



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

* Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, CA 94612

Wednesday, August 13, 2014

5:30 PM

City Council Chambers, 3rd Floor

1 PLEDGE OF ALLEGIANCE

The Special 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

ORA\Councilmember Present: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan
The Roll Call was modified to note Councilmember Gallo excused at 6:00 P.M.

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

There were 2 Open Forum speakers.

Councilmember Schaaf took a point of personal privilege and requested that the meeting be adjourned in memory of Breanna Rachele Moore.

Vice Mayor Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Tiffany Marie.

Council President kernighan took a point of personal privilege and requested that the meeting be adjourned in memory of Kim Che Hung.

4 Subject: Settlement Agreement - Claim Of Gerald And Christina Gray
From: Office Of The City Attorney

Recommendation: Adopt A Motion To Reconsider The Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Gerald And Christina Gray, City Attorney's Claim No. C29678, In The Amount Of Three Hundred Seventy Two Thousand, Two Hundred Twenty-Two Dollars And Thirteen Cents (\$372,222.13) (Public Works Agency-Sewer Overflow) [TITLE CHANGE] OR
13-0710

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- 4.1 Subject: Resoultion Rescinding Resolution 85093
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Rescinding Resolution No. 85093 And Authorizing
And Directing The City Attorney To Compromise And Settle The Claim Of Gerald And
Christina Gray, City Attorney File No. C29678, In The
Amount Of Three Hundred Eighty-Two Thousand Two Hundred Twenty-Two Dollars And
Thirteen Cents (\$382,222.13) (Public Works - Sewer Overflow)
[13-0710-1](#)

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

Votes: ORA\Councilmember Excused: 1 - Councilmember Gallo
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember
Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice
Mayor Reid, Councilmember Schaaf and Council President Kernighan
There were 2 speakers on this item.

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5 Subject: Port Security Grant Program Funds
 From: Oakland Fire Department
 Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee
 To: (1) Enter Into An Agreement With The United States Department Of Homeland Security's
 Federal Emergency Management Agency (FEMA) To Accept Fiscal Year 2013 Port Security
 Grant Program (PSGP) Funds; And (2) Accept, Appropriate And Administer Fiscal Year 2013
 PSGP Grant Funds In An Amount Up To One Hundred Sixty-Nine Thousand, Six Hundred
 And Seventy-Nine Dollars (\$169,679); And (3) Approve The Preliminary Spending Plan; And
 (4) Expend Funds In Accordance With The Preliminary Spending Plan Without Further
 Council Authorization, Including Purchases Of Equipment And Services Approved In The
 Federal Authorized Equipment List (AEL) And Required By The Grant, Provided The City's
 Competitive Solicitation And Purchasing Programs/Policies Are Followed; And (5) Allocate
 Thirty-Two Thousand Dollars (\$32,000) From The General Purpose Fund To Satisfy The
 In-Kind Or Cash Match Requirement.
 [13-0723](#)

A motion was made by Councilmember Schaaf, seconded by Vice Mayor Reid, that this matter be * Adopted as Amended to include the addition of the following:

1) FURTHER RESOLVED: That the 2013 Port Security Grant Program (PSGP) grant allocation funds received by the City of Oakland may only be used expressly for the purchase of remotely operated underwater vehicles, waterside interoperable communication radios, and related training;

2) FURTHER RESOLVED: that 2013 Port Security Grant Program (PSGP) grant allocation funds received by the City of Oakland may not be used for the purchase of any aerial drones, stingray, or facial recognition technology; and

3) The first Further Resolved paragraph will be modified to include a list with allowable purchases.

The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember Gallo
ORA\Councilmember Absent: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 6 - Councilmember Gibson McElhaney,
Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid,
Councilmember Schaaf and Council President Kernighan
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- 6 Subject: Town Skate Park Project At DeFremery Park In West Oakland
From: Office of the City Administrator
Recommendation: Adopt A Resolution Authorizing the City Administrator to 1) Accept In-Kind Services From The California Skate Parks Contractor To Construct The Town Skate Park Project At DeFremery Park In West Oakland, Valued Up To Two Hundred Ninety Thousand Dollars (\$290,000); 2) Execute A Construction Contract With California Skate Parks For One Dollar (\$1.00) To Perform the Services And Authorize the Work On City Property, And 3) Waiving Advertising and Bidding Requirements For The Project
[13-0765](#)

A motion was made by Councilmember Gibson McElhaney, seconded by Councilmember Kalb, that this matter be * Adopted as Amended for the Resolution title to read as follows: Resolution To: 1) Authorize The City Administrator To Accept In-Kind Services From Levi Strauss & Co. Through Friends Of Oakland Parks & Recreation To Construct The DeFremery Skate Park Project In West Oakland, Valued Up To Three Hundred Thousand Dollars (\$300,000.00); 2) Authorize The City Administrator To Execute A Construction Contract With California Skateparks Contractor For One Dollar (\$1.00) To Perform The Services And Authorize The Work On City Property; And 3) Waive Advertising And Bidding Requirements For The Project. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember Gallo
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan
There were 5 speakers on this item.

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- 9 Subject: Pay Go Funds To Galatians Baptist Church
From: President Pro Tempore Kaplan
Recommendation: Adopt A Resolution Re-Allocating The Grant Of \$500.00 From Councilmember Kaplan's Pay-Go Funds From Good Hope Baptist Church To Galatians Baptist Church's Youth Group For Travel And Meal Expenses To Disneyland, Ca.
[13-0764](#)

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

Votes: ORA\Councilmember Excused: 1 - Councilmember Gallo
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan
This item was taken after Item 6.

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The Roll Call was modified to note Councilmember Gallo present at 6:29 P.M.

8 Subject: Award Of Zero Waste Franchise Agreements
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Granting A Franchise For Mixed Materials And Organics Collection Services To California Waste Solutions, Inc., Contingent On Its Execution Of A Mixed Materials And Organics Collection Services Contract With The City And Authorizing The City Administrator To Negotiate And Execute Such A Contract, Regulating Maximum Service Rates For Mixed Materials And Organics Collection Services, Residential Recycling Services, And Disposal Services, And Setting Forth Procedures To Allow For Adjustment Of Maximum Service Rates;
And

[13-0750-3](#)

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

Votes: ORA\Councilmember Noes: 1 - Councilmember Gallo
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan
This item was taken after Item 9.

There were 53 speakers on this item.

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2) An Ordinance Granting A Franchise For Residential Recycling Collection Services To California Waste Solutions, Inc., Contingent On Its Execution Of A Residential Recycling Collection Services And Nonexclusive Commercial Recycling Collection Services Contract With The City, And Authorizing The City Administrator To Negotiate And Execute Such Contract; And

[13-0750-4](#)

A motion was made by Councilmember Gibson McElhaney, seconded by Councilmember Kalb, that this matter be * Approved for Final Passage as amended to revise clerical error in Section 2 of the Ordinance to read as follows: The Council does hereby find and declare that the above recitals are true and correct and that the award of a franchise for Residential and Commercial Recycling Collection Services to Franchisee is for a proper public purpose, is in the public interest, convenience, and welfare, and is for the common benefit of the inhabitants of the city. The City hereby grants California Waste Solutions, Inc., contingent on its execution of a Residential Recycling Collection Services Contract and Non-Exclusive Commercial Recycling Collection Services Contract, an exclusive franchise for the provision of Recycling Collection Services, as identified in the Request for Proposals for Zero Waste Services, originally released on September 5, 2012. The term of the franchise from July 1, 2015 to June 30, 2025 with the potential extension through June 30, 2035 as specified in the Contract.

The motion carried by the following vote:

Votes: ORA\Councilmember Noes: 1 - Councilmember Gallo

ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan
[13254 C.M.S.pdf](#)

3) An Ordinance Authorizing The City Administrator To Execute An Exclusive Contract For Landfill Disposal Services With California Waste Solutions, Inc.

[13-0750-5](#)

A motion was made by Councilmember Gibson McElhaney, seconded by Councilmember Kalb, that this matter be * Approved for Final Passage as amended to revise the title to read as follows: An Ordinance Authorizing The City Administrator To Execute An Exclusive Contract For Landfill Disposal Services With California Waste Solutions, Inc.

The motion carried by the following vote:

Votes: ORA\Councilmember Noes: 1 - Councilmember Gallo

ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan
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Councilmember Gibson McElhaney made a motion, seconded by Vice Mayor Reid, to include the following in negotiations:

A) The following provisions will be included in the Mixed Materials & Organics contract with CWS:

- 1) CWS will provide a recycling sorter wage of \$20.94 per hour in 2019;*
- 2) CWS will offer affordable family health care coverage to its ILWU Local 6 workers beginning July 1, 2015;*
- 3) CWS will develop plans with CiviCorps to provide training of interns without impact or displacement of permanent union jobs. The arrangement will be subject to the approval of the City Administrator;*
- 4) CWS will provide the 25 pickups per day of illegal dumping as part of the base rate - Rate Table 3C; and*
- 5) CWS will submit a revised Diversion Plan to reflect the 65% diversion rate as committed in the July 30 meeting;*

B) The following provisions will be included in the Residential Recycling contract with CWS:

- 1) CWS will provide a recycling sorter wage of \$20.94 per hour in 2019; and*
- 2) CWS will offer affordable family health care coverage to its ILWU Local 6 workers beginning July 1, 2015.*

C) The Council also directs City staff to negotiate:

1) Provisions to be incorporated into the franchise agreements to assure the City of performance, to the greatest extent possible, that the transition occurs without substantial service disruptions as referenced in the Supplemental Report dated August 11, 2014;

2) That CWS commit to local hire and community benefits in the spirit that has already been negotiated on the Oakland Army Base agreement, including working with the City's local workforce investment system, including the Private Industry Council and the West Oakland Job Resource Center; and

3) The affirmation that CWS may enter into subcontracts with any disposal contractor acceptable to the City.

The motion passed with a vote of 7 Ayes, 1 No- Gallo.

7 Subject: Adjustments To Public Works Department Budget
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Of The City Council Of The City Of Oakland Authorizing The City Administrator Or His/Her Designee To: 1) Appropriate To The Adopted Fiscal Years 2014-2015 Operating Budget, Increasing Budgeted Revenue By One Million, Five Hundred Thousand (\$1,500,000) In Fiscal Year 2014-2015 In Fund 1710 (Recycling Program), For Reimbursement Of Expenditures Incurred During The City Of Oakland's Zero Waste Procurement Process, And 2) Authorize The City Administrator To Include In The Adopted Fiscal ' Years 2014-2015 Operating Budget Two (2) Exempt Limited Duration Employees Not To Exceed Five Hundred Thousand (\$500,000) To Support The Environmental Services Division With The Transition To California Waste Solutions; And 3) Allocate To Oakland Public Works Department Adopted Operating Budget For Fiscal Years 2014-2015, Fund 1710 (Recycling Program) In The Amount Of Seven Hundred And Fifty Thousand Dollars (\$750,000), For Contractual Services To Execute The Transition To California Waste Solutions By July 1, 2015; And 4) Award Professional Services Contracts With Various Vendors Within A Budget Amount Of Up To Seven Hundred And Fifty Thousand Dollars (\$750,000) For Professional And Legal Services Related To The Transition Of City Of Oakland's Zero Waste Collection Contracts With Waste Management Of Alameda County To California Waste Solutions, Provided That Prior To Expenditure Of Any Funds Staff Will Award Contracts And Establish Contract Amounts For The Controller's Bureau; And 5) Waive the city's Advertising, Bidding And Request For Proposals/Qualifications (RFP/Q) Requirement For Each Of Professional And Legal Service Contracts.

[13-0766](#)

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

This item was taken after Item 8.

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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 Breanna Rachelle Moore, Tiffany Marie and Kim Che Hung at 8:25 P.M.

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City Clerk and Clerk of the Council