



City of Oakland

Office of the City Clerk
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Oakland, California 94612
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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, January 20, 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 5:41 p.m.

2 ROLL CALL / CITY COUNCIL

The Roll Call was modified to note President Pro Tempore Reid present at 5:44 p.m.

The Roll Call was modified to note Councilmember Gallo absent at 8:08 p.m.

Present 8 - Desley Brooks, Annie Campbell Washington, Noel Gallo, Abel J. Guillèn, Dan Kalb, Rebecca Kaplan, Laurence E. Reid, and Lynette Gibson McElhaney

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):

President Pro Tempore Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Cynthia Franklin.

Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Brynn Donolan and Peter Michael Harland. President Pro Tempore Reid requested association with these adjournments. Councilmember Annie Campbell Washington requested association with the adjournment of Brynn Donolan.

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

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF JANUARY 5, 2015 AND JANUARY 6, 2015

This was Approve as Submitted.

Aye: 8 - Brooks, Campbell Washington, Gallo, Guillèn, Kalb, Kaplan, Reid, and Gibson
McElhanev

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 16, 17 and 15 will be heard out of order and prior to the other non-consent
items.*

7. CONSENT CALENDAR (CC) ITEMS:

- 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
[14-0378](#)

Attachments: [View Report.pdf](#)
[85357 CMS.pdf](#)

This City Resolution was Approve as Submitted.

Approval of the Consent Agenda

**A motion was made to approve the Consent Agenda. The motion carried by the
following vote:**

Aye: 8 - Brooks, Campbell Washington, Gallo, Guillèn, Kalb, Kaplan, Reid, and Gibson
McElhanev

- 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
[14-0379](#)

Attachments: [View Report.pdf](#)
[85358 CMS.pdf](#)

This City Resolution was Adopted.

- 7.3 Subject: Authorizing A License Agreement With Montclair Tennis Association
From: Oakland Parks & Recreation Department
Recommendation: Adopt An Ordinance Authorizing A License Agreement With The
Montclair Tennis Association For Use Of Tennis Courts And Other Property At
Montclair Park For A Five Year Term With Two Three-Year Options To Renew
Without Returning To Council
[14-0302](#)

Attachments: [View Report.pdf](#)
[13288 CMS.pdf](#)

This Ordinance was Approved for Final Passage.

- 7.4 Subject: Annuitization & Termination Of Oakland Municipal Employees' Retirement
System
From: Finance Department
Recommendation: Adopt The Following Pieces Of Legislation:

(1) An Ordinance Amending The Oakland Municipal Employees' Retirement System
To Meet All Requirements Of The Internal Revenue Code Applicable To The Oakland
Municipal Employees' Retirement System ; And

[14-0327](#)

Attachments: [View Report](#)
[13289 CMS.pdf](#)

This Ordinance was Approved for Final Passage.

(2) An Ordinance To Terminate The Oakland Municipal Employees' Retirement
System Pursuant To Section 2017 Of Article XX Of The Charter Of The City Of
Oakland

[14-0328](#)

Attachments: [13290 CMS.pdf](#)

This Ordinance was Approved for Final Passage.

7.5 Subject: Oakland-Alameda County Coliseum Authority Board Appointments
From: Council President Lynette Gibson McElhaney
Recommendation: Adopt A Resolution Re-Appointing Council Members Rebecca Kaplan And Larry Reid As Members Of The Oakland-Alameda County Coliseum Authority Board Of Commissioners Beginning January 21, 2015 And Ending January 20, 2017
[14-0382](#)

Attachments: [View Report.pdf](#)
[85359 CMS.pdf](#)

This City Resolution was Adopted.

S7.6 Subject: Replacement Of Embarcadero Bridge Over Lake Merritt Channel
From: Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Up To Nineteen Million Eight Hundred Eighty-Three Thousand Four Hundred Sixty-Seven Dollars (\$19,883,467.00) In Federal Highway Administration And State Proposition 1B Funds For The Replacement Of Embarcadero Bridge Over Lake Merritt Channel (Project No. G121810); And
[14-0352](#)

Attachments: [View Report.pdf](#)
[85360 CMS.pdf](#)

This City Resolution was Adopted.

2) A Resolution Awarding A Construction Contract To Flatiron West, Inc., The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications For The Replacement Of Embarcadero Bridge Over Lake Merritt Channel (Project No. G121810) And With Contractor's Bid In The Amount Of Sixteen Million Three Hundred Ninety-Nine Thousand Five Hundred Twenty-Seven Dollars And Ten Cents (\$16,399,527.10); And
[14-0353](#)

Attachments: [View Report.pdf](#)
[85361 CMS.pdf](#)

This City Resolution was Adopted.

3) A Resolution Authorizing The City Administrator, Or Designee, To Waive The RFP/RFQ Competitive Selection Process Requirements And Authorizing An Amendment To The Professional Services Contract With T.Y. Lin International/AECOM, Joint Venture For The Replacement Of Embarcadero Bridge Over Lake Merritt Channel (Project No. G121810) Increasing The Scope Of Work And The Contract Amount By Five Hundred Thousand Dollars (\$500,000.00) For A Total Contract Amount Not To Exceed Two Million Four Hundred Eighty Thousand Two Hundred Forty-Four Dollars (\$2,480,244.00); And

[14-0354](#)

Attachments: [View Report.pdf](#)
[85362 CMS.pdf](#)

This City Resolution was Adopted.

4) A Resolution Awarding A Professional Services Contract To Biggs Cardosa Associates, Inc. To Provide Special Inspection And Material Testing Services For The Replacement Of Embarcadero Bridge Over Lake Merritt Channel (Project No. G121810) In An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00)

[14-0355](#)

Attachments: [View Report.pdf](#)
[85363 CMS.pdf](#)

This City Resolution was Adopted.

S7.7 Subject: Foreign Trade Zone Program Appropriations
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Appropriate Revenues Generated By The Operation Of The Oakland Foreign Trade Zone #56 To The Foreign Trade Zone Program For Program Development, Marketing And Administration

[14-0360](#)

Attachments: [View Report.pdf](#)
[85364 CMS.pdf](#)

This City Resolution was Adopted.

S7.8 Subject: Neighborhood Partnership First 5 Alameda County Grants
From: Parks And Recreation Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For And Accept Grant Funds For Fiscal Years 2013-2014 And 2014-2015 From First 5 Alameda County Neighborhood Partnership Program In An Estimated Amount Of \$129,576 For The Pre-K Playgroups At Willie Keyes And Ira Jenkins Recreation Centers From July 1, 2013 Through June 30, 2015
[14-0320](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report](#)
[85365 CMS.pdf](#)

This City Resolution was Adopted.

S7.9 Subject: Background Checks for Senior Companions Programs
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Of Oakland, Through The City Administrator, To Access Summary Criminal History Record Information For Employees And Volunteers In The City Of Oakland Senior Companion Program And Foster Grandparent Program In Order To Comply With The Funding Requirements Of The Corporation For National And Community Services For These Programs
[14-0362](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report.pdf](#)
[85366 CMS.pdf](#)

This City Resolution was Adopted.

S7.10 Subject: Quality Transit, LLC Paratransit Agreement For Fiscal Year 2014-2015
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Reimbursement Agreement In The Amount Of \$150,000 With Quality Transit, LLC To Provide Paratransit Services Through June 30, 2015
[14-0364](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report.pdf](#)
[85367 CMS.pdf](#)

This City Resolution was Adopted.

S7.11 Subject: Abandoned Watercraft Abatement Fund Public Safety Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Accept And Appropriate Grant Funds From The State Of California Department Of Parks And Recreation, Division Of Boating And Waterways In An Amount Not To Exceed Fifty-Two Thousand Three Hundred Dollars (\$52,300) To Fund The Oakland Police Department Marine Enforcement Unit In The Abatement, Removal, Storage, And/Or Disposal Of Eligible Water Hazards From October 1, 2014 Through October 1, 2016 And Authorize A Ten Percent Match Of Five Thousand Two Hundred Thirty Dollars (\$5,230) As Required By The Grant Terms
[14-0366](#)

Attachments: [View Report.pdf](#)
[85368 CMS.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 Reid, seconded by Kalb, that this matter be Approve as Submitted the oral report from the Office of the City Attorney of 2 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:

Aye: 8 - Brooks, Campbell Washington, Gallo, Guillèn, Kalb, Kaplan, Reid, and Gibson McElhane

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:

S9.1 Subject: Partial Abandonment Of Thomas Berkley Way
From: Public Works Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The
Following Pieces Of Legislation:

1) A Resolution Of Findings Supporting The Vacation To The City Of Oakland Of A
Portion Of The Public Right-Of-Way Of Thomas Berkley Way (Formerly Known As
20th Street) From Its Intersection At Harrison Street To Its Intersection With Lakeside
Drive; And

[14-0356](#)

Attachments: [View Report.pdf](#)

[View Supplemental Report](#)

This item was continued to the February 3, 2015 City Council Meeting Agenda.

**This City Resolution was Continued.to the Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City Council to be heard 2/3/2015**

Subject: Partial Abandonment Of Thomas Berkley Way
From: Oakland Public Works Department
Recommendation: Adopt An Ordinance Vacating To The City Of Oakland A Portion
Of The Public Right-Of-Way Of Thomas Berkley Way (Formerly Known As 20th
Street) From Its Intersection At Harrison Street To Its Intersection With Lakeside Drive
[14-0357](#)

Attachments: [View Reportt.pdf](#)

[View Supplemental Report.pdf](#)

**This Ordinance was Continued.to the Meeting of the Oakland City Council to be
heard 2/3/2015**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

- 11 Subject: Citywide Curb Ramps And Sidewalk Repair Project
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Awarding A Construction Contract To Rosas Brothers Construction, The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications For Citywide Curb Ramps And Sidewalk Repair (Project No. C428013) And With Contractor's Bid In The Amount Of Nine Hundred Thirty Eight Thousand Six Hundred Six Dollars And Eighty Cents (\$938,606.80)
[14-0305](#)

Attachments: [View Report](#)

This item was continued to the February 3, 2015 City Council meeting agenda.

This City Resolution was Continued to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/3/2015

- 12 Subject: Extension Of Contracts With The Police Monitor & Compliance Director
From: Oakland Police Department
Recommendation: Adopt The Following Pieces Of Legislation:
- 1) A Resolution Authorizing Up To A One-Year {Through January 20, 2016) Extension Of The Professional Services Agreement Between The City Of Oakland And Police Performance Solutions, LLC. For Monitoring And Technical Assistance Services In Delphine Allen V. City Of Oakland, In An Amount Not To Exceed Nine Hundred Fifty Thousand Dollars (\$950,000) And For A Total Contract Price Not To Exceed Four Million Two Hundred Ninety Four Thousand Three Hundred Twenty Dollars (\$4,294,320) And Waiving The Competitive Advertising And Request For Proposals/Qualifications Requirements; And
[14-0371](#)

Attachments: [View Report.pdf](#)

[85369 CMS.pdf](#)

The Resolution was amended to accurately state the dollar amounts of the contract.

This item was taken out of order and heard after item 18.

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

Aye: 7 - Brooks, Campbell Washington, Guillèn, Kalb, Kaplan, Reid, and Gibson McElhane

No: 1 - Gallo

2) A Resolution Authorizing Up To A One-Year (Through January 20, 2016) Extension Of The Professional Services Agreement Between The City Of Oakland And Warshaw & Associates Inc., To Provide Compliance Director Services To The City In Delphine Allen V. City Of Oakland, In An Amount Not To Exceed One Hundred Sixty Five Thousand Dollars (\$165,000) And For A Total Contract Amount Not To Exceed Three Hundred Thirty Thousand Dollars (\$330,000) And Waiving The Competitive Advertising And Request For Proposals/Qualifications Requirements

[14-0372](#)

Attachments: [85370 CMS.pdf](#)

The Resolution was adopted as amended to include the following: "FURTHER RESOLVED, that the City of Oakland seeks to end the use of the police IA process to investigate civilian employees and requests that the Compliance Director report back to the City Council as soon as possible regarding what steps, if any, must be taken in order to move oversight of civilian employees to the civilian HR system."

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

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

No: 1 - Gallo

13 Subject: Racial Profiling Resolution
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Supporting Congressional Action To Eliminate Racial Profiling By Law Enforcement, And For Other Purposes; Directing The City's Federal Lobbyist To Make This Bill A Legislative Priority; And Send A Letter To The California Federal Delegation Making Them Aware Of Our Support Position

[14-0326](#)

Attachments: [View Report](#)

The item was amended from a Resolution to a motion of support.

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

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

Absent: 1 - Gallo

- 14** Subject: Initial Salary For Director Of Economic & Workforce Development
From: Human Resources Management Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Approve An Initial Salary For The Position Of Director Of Economic & Workforce Development That Exceeds The Mid-Point, And Not To Exceed The Top Of The Salary Range Of \$187,779 Annually, In Conformance With The Requirements Of Ordinance No. 12918 C.M.S., And To Grant A Vacation Accrual Rate That Is Competitive
[14-0384](#)

Attachments: [View Report](#)
[85371 CMS.pdf](#)

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

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

Absent: 1 - Gallo

- S15** Subject: Annual Report Of The Laurel BID FY 2013-2014
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Approving The Fiscal Year 2013-2014 Annual Report Of The Laurel Property Business Improvement District Of 2005 Advisory Board; And Confirming The Continuing Annual Assessment For The District For Fiscal Year 2014-2015
[14-0358](#)

Attachments: [View Report.pdf](#)
[85372 CMS.pdf](#)

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

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

S16 Subject: 7th & Campbell ENA
From: Housing & Community Development Department
Recommendation: Adopt A Resolution Authorizing An Exclusive Negotiating Agreement With Oakland And The World Enterprises, Inc. For The Development Of Property At 7th And Campbell In West Oakland, And Appropriating \$13,500 In License Fees From The Low And Moderate Income Housing Asset Fund For Expenditures Related To The Property And The Project
[14-0361](#)

Attachments: [View Report.pdf](#)
[85373 CMS.pdf](#)

There were 4 speakers on this item.

This item was taken out of order and before item 11.

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

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

S17 Subject: AC-OCAP Annual Report & 2015 CSBG Resolution
From: Human Services Department
Recommendation: Receive The Alameda County-Oakland Community Action Annual Report And Adopt A Resolution Authorizing The City Administrator To Accept And Allocate A Renewal Grant In The Amount Of \$1,258,856 In Anti-Poverty Community Services Block Grant (CSBG) Funds For 2015 From The California Department Of Community Services And Development (CSD); (2) Authorizing The City Administrator To Accept And Appropriate Additional Grant Funds Without Returning To Council; (3) Authorizing A Contribution From The General Purpose Fund In An Amount Equivalent To The Department's Central Services Overhead Charges; And (4) Authorizing The City Administrator To Enter Into Grant Agreements, Professional Services Contracts, And Amendments With AC-OCAP's Service Providers For The 2015 Program Year
[14-0363](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report.pdf](#)
[85374 CMS.pdf](#)

There were no speakers on this item.

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

Abstained: 1 - Brooks

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

S18 Subject: Confirming Mayor's Appointment Of John A. Flores As Interim City Administrator
From: Office Of The Mayor
Recommendation: Adopt A Resolution (1) Confirming The Mayor's Appointment Of John A. Flores As Interim City Administrator For The Period Commencing On January 21, 2015 And Ending At Midnight On June 30, 2015 Or Such Earlier Date As The Council Confirms Appointment Of A City Administrator Or The Mayor Terminates The Appointment; And (2) Authorizing The Mayor To Execute An Employment Agreement On Behalf Of The City With Mr. Flores
[14-0407](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report.pdf](#)
[85375 CMS.pdf](#)

President Pro Tempore Reid made a motion seconded by Councilmember Kalb to approve the urgency finding on item 18 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 is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting.

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

Aye: 7 - Brooks, Campbell Washington, Guillèn, Kalb, Kaplan, Reid, and Gibson McElhanev

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)

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