept And Appropriate Grant Funds From The State Of California Department Of Parks And Recreation Habitat Conservation Fund Program For Youth Wildlife Activities At Peralta Hacienda Historical Park In The Amount Of Eighty Thousand Dollars (\$80,000) For The Four Year Grant Term With A Required Dollar For Dollar Match Of Eighty Thousand Dollars (\$80,000) To Be Matched By The Friends Of Peralta Hacienda Historical Park Annual Operating Funds
[14-0038](#)

Attachments: [View Report.pdf](#)
[85201 CMS.pdf](#)

This Matter was Adopted on the Consent Agenda.

Passed The Consent Agenda

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

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

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Schaaf, to approve as submitted the oral report from the Office of the City Attorney of 6 final decisions made during Closed Session. The motion carried with the following vote: 8 Ayes.

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:

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 6:48 p.m.

One individual spoke on this item.

President Pro Tempore Kaplan, made a motion, seconded by Councilmember Gallo, to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, President Kernighan, and 1 Absent - Brooks.

- 9.1** Subject: Sale Of 51st Street And Lawton Ave Site
From: Economic Workforce Development Department
Recommendation: Adopt An Ordinance Authorizing The Interim City Administrator To Negotiate And Execute A Purchase And Sales Agreement To Sell Portions Of City-Owned Surplus Real Property Located On 51st Street At (APN 013-1141-046-02) And (APN 013-1141-047-04) To Urban Infill Development, LLC, For Not Less Than Four Thousand Eight Hundred Twenty One Dollars (\$4,821)
[14-0015](#)

Attachments: [View Report.pdf](#)

[13263 C.M.S](#)

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Gallo, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard at the October 21, 2014 meeting. The motion carried by the following vote:

Aye: 7 - Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

Absent: 1 - Brooks

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

- 11** Subject: Ratifying Actions 2014 Summer Recess
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Ratifying Action Taken By The Mayor During The Oakland City Council 2014 Annual Recess In Conformance With The Council's Rules Of Procedure Codified In Resolution No. 82580 C.M.S., Passed March 9, 2010
[14-0042](#)

Attachments: [View Report.pdf](#)

[85202 CMS.pdf](#)

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

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

- 12** Subject: Sears Lease Disposition and Development Agreement
From: Economic Workforce Development Department
Recommendation: Adopt An Oakland Redevelopment Successor Agency Resolution Authorizing An Amendment To A Lease Disposition And Development Agreement ("LDDA") With Sears Development Company For An Automotive Service Project Located At 2000-2016 Telegraph Avenue And 490 Thomas L. Berkeley Way To: (1) Approve The Assignment Of The LDDA To W/L Broadway Telegraph Owner VII, LLC, Or An Affiliated Entity, Or An Affiliate Of Lane Partners, LLC And/Or Walton Street Capital, LLC; (2) Extend Development Deadlines For The Project; (3) Reduce A Contingent Payment Obligation To The Owner From \$1,600,000 To \$1,575,000; And (4) Require The Payment Of \$100,000 To The Successor Agency As Consideration For The Assignment And Extension

[14-0028](#)

Attachments: [View Report.pdf](#)
[2014-010 ORSA.pdf](#)

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:

Abstained: 1 - Brooks

Aye: 7 - Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

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 Mary Blevins and Mae Francis "Sue" Howard at 7:10 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.