



# 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>**

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**Tuesday, September 17, 2013**

**5:30 PM**

**City Council Chambers, 3rd Floor**

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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 5:44 p.m.*

2 ROLL CALL / CITY COUNCIL

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

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

*There were 12 Open Forum speakers.*

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

*Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Lonnie Bates.*

*Councilmember Gallo took a point of personal privilege and requested on behalf of Councilmember Reid that the meeting be adjourned in memory of Lisa Bishop and Pablo Armento.*

*Councilmember Kalb took a point of personal privilege and requested that the meeting be adjourned in memory of Roy Nakadegawa.*

*President Pro Tempore Kaplan took a point of personal privilege and requested that the meeting be adjourned in memory of victims of gun violence.*

*Council President Kernighan took a point of personal privilege and requested that the meeting be adjourned in memory of Mary Moore.*

- 4.1 Subject: Commending Gregoria Torres For Exemplary Service  
From: Councilmember Desley Brooks  
Recommendation: Adopt A Resolution Commending Gregoria Torres For More Than 28 Years Of Exemplary And Dedicated Service To The City Of Oakland And Congratulating Her On Her Retirement And Bidding Her Farewell  
[12-0721](#)

**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 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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- 4.2 Subject: Honoring John Stewart  
From: Vice Mayor Larry Reid And Councilmember Desley Brooks  
Recommendation: Adopt A Resolution Recognizing And Honoring John Stewart For 41 Years Of Dedicated Services To The City Of Oakland  
[13-0030](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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- 4.3 Subject: "Earthquake Brace + Bolt: Funds To Strengthen Your Foundation" Report  
From: Council President Patricia Kernighan  
Recommendation: Receive A Presentation By The California Residential Mitigation Program Regarding "Earthquake Brace + Bolt: Funds To Strengthen Your Foundation"  
[13-0035](#)

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

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

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S-4.4 Subject: Honoring Martin Matarrese  
From: Councilmember Libby Schaaf  
Recommendation: Adopt A Resolution Honoring Martin Matarrese On His Retirement  
[13-0042](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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S-4.5 Subject: Student Attendance Awareness And Achievement Month  
From: Councilmember Dan Kalb  
Recommendation: Adopt A Proclamation Of September As Attendance Awareness And Student Achievement Month  
[13-0031](#)

*No Vote Necessary*  
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5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF JULY 25, 2013, JULY 30, 2013 AND AUGUST 2, 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 Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan

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):

*Non-Consent Item 15 will be taken before Item 11.*

**7. CONSENT CALENDAR (CC) ITEMS:**

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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  
[13-0022](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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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  
[13-0023](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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7.3-CC      Subject:      Children's Fairyland Board Reappointment - Webb  
From:          Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Matthew  
Webb To The Children's Fairyland Board  
[13-0001](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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7.4-CC Subject: Board Of Port Commissioners Reappointment - Hamlin  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Earl  
Hamlin To The Board Of Port Commissioners  
[13-0002](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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7.5-CC Subject: Commission On Aging Appointments - Jones And Forte  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Julie  
Jones And Patrick Forte As Members Of The Commission On Aging  
[13-0021](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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7.6-CC Subject: Oakland Housing Authority Board Reappointment - Hartwig  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Greg  
Hartwig To The Oakland Housing Authority Board  
[13-0032](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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7.7-CC Subject: Travel Authorization - Brooks  
From: Councilmember Desley Brooks  
Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To Travel To Seattle, Washington To Attend The 2013 National League Of Cities' Congress Of Cities And Exposition Annual Conference From November 13, 2013 - November 16, 2013  
[13-0003](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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7.8-CC Subject: Travel Authorization - Kalb  
From: Councilmember Dan Kalb  
Recommendation: Adopt A Resolution Authorizing Councilmember Kalb To Travel To Sacramento To Attend The 2013 League Of California Cities' Annual Conference From September 18-20, 2013  
[13-0017](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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7.9-CC Subject: Travel Authorization - Reid  
From: Vice Mayor Larry Reid  
Recommendation: Adopt A Resolution Authorizing Vice Mayor Larry Reid To Travel To Seattle Washington To Attend The 2013 National League Of Cities Annual Conference And Expo From November 13-16, 2013  
[13-0024](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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7.10-CC Subject: Settlement Agreement- Allstate Insurance As Subrogee Of Squethia Giddens  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Claim Of Allstate Insurance Company For Their Insured Squethia  
Giddens City Attorney's Claim No. C29614, In The Amount Of Six Thousand Eight Hundred  
Nine Dollars And Ninety Three Cents (\$6,809.93) (Public Works Agency- Auto Collision)  
[13-0025](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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7.11-CC Subject: Settlement Agreement- Abraham Sanchez  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Claim Of Abraham Sanchez, City Attorney's Claim No. C29205,  
In The Amount Of Nine Thousand Dollars And No Cents (\$9,000.00) (Police Department-  
Auto Collision)  
[13-0026](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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7.12-CC Subject: Settlement Agreement- GEICO Direct As Subrogee Of Anthony Paone  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Claim Of Government Employees Insurance Company (GEICO)  
Direct As Subrogee For Anthony Paone City Attorney's Claim No. C29582, In The Amount Of  
Six Thousand Two Hundred Forty Five Dollars And Forty-Three Cents (\$6,245.43) (Public  
Works Agency - Auto Collision)  
[13-0027](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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7.13-CC Subject: Settlement Agreement- Paul And Gwen Stephens  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Claim Of Paul And Gwen Stephens, City Attorney's Claim No.  
C29622, In The Amount Of Eight Thousand Seven Dollars And Nine Cents (\$8,007.09) (Public  
Works Agency-Sewer Overflow)  
[13-0028](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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7.14-CC Subject: Settlement Agreement- Johnny Burks  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Claim Of Johnny Burks, City Attorney's Claim No. C29646, In  
The Amount Of Twelve Thousand Dollars And No Cents (Police Department - Search Warrant  
Execution)  
[13-0029](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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7.15-CC Subject: Settlement Agreement - Davis v. Strutynsky  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Denise Davis v. Jurij & Lidia Strutynsky, Alameda  
County Superior Court Case No. RG12-621529, In The Amount Of Two Hundred Thousand  
Dollars And No Cents (\$200,000.00) As A Result Of A Trip And Fall Accident On Or About  
September 2, 2012 (Public Works Agency - Trip And Fall)  
[13-0039](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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7.16-CC Subject: Add Employee Relations Analyst Classification To Salary Ordinance  
From: Department Of Human Resources Management  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No.  
12187 C.M.S. ("Salary Ordinance") To Add The Classification Employee Relations Analyst,  
Principal  
[12-0672](#)

**A motion was made to Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard at the October 1, 2013 meeting on the Consent Agenda.**

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

*The Council approved recommendations as amended to add the following:*

*"Section 3: The Salary steps set forth herein shall be adjusted by the COLAs approved by the Council in Ordinance 13188 passed on August 2, 2013."*

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S-7.17-CC Subject: Amending Salary Ordinance - Investment Supervisor Title Change  
From: Department Of Human Resources Management  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No.  
12187 C.M.S. ("Salary Ordinance") To Change The Title For The Classification Of Investment  
Supervisor To Investment Officer And Increase The Salary Range For The Classification  
[13-0014](#)

**A motion was made to Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard at the October 1, 2013 meeting on the Consent Agenda.**

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

*The Council approved recommendations as amended to add the following:*

*"Section 3: The Salary steps set forth herein shall be adjusted by the COLAs approved by the Council in Ordinance 13188 passed on August 2, 2013."*

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S-7.18-CC Subject: Amending Salary Ordinance And Exemption From Civil Service  
From: Department Of Human Resources Management  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Change The Title Of Support Services Administrator To Manager, Support Services And To Lower The Pay Grade Associated With The Classification; And  
[13-0015](#)

**A motion was made to Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard at the October 1, 2013 meeting on the Consent Agenda.**

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

*The Council approved recommendations as amended to add the following:*

*"Section 3: The Salary steps set forth herein shall be adjusted by the COLAs approved by the Council in Ordinance 13188 passed on August 2, 2013."*

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2) A Resolution Recommending To The Civil Service Board The Exemption Of The Classifications Of Manager, Support Services And Manager, Human Resources From The Operation Of The Civil Service  
[13-0015-1](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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S-7.19-CC Subject: Encroachment At 457 17th Street  
From: Department Of Planning And Building  
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major  
Encroachment Permit To WFGP LLC To Allow An Existing Under-Sidewalk Basement For  
The Building Located At 457 17th Street To Encroach Into The Public Right-Of-Way Along  
The Building's Frontage On 17th Street And Broadway  
[13-0006](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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S-7.20-CC Subject: Encroachment At 2901 Broadway  
From: Department Of Planning And Building  
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major  
Encroachment Permit To GAB Associates LLC To Allow 12 Canopy Columns And An Entry  
Element To Encroach Into The Public Right-Of-Way At 2901 Broadway  
[13-0007](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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S-7.21-CC Subject: Vacate Easement At 25 Duncan Way  
From: Department Of Planning And Building  
Recommendation: Adopt A Resolution Approving The Summary Vacation Of An Unused  
Portion Of An Existing Public Service Easement Located At 25 Duncan Way To Brian L. Mell  
And Mary Jane Mell  
[13-0009](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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S-7.22-CC Subject: Rehabilitation of Sanitary Sewers  
From: Public Works Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Awarding A Construction Contract To Andes Construction, Inc., The Lowest Responsive And Responsible Bidder, For The Rehabilitation Of Sanitary Sewers Bounded By Golf Links Road, Encina Way And Calandria Avenue (Project No. C312810), In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Two Million Two Hundred Seventy-Five Thousand Thirty-Three Dollars (\$2,275,033.00); And  
[13-0011](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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2) A Resolution Awarding A Construction Contract To Andes Construction, Inc., The Lowest Responsive And Responsible Bidder, For The Rehabilitation Of Sanitary Sewers At 57th Avenue Between San Leandro Street And International Boulevard (Project No. C461810), In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Three Hundred Ninety-Seven Thousand Three Hundred Five Dollars (\$397,305.00).  
[13-0011-1](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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S-7.23-CC Subject: On-Call Special Inspection And Testing Services  
From: Public Works Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Enter Into A Series Of Professional Service Contracts In An Amount Not-To-Exceed Seven Hundred And Fifty Thousand Dollars (\$750,000.00) Each With The Firms Of 1) Applied Materials & Engineering, Inc. (LBE), 2) Biggs Cardosa Associates, Inc. (LBE), 3) Consolidated Engineering Laboratories (LBE), 4) Construction Testing Services, Inc. (LBE), 5) Ninyo & Moore (LBE), And 6) URS (LBE) For On-Call Special Inspection And Testing Services Over A Period Of Three Years  
[13-0012](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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S-7.24-CC Subject: MOA For 1835 Trestle Glen Road Development  
From: Department Of Planning And Building  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Enter Into A Memorandum Of Agreement With The City Of Piedmont For The Development Of A Secondary Unit At 1835 Trestle Glen Road, A Property Located Within Both Jurisdictions  
[13-0008](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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S-7.25-CC Subject: Semi-Annual ROPS And Successor Agency Budget  
From: Office Of Neighborhood Investment  
Recommendation: Adopt A Resolution Approving The Submission Of A Recognized  
Obligation Payment Schedule And Successor Agency Administrative Budget For January  
Through June 2014 To The Oakland Oversight Board, The County, And The State  
[13-0010](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, 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: Authorization To Change The Name Of The 19th Street BART Station  
From: Councilmember Lynnette Gibson McElhaney  
Recommendation: Adopt A Resolution Authorizing Bay Area Rapid Transit (BART) To  
Change The Name Of The "19th Street/Oakland" Station To The "19th Street/Uptown  
Oakland" Station  
[13-0016](#)

**This Matter was Adopted As A Motion on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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**Passed The Consent Agenda**

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

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

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S-7.27      Subject:      Taking A Position On League Of California Cities' Resolutions  
From:          Council President Patricia Kernighan  
Recommendation: Adopt A Resolution Taking A Position On Two League Of California  
Cities' Proposed Resolutions To Be Considered At The League's September 20, 2013 Annual  
Business Meeting: 1) Resolution Calling Upon The Governor And The Legislature To Work  
With The League Of California Cities In Providing Adequate Funding And To Prioritize Water  
Bonds To Assist Local Government In Water Conservation, Ground Water Recharge And  
Reuse Of Stormwater And Urban Runoff Programs; And 2) Resolution Calling Upon The  
Governor And Legislature To Enter Into Discussions With The League And California Police  
Chiefs' Association Representatives To Identify And Enact Strategies That Will Ensure The  
Success Of Public Safety Realignment From A Local Municipal Law Enforcement Perspective  
[13-0038](#)

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

**Votes:** ORA\Councilmember Abstained: 1 - Councilmember Gibson McElhaney  
ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Noes: 2 - Councilmember Brooks and Councilmember Gallo  
ORA\Councilmember Ayes: 4 - Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan

*President Pro Tempore Kaplan made a motion, seconded by Councilmember Schaaf, to 1) Authorize a position of support for the League of California Cities' item related to water bonds; and 2) Authorize a position of support for the League of California Cities' item related to Public Safety if the item is amended to include safe guards and limitations regarding avoiding excessive or inappropriate overuse of flash incarcerations.*

*The motion passed with 4 Ayes, 2 Noes - Brooks and Gallo, 1 Abstention - Gibson McElhaney, and 1 Excused - Vice Mayor Reid.*  
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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 Gibson McElhaney, to \*Approve as Submitted the oral report from the Office of the City Attorney of 5 final decisions made during Closed Session. The motion carried by the following vote:**

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

**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 8:01 p.m.*

*One individual spoke on this item.*

*Councilmember Kaplan made a motion, seconded by Councilmember Schaaf to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Councilmembers Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Schaaf, and President Kernighan; 1 Excused: Vice Mayor Reid.*



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9.1 Subject: Delinquent Mandatory Garbage Fees  
From: Office Of The City Administrator  
Recommendation: Conduct A Public Hearing On Delinquent Mandatory Garbage Fees For  
January/February/March 2013 Monthly Accounts And April/May/June 2013 Quarterly  
Accounts And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs  
Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Confirming The  
Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant  
To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And  
Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or  
[13-0004](#)

**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 Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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2) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent  
Garbage Service Fees And The Recordation Of Liens With Administrative And Assessment  
Charges As Necessary-Pursuant To Chapter 8.28 Of The Oakland Municipal Code; Or  
[13-0004-1](#)

**Not Adopted**

3) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports  
Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent  
Garbage Service Fees And Authorizing The Recordation Of Liens With Administrative And  
Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal  
Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The  
County Tax Collector For Collection  
[13-0004-2](#)

**Not Adopted**

*Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 8:10 p.m.*

*Councilmember Gibson McElhaney made a motion, seconded by Councilmember Gallo, to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Councilmembers Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Schaaf, Reid and President Kernighan; 1 Excused - Vice Mayor Reid.*

9.2 Subject: Assessment Of Liens For Delinquent Real Property Transfer Taxes  
From: Office Of The City Administrator  
Recommendation: Conduct A Public Hearing On The Assessment Of Liens For Delinquent Real Property Transfer Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or  
[13-0005](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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2) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Real Property Transfer Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary-Pursuant To Chapter 4.20 Of The Oakland Municipal Code; Or  
[13-0005-1](#)

**Not Adopted**

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3) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection  
[13-0005-2](#)

**Not Adopted**

**ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:**

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: Increase In The Premium Pay For The Paramedic Support Program  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Approving An Amendment To Section 2.9.4 Of The Memorandum Of Understanding Between The City Of Oakland And International Association Of Firefighters Local 55 To Allow For Continuation Of The Paramedic Support Program From July 1, 2013 Through June 30, 2014 With An Increase In The Premium Pay From Three Percent (3%) To Three And One-Half Percent (3.5%) Above The Top Step Fire Fighter's Regular Base Rate Of Pay For Any Period In Which An Authorized Unit Member Participates In The Program  
[13-0034](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
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12 Subject: Allocation Of Funds For The Affordable Housing Trust  
From: Councilmember Dan Kalb  
Recommendation: Adopt An Ordinance (1) Amending Oakland Municipal Code Section 15.68.100 That Established The Affordable Housing Trust Fund To Set Aside An Amount Equal To 25% Of Funds Distributed' To The City As A Taxing Entity Under The Redevelopment Dissolution Laws Into The Affordable Housing Trust Fund, (2) Amending Ordinance No. 12502 C.M.S. That Established A General Fund Reserve Policy To Exempt These Distributions From The Requirement To Use One Time Revenues To Pay For One Time Expenses Or Reduce Negative Fund Balances, And (3) Appropriating And Transferring Such Distributions From The General Purpose Fund To The Affordable Housing Trust Fund  
[12-0665](#)

**A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Kalb, to Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard at the October 1, 2013 meeting. The motion carried by the following vote:**

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

*The Council further amended the ordinance with the addition of the following:*

*"As to distribution from the RPTTF, from Fiscal Year 2015-16 through Fiscal Year 2024-2025, this policy shall apply only to distributions to the City as a taxing entity of RPTTF funds under subsection (a)(4) of California Health and Safety Code Section 34183, which are residual amounts distributed to the City after all other RPTTF allocations are made, and shall not apply to distributions of RPTTF funds to the City under subsection (a)(1) of California Health and Safety Code Section 34183, which are amounts distributed to the City that the City would have received as passthrough payments if the Redevelopment Agency had not been dissolved. Starting in Fiscal Year 2025-2026, this policy shall apply to all distributions from the RPTTF to the City as a taxing entity under California Health and Safety Code Section 34183."*

*There was one speaker on this item.*

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13      Subject:    Prohibiting Tools Of Violence During Demonstrations  
From:        Councilmember Noel Gallo  
Recommendation: Adopt An Ordinance Prohibiting The Possession Of The Tools Of Violence  
And Vandalism During A Demonstration  
[12-0709](#)

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

**Votes:** ORA\Councilmember Abstained: 1 - Councilmember Kalb  
ORA\Councilmember Excused: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, President Pro Tempore Kaplan,  
Councilmember Schaaf and Council President Kernighan

*There was one speaker on this item.*

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S-14      Subject:    Amending Salary Ordinance To Civilianize OPD Positions  
From:        Department Of Human Resources Management  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No.  
12187 C.M.S. ("Salary Ordinance") To Add The Classification Of Intake Technician  
[13-0013](#)

**A motion was made by Councilmember Gibson McElhaney, seconded by Councilmember Brooks, to Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard at the October 1, 2013 meeting. The motion carried by the following vote:**

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

*The Council also adopted the following motion:*

- 1) That the number of new Intake Technician positions in the Internal Affairs Department be limited to 5 and that 4 positions be placed in the Citizen's Police Review Board; and*
- 2) A request will be submitted to the Rules Committee on September 19, 2013, for scheduling directly to Council, to appropriately allocate the \$1.4 million previously authorized by the Council.*

*There were three speakers on this item.*

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S-15      Subject:    Safe Routes Transit Grant For Uptown Bike Station  
From:        Public Works Agency  
Recommendation: Adopt A City Of Oakland Resolution To Accept The 2012 Metropolitan  
Transportation Commission's (MTC) Regional Measure 2 Safe Routes To Transit Grant Of  
Five Hundred Thirty-One Thousand Dollars (\$531,000.00) For The Uptown Bike Station;  
Comply With Regional Measure 2 Policy And Procedures In The Implementation Of The  
Grant; Authorize The City Administrator To Enter Into A Memorandum Of Understanding  
(MOU) With The Bay Area Rapid Transit District (BART) For Support Of The Operations And  
Management Of The Station; And Contribute Operating Funds In An Amount Not To Exceed  
Two Hundred Fifty Thousand Dollars (\$250,000.00) [TITLE CHANGE]  
[12-0256](#)

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

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

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

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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 Lonnie Bates, Lisa Bishop, Pablo Armento, Mary Moore and this week's victims of violence at 8:53 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.**

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*City Clerk and Clerk of the Council*