



City of Oakland Meeting Minutes

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

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

City of Oakland Website: <http://www.oaklandnet.com>

Tuesday, February 04, 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 5:52 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

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

There were five Open Forum speakers.

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

**A motion was made by Vice Mayor Reid, seconded by Councilmember
Gibson McElhaney, to *Approve as Submitted. 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

*Councilmember Kaplan took a point of personal privilege and requested that
the meeting be adjourned in memory of Morrie Turner. Councilmembers
Gibson McElhaney, Brooks, Reid, Kernighan and the Mayor requested
association with this adjournment.*

*Councilmember Gibson McElhaney took a point of personal privilege and
requested that the meeting be adjourned in memory of Denzell Jones.*

*Councilmember Brooks took a point of personal privilege and requested that
the meeting be adjourned in memory of the niece of Karen Cox, Poppa Green,
Joe Wang's father and Odell Sylvester. Council President Kernighan requested
association with the death of Joe Wang's father.*

*Councilmember Reid took a point of personal privilege and requested that the
meeting be adjourned in memory of Sgt. Tommy A. Smith, Jr., Peg Kelly, Helen
Stokes, Joan Mondale and Shalini Mulay.*

*Council President Kernighan took a point of personal privilege and requested
that the meeting be adjourned in memory of Justice Toliver and Bac Nguyen.*

4.1 Subject: Honoring Walter Craven
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Acknowledging Walter Craven For The Service Provided To Oakland As A Business Man And Owner Of Blank And Cables And Norton Factory Studios And For His Commitment To Improve The City Of Oakland As A Community Partner And Volunteer
[13-0290](#)

A motion was made by Vice Mayor Reid, seconded by President Pro Tempore Kaplan, 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
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4.2 Subject: Black History Month Heritage Celebration
From: Councilmember Lynette Gibson McElhaney
Recommendation: Adopt A Resolution In Celebration Of Black History Month Honoring The Following Courageous African Americans And Institutions, Who Through Their Innovative, Groundbreaking Work, Have Promoted Positive Change And Uplift For The City Of Oakland In The Fields Of Social Justice Advocacy, Arts And Culture, Business And Faith: Geoffrey Pete, Marcus Books, Ellen Parkinson, Oscar Wright, Ben Tapscott, J. Alfred Smith Sr., Ernestine Reems, Bob Jackson, Gillette James, Sallie T. Carey, Ile Omode, Elaine Brown And Bobby Seele
[13-0315](#)

A motion was made by Vice Mayor Reid, seconded by Councilmember Gibson McElhaney, 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
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- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF JANUARY 21,
2014

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Schaaf, to *Approve as Submitted. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 2 - Councilmember Gibson McElhaney and Vice Mayor Reid

ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember Gallo, 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):

Councilmember Gallo made a motion, seconded by Vice Mayor Reid, to withdraw Item 7.16 and reschedule it to the February 18, 2014 City Council agenda.

7. CONSENT CALENDAR (CC) ITEMS:

- 7.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired Immunodeficiency Syndrome ("AIDS") Epidemic
[13-0294](#)

This Matter was Adopted on the Consent Agenda.

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

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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
 [13-0295](#)

This Matter was Adopted on the Consent Agenda.

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
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7.3-CC Subject: Salary Ordinance Amendment - Employee Relations Director
 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 Employee Relations Director
 [13-0268](#)

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

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
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7.4-CC Subject: Deferred Compensation Plan For Part-Time, Seasonal & Temp Employees
From: Department Of Human Resources Management
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Approving Amendments To The Deferred Compensation Plan For Full-Time And Permanent Part-Time Employees, Established By Resolution No. 68563, As Amended By Resolution 75111, Incorporated Herein, Updating The Deferred Compensation Plan To Comply With State And Federal Laws, Establishing Participant Loan And Other Procedures, To Reflect The Approved Composition Of The Deferred Compensation Committee, And Affirming The Authority Of The Deferred Compensation Committee Take Any And All Actions, And To Negotiate, Execute And Deliver, Any And All Agreements And Other Documents That The Committee May Deem Necessary Or Advisable To Administer The Plan; And

[13-0270](#)

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

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

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2) An Ordinance Approving Amendments To The Deferred Compensation Plan For Part-Time Seasonal And Temporary Employees, Established By Resolution No. 68722, As Amended By Resolution 75111, Incorporated Herein, Updating The Deferred Compensation Plan To Comply With State And Federal Laws, Establishing Participant Loan And Other Procedures, To Reflect The Approved Composition Of The Deferred Compensation Committee, And Affirming The Authority Of The Deferred Compensation Committee Take Any And All Actions, And To Negotiate, Execute And Deliver, Any And All Agreements And Other Documents That The Committee May Deem Necessary Or Advisable To Administer The Plan

[13-0270-1](#)

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

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

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7.5-CC Subject: Creation Of The Bicyclist And Pedestrian Advisory Commission
From: Public Works Agency
Recommendation: Adopt An Ordinance Creating The Bicyclist And Pedestrian Advisory
Commission And Specifying The Terms And Responsibilities Of Its Commissioners
[13-0260](#)

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

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
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7.6-CC Subject: Ordinance to Dissolve CFD No. 2013-1
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Dissolving City Of Oakland Community Facilities
District No. 2013-1 (Wildfire Prevention District)
[13-0250](#)

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

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
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7.7-CC Subject: Amendment To Lease With EOYDC QALICB
From: Office Of The City Administrator
Recommendation: Adopt A First Amendment To Ordinance No. C.M.S. 13187, Which Authorized City Administrator To Enter Into A 66 Year Lease For \$1.00 Per Year With East Oakland Youth Development Center Qualified Active Low Income Community Business, Inc., A California Nonprofit Public Benefit Corporation (EOYDC QALICB), To Further Authorize: (1) An Increase Of Security In Such Leasehold Interest From \$7 Million To Up To \$10 Million, And (2) Inclusion In The New 66-Year Lease Of An Option To Purchase The Property
[13-0279](#)

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

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
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7.8-CC Subject: Settlement Agreement - Howland 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 Douglas & Jenni Howland v. City Of Oakland, Alameda County Superior Court Case No. RG12-621205 In The Amount Of One Hundred Thirty Thousand Dollars And No Cents (\$130,000.00) As A Result Of A Sewer Backup (Office Of Public Works)
[13-0313](#)

This Matter was Adopted on the Consent Agenda.

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
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S-7.9-CC Subject: Radio And Telecommunications Fund Report
From: Department Of Information And Technology
Recommendation: Receive An Informational Report On The Radio And Telecommunications
Fund Allocation (Fund 4200)
[13-0281](#)

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

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
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S-7.10-CC Subject: Engineering Services Contract For Assessment/Special Districts
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award A Two-Year Contract To Francisco & Associates, Inc. In An Amount Not To Exceed \$153,000 To Perform Engineering Services For The Landscaping And Lighting Assessment District (LLAD), The Emergency Services Retention Act Of 1997 (Measure M), The Paramedic Services Act Of 1997 (Measure N), The Library Services Retention And Enhancement Act Of 1994 (Measure Q), The Violence Prevention And Public Safety Act Of 2004 (Measure Y), Close-Out Of The Wildfire Prevention Assessment District And The Rockridge Library Community Facilities District Of 1992 For The Period Of January 1, 2014 Through December 31, 2015, And Authorizing The City Administrator To Extend The Contract For Two Additional Years Without Return To Council
[13-0289](#)

This Matter was Adopted on the Consent Agenda.

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
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S-7.11-CC Subject: Acceptance Of Settlement Payment From OMSS
From: Office Of Neighborhood Investment
Recommendation: Adopt A Resolution Authorizing Acceptance Of Payment From Oakland Maritime Support Services (OMSS) In The Amount Of \$50,000 Toward The Settlement Of Northern California River Watch, Teamsters Local 70, v. Oakland Maritime Support Services, Oakland Redevelopment Agency, Et Al. (U.S. District Court, Northern District Of California, Case No. 4:40-CV- 3912 CW) (Office Of The City Administrator)
[13-0262](#)

This Matter was Adopted on the Consent Agenda.

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
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S-7.12-CC Subject: Identify Funds For Creek Walk Along San Leandro Creek
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Supporting Efforts To Identify Funding For The Development Of A Creek Walk Along The Banks Of The San Leandro Creek
[13-0287](#)

This Matter was Adopted on the Consent Agenda.

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
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S-7.13-CC Subject: Adding LGBTQ Youth Services Strategy To OFCY Investment Plan
From: Department Of Human Services
Recommendation: Adopt A Resolution Adding A LGBTQ Youth Services Strategy To The Oakland Fund For Children And Youth Strategic Investment Plan 2013-2016
[13-0277](#)

This Matter was Adopted pending confirmation by the Planning and Oversight Committee on the Consent Agenda.

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
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S-7.14-CC Subject: AC-OCAP Annual Report & CSBG Funds Allocation For 2014
From: Department Of Human Services
Recommendation: Receive The Alameda County-Oakland Community Action Partnership (AC-OCAP) Annual Report And Adopt A Resolution (1) Accepting, Appropriating, And Allocating A Renewal Grant In An Anticipated Amount Of \$1,077,711 In Anti-Poverty Community Services Block Grant (CSBG) Funds For 2014 From The California Department Of Community Services And Development (CSD); (2) Authorizing The City Administrator To Accept Additional Grant Funds Of \$50,000 Or Less Without Returning To Council; (3) Authorizing A Contribution From The General Purpose Fund An Amount Equivalent To The Department's Central Services Overhead Charges; And (4) Authorizing New Grant Agreements Or Amendments To Existing Grant Agreements With Service Providers For The CSBG Funds
[13-0288](#)

This Matter was Adopted on the Consent Agenda.

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
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S-7.15-CC Subject: Support For AB 1439: Prohibit Sweepstakes Gambling Operations
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution In Support Of Assembly Bill 1439 Regarding The Prohibition Of Sweepstakes Gambling Operations
[13-0286](#)

This Matter was Adopted on the Consent Agenda.

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
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S-7.16 Subject: Housing, Residential Rent And Relocation Board Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Ramona C.
Chang To The Housing, Residential Rent And Relocation Board
[13-0323](#)

This Matter was Withdrawn and Rescheduled to the Meeting of the Oakland City Council, to be heard at the February 18, 2014 meeting on the Consent Agenda.

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
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Passed The Consent Agenda

A motion was made by Councilmember Brooks, seconded by President Pro Tempore Kaplan, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

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

A motion was made by Councilmember Kalb, seconded by Vice Mayor Reid, to *Approve as Submitted the oral report from the Office of the City Attorney of one final decision made during Closed Session. 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

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:

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: Semi-Annual Vacancy Report
From: Department Of Human Resources Management
Recommendation: Receive The Semi-Annual Informational Report On Budgeted Vacant
Positions And Hiring For The Period April 8, 2013 Through November 26, 2013
[13-0264](#)

A motion was made by Councilmember Brooks, seconded by Councilmember Schaaf, that this matter be *Received and Filed. 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
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12 Subject: Travel Expense Authorization - Gallo
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Authorizing Travel And Travel Expenses For Councilmember Noel Gallo To Travel To Mexico On A Trade Mission With The Center For International Trade Development In Sacramento And The Hispanic Chambers Of Commerce In Sacramento, Alameda County, And San Jose February 12-15, 2014
[13-0293](#)

A motion was made by Vice Mayor Reid, seconded by President Pro Tempore Kaplan, 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
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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 Morrie Turner, Denzell Jones, the niece of Karen Cox, Poppa Green, Joe Wang's father, Odell Sylvester, Sgt. Tommy A. Smith, Jr., Peg Kelly, Helen Stokes, Joan Mondale, Shalini Mulay, Justice Toliver and Bac Nguyen at 7:21 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.

City Clerk and Clerk of the Council