



City of Oakland

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

Meeting Minutes - DRAFT

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, November 3, 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 5:47 p.m.

2 ROLL CALL / CITY COUNCIL

Present 7 - Annie Campbell Washington, Noel Gallo, Abel J. Guillén, Dan Kalb, Rebecca Kaplan, Laurence E. Reid, and Lynette Gibson McElhaney

Absent 1 - Desley Brooks

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

There were 15 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 Clyde Grimes, Steve Sexton and Tulip Sudduth.

Councilmember Kalb took a point of personal privilege and requested that the meeting be adjourned in memory of Ray Ranieri.

Councilmember Campbell Washington took a point of personal privilege and requested that the meeting be adjourned in memory of Rosalee Greenberg.

- 4.1 Subject: Presentation From Assemblymember Rob Bonta
From: Council President Gibson McElhaney
Recommendation: Receive An Informational Report Presented By Assemblymember Rob Bonta (District 15 - San Leandro, Alameda, And Half Of Oakland) On His Legislative Successes In The 2015 Legislative Season And Proposed Policies For 2016
[15-0238](#)

There was one speaker on this item.

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

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

Absent: 1 - Brooks

- 4.2 Subject: Resolution Recognizing BRIDGE Housing
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Recognizing Bridge Housing- Saint Joseph's Campus In Oakland For Being California's Recipient Of The 2015 Global Award For Excellence From The Urban Land Institute (ULI)
[15-0234](#)

Attachments: [View Report](#)

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

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

Absent: 1 - Brooks

- 4.3 Subject: Celebrating The Life Of Dominguita Velasco
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Celebrating The Life Of Dominguita Velasco, Who Passed On Sunday, October 11, 2015 At The Age Of 114 Years Old. Ms. Velasco Was A Mother, A Grandmother, A Great-Grandmother Who Provided Leadership And Community Development To The City Of Oakland
[15-0235](#)

Attachments: [View Report](#)

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

Aye: 6 - Campbell Washington, Gallo, Guillén, Kalb, Kaplan, and Gibson McElhaney

Absent: 2 - Brooks, and Reid

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF OCTOBER 20, 2015
[15-0239](#)

Attachments: [View Report](#)

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

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

Absent: 1 - Brooks

- 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):

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

Approval of the Consent Agenda

A motion was made by Reid, seconded by Campbell Washington, to approve the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Brooks

- 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
[15-0267](#)

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

- 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
[15-0268](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.3 Subject: Amendment To The Salary Ordinance
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Classifications Of Environmental Services Analyst, Assistant, And Capital Improvement Project Coordinator, Assistant; Adjust The Title Of Internal Auditor III To Police Performance Auditor; And Delete All The Correctional Officer And Jail Classifications
[15-0132](#)

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

There was one speaker on this item.

This Ordinance was Approved for Final Passage.

- 7.4 Subject: Establishing A Restructured Budget Advisory Commission
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Repealing Resolution No. 74826 C.M.S. And Establishing A Budget Advisory Commission To Replace The Budget Advisory Committee And Transferring To Budget Advisory Commission The Duties And Functions Of The Budget Advisory Committee
[15-0172](#)

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

This Ordinance was Approved for Final Passage.

- 7.5 Subject: Amending Salary Schedule Pursuant To Local 21 MOU
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide Cost Of Living Adjustments To The Salaries Of Certain Miscellaneous Employees Pursuant To The Memorandum Of Understanding Between The City Of Oakland And The International Federation Of Professional And Technical Engineers Local 21; The Cost Of Living Adjustments Shall Be As Follows: Increase Of 4% Effective July 1, 2015; And Increase Of 4% Effective January 14, 2017
[15-0195](#)

Attachments: [View Report](#)
[View Supplemental Report](#)

This Ordinance was Approved for Final Passage.

- 7.6 Subject: Settlement Agreement - Claim Of Michelle Sosa
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Michelle Sosa, In The Amount Of Sixteen Thousand Three Hundred Thirty-One Dollars And 70/100 Cents (\$16,331.70) (Oakland Public Works-Sewer Main)
[15-0262](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.7 Subject: Settlement Agreement - Palacios And Carmona 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 Palacios And Carmona V. City Of Oakland, Alameda County Superior Court Case No. RG14741812, City Attorney's File No. 29307, In The Amount Of Fifty Thousand Dollars And No Cents (\$50,000.00) (Public Works Department - Motor Vehicle Accident)
[15-0263](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

- 7.8 Subject: Settlement Agreement - Claim Of Pacific Gas & Electric Company
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Pacific Gas & Electric Company, In The Amount Of Eight Thousand Three Hundred Ten Dollars And 72/100 Cents (\$8,310.72) As The Result Of Damages Sustained From A Construction Event On October 18, 2014 (Oakland Public Works-Property Damage)
[15-0264](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

This City Resolution was Adopted.

7.9 Subject: Settlement Agreement - Chase Dickens 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 Chase Dickens V. City Of Oakland, Alameda County Superior Court Case No. RG14744830, City Attorney's File No. 30211, In The Amount Of Forty Thousand Dollars And No Cents (\$40,000.00) (Office Of Public Works- Dangerous Condition)
[15-0265](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

7.10 Subject: Settlement Agreement - Janett Linn 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 Janet Linn V. City Of Oakland, Alameda County Superior Court Case No. RG14719094 City Attorney's File No. 29726, In The Amount Of Sixty-Five Thousand Dollars And No Cents (\$65,000.00) (Oakland Public Works-Dangerous Condition)
[15-0266](#)

Attachments: [View Report](#)

This City Resolution was Adopted.

7.11 Subject: Cannabis Regulatory Commission Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Reappointing Dale Gieringer, Sierra Martinez, James Anthony, Matt Hummel, Jake Sassamen, A. Kathryn Parker And Amanda Reiman To The Community Oversight Committee For Oversight Of Implementation Of The Measure Z, The Oakland Cannabis Regulation Ordinance No. 12694 C.M.S., Approved By The Voters In November 2004 [TITLE CHANGE]
[15-0270](#)

Attachments: [View Report](#)

The Council approved the Resolution as amended to revise all appointment dates to begin August 1, 2015 and end July 31, 2017.

This City Resolution was Adopted as Amended.

7.12 Subject: Housing, Residential Rent And Relocation Board Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Ubaldo Fernandez To The Housing, Residential Rent And Relocation Board
[15-0271](#)

Attachments: [View Report](#)

*The Council approved the Resolution as amended to add the following:
"RESOLVED, that pursuant to City Charter section 601, The City Council hereby
confirms the Mayor's appointment of Ubaldo Fernandez to the Housing,
Residential Rent and Relocation Board to serve the remainder of the term that
began February 12, 2015 and ending February 11, 2018 as an Alternate Tenant
Representative, filing the seat previously held by Tyfahra Singleton.*

There was one speaker on this item.

This City Resolution was Adopted as Amended.

7.13 Subject: Purchase Of Remington Shotguns And Accessories
From: Finance Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award A
Contract To LC Action Police Supply, The Lowest Responsible, Responsive Bidder, A
Corporation, To Provide Remington Shotguns And Accessories, In An Amount Not To
Exceed One Hundred Twenty-Seven Thousand One Hundred Ninety-Five Dollars And
Twenty Cents (\$127,195.20) Per Request For Quotation (RFQ) No. 5608,
Specification No. 15-680-52 And The General Conditions Therefor On File In The
Purchasing Section According To Its Bid Filed With The City On June 29, 2015
[15-0184](#)

Attachments: [View Report](#)

There were 6 speakers on this item.

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

Aye: 6 - Campbell Washington, Gallo, Guillén, Kalb, Reid, and Gibson McElhaney

No: 1 - Kaplan

Absent: 1 - Brooks

- 7.14 Subject: Opposing The Trans-Pacific Partnership
From: Councilmembers Guillén, Campbell Washington, Kalb And Gibson
McElhaney
Recommendation: Adopt A Resolution Opposing The Trans-Pacific Partnership
(TPP) Trade And Urging United States Senators And Congressmembers To Oppose
The Ratification Of The TPP Trade Treaty Agreement
[15-0233](#)

Attachments: [View Report](#)
[View Supplemental Report](#)
[View Supplemental Report](#)

There was one speaker on this item.

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

Absent: 1 - Brooks

**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:**

- 9.1** Subject: Amending The FY 2015-16 Master Fee Schedule
From: Finance Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Amending Ordinance 13320 C.M.S. (The FY 2015-16 Master Fee Schedule, "MFS"), To Establish, Modify And Delete Fees And Penalties, And Issue Fee Refunds Assessed By Offices, Departments, Bureaus, And Agencies Of The City Of Oakland
[15-0191](#)

Attachments: [View Report](#)
[View Supplemental Report](#)
[View Supplemental Report](#)

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 7:42 p.m.

Two individuals spoke on this item.

Councilmember Kalb made a motion, seconded by Vice Mayor Kaplan, to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid and Council President Gibson McElhaney, and 1 Absent - Brooks.

The Council approved the Ordinance as amended to reduce the Planning Commission fee to \$890, reduce Notice fee to \$524, and add the following addition: "Except that in no case shall the inspection fee exceed the amount of the construction value."

A motion was made by Kalb, seconded by Kaplan, that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 11/17/2015. The motion carried by the following vote:

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

Absent: 1 - Brooks

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 10 THIS NUMBER INTENTIONALLY NOT USED**

- 11 Subject: Extending Contracts To Townsend Public Affiars
From: Office Of The Mayor
Recommendation: Adopt A Resolution Extending Contracts With Townsend Public Affiars To Continue Services As The City Of Oakland's State Lobbyist From September 30, 2015 To September 30, 2017 And Increasing The Contract Amount By \$252,000 For A Total Of \$556,500 And To Continue Services As The City Of Oakland's Federal Lobbyist From September 30, 2015 To September 30, 2017 And Increasing The Contract Amount By \$144,000 For A Total Of \$312,000, And Waiving Advertising And The RFP Process For Each Contract
[15-0138](#)

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

There were 2 speakers on this item.

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

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

Absent: 1 - Brooks

- 12 Subject: AC Transit Service Expansion Plan
From: Vice Mayor Kaplan
Recommendation: Receive An Informational Presentation From AC Transit Regarding Their Service Expansion Plan And The Proposed Changes To Routes And Schedules In Oakland
[15-0269](#)

Attachments: [View Report](#)

The Council requested follow up on the F Line bus and Foothill/Telegraph potential connection.

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

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

Absent: 1 - Brooks

13 Subject: Appropriate Justice Assistance Grant (JAG) Funds
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or
Designee, To Accept And Appropriate The Fiscal Year 2015 Edward Byrne Memorial
Justice Assistance Grant (JAG) Funds In The Amount Of Five Hundred Fifty-Six
Thousand, Seven Hundred Eighty-Nine Dollars (\$556,789) For October 1, 2014
Through September 30, 2018
[15-0185](#)

Attachments: [View Report](#)

There were 3 speakers on this item.

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

Aye: 6 - Campbell Washington, Gallo, Guillén, Kalb, Reid, and Gibson McElhane

No: 1 - Kaplan

Absent: 1 - Brooks

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 Clyde Grimes, Steve Sexton, Tulip Sudduth,
Ray Ranieri and Rosalee Greenberg at 8:45 p.m.*

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and
Committee meetings please contact the Office of the City Clerk. When possible,
please notify the City Clerk 48 hours prior to the meeting so we can make
reasonable arrangements to ensure accessibility. Also, in compliance with
Oakland's policy for people with environmental illness or multiple chemical
sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk - Agenda Management Unit

Phone: (510) 238-6406

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 238-3254

THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR OVER THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO ENSURE THE SAFETY OF THOSE ATTENDING MEETINGS.

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.

ATTACHMENT A

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: ***Tuesday, November 3, 2015***

The Council made a final decision in Closed Session on one item of Anticipated Litigation:

NAME OF ACTION:

Claim of Ayele Bireda
OCA Claim No. C30634
(Oakland Police Department – Automobile Accident)

This matter is listed as **Item No. 2** on the Closed Session Agenda:

The Council authorized settlement in the amount of **\$6,500**

This case arose out of incidents that occurred on **April 22, 2015**

FACTS/ISSUES:

On April 22, 2015, OPD Officer collided with Mr. Bireda's vehicle. Mr. Bireda submitted a claim for the value of his vehicle, a 2003 Honda Civic, because repairs costs exceeded the value. This settlement will resolve all claims in this matter.

Motion Made by: Councilmember Kaplan

Motion Seconded by: Councilmember Kalb

AYES: ~~Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson~~
McElhaney = **7**

NOES: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson
McElhaney =

ABSENT: ~~Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President~~
Gibson McElhaney = **1**

ABSTENTIONS: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and
President Gibson McElhaney =

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: ***Tuesday, November 3, 2015***

The Council made a final decision in Closed Session on one item of Litigation:

NAME OF ACTION:

**Barbara Campbell-Merriouns v. City of Oakland, et al.
Alameda County Superior Court Case No. RG14732663
(Public Works – Dangerous Condition)**

This matter is listed as **Item No. 1(b)** on the Closed Session Agenda:

The Council authorized settlement in the amount of **\$25,000**

This case arose out of incidents that occurred on **September 24, 2013**

FACTS/ISSUES:

Plaintiff, Ms. Campbell-Merriouns, tripped and fell on a cracked sidewalk near the entrance to the Downtown Oakland Senior Center at 200 Grand Ave., sustaining hip injuries. She filed suit seeking recovery of economic and non-economic damages. This settlement will resolve all claims in this matter.

Motion Made by: Councilmember Campbell-Washington

Motion Seconded by: Councilmember Kaplan

AYES: ~~Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson~~
McElhaney = **7**

NOES: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson
McElhaney =

ABSENT: ~~Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President~~
Gibson McElhaney = **1**

ABSTENTIONS: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and
President Gibson McElhaney =