



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, March 17, 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 5:36 p.m.

2 ROLL CALL / CITY COUNCIL

The Roll Call was modified to note Councilmember Gallo present at 5:38 p.m. and excused at 6:02 p.m.

The Roll Call was modified to note Councilmember Gibson McElhaney present at 5:53 p.m.

Excused 1 - Noel Gallo

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

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

There were 11 Open Forum speakers.

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

Councilmember Kalb took a point of personal privilege and requested that the meeting be adjourned in memory of Celeste Howe. Council President Gibson McElhaney requested association with this adjournment.

Councilmember Campbell Washington took a point of personal privilege and requested that the meeting be adjourned in memory of Michael Bailey and Devon Ellis.

President Pro Tempore Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Louis Ballager and Officers Daniel Sakai, Ervin Romans, Mark Dunakin and John Hege. Vice Mayor requested association with the adjournment of the Officers.

Council President Gibson McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Chyemil Pierce. Vice Mayor Kaplan requested association with this adjournment.

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETINGS OF MARCH 2, 2015 AND MARCH 3, 2015

14-0605

Attachments: [View Report.pdf](#)

[View Report.pdf](#)

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

Excused: 1 - Gallo

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

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:

There were 9 speakers on Consent items.

Approval of the Consent Agenda

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

Excused: 1 - Gallo

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

- 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
14-0606

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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
14-0607

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

- 7.3 Subject: Amendment To The Oakland Housing Authority Board Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Amending Resolution No. 85352 C.M.S., Which Confirmed The Mayor's Appointment Of Donna Griggs Murphy To The Oakland Housing Authority Board To A Non-Tenant Seat, To Correct The Term Of Appointment, Which Should Commence July 1, 2014 And End June 30, 2018
14-0491

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This City Resolution was Adopted.

- 7.4 Subject: Housing, Residential Rent And Relocation Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Jessica "Jessie" Warner, Tyfahra D. Singleton And Reappointment Of Noah Frigault To The Housing, Residential Rent And Relocation Board [TITLE CHANGE]
14-0314

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This City Resolution was Adopted.

- 7.5** Subject: WPAD Advisory Board Appointment - Petouhoff
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Mike Petouhoff As A Member Of
The Wildfire Prevention And Assessment District Advisory Board
14-0510

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[View Supplemental Report.pdf](#)

**This City Resolution was Adopted as Amended to strike Councilmember
Campbell Washington as a recommending party to the appointment.**

- 7.6** Subject: Settlement Agreement - Steven Angell 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 Steven Angell, Et Al. V. City Of Oakland, Et
Al., United States District Court Case No. C13-0190 NC, City Attorney's File No.
29093 In The Amount Of Nine Hundred Thirty Thousand Dollars And No Cents
(\$930,000.00) (OPD)
14-0626

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This City Resolution was Adopted.

- 7.7** Subject: Affirming Oakland's Opposition To "Sex-Selective Abortion Bans"
From: Councilmembers Campbell Washington And Guillen
Recommendation: Adopt A Resolution Affirming Oakland's Opposition To
"Sex-Selective Abortion Bans" That Perpetuate Racial Stereotypes
14-0614

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This City Resolution was Adopted.

- 7.8** Subject: Resolution To Support The Constitutional Right To Vote
From: Council President Gibson McElhaney
Recommendation: Adopt A Resolution To Support Congressional House Joint
Resolution 25 Proposing An Amendment To The Constitution Of The United States
To Include Provisions Declaring The Rights Of Citizens To Vote, To Promote
Democracy And Prevent Political, Racial And Discriminatory Limitations On Voting
Access [TITLE CHANGE]

14-0571

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This City Resolution was Adopted.

- 7.9** Subject: Support For AB 96: Prohibiting The Sale Of Ivory
From: Council President Gibson McElhaney
Recommendation: Adopt A Resolution In Support Of Assembly Bill 96 Prohibiting The
Sale Of Ivory And Rhinoceros Horn In California

14-0573

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This City Resolution was Adopted.

- 7.10** Subject: Support For Moratorium On Fracking In California
From: Councilmembers Kaplan, Kalb, McElhaney And Guillen
Recommendation: Adopt A Resolution In Support Of A Request To The Governor To
Adopt A Moratorium On Fracking In California

14-0535

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[View Supplemental Report.pdf](#)

This City Resolution was Adopted.

- S7.11** Subject: Civil Service Exemption For Employee And Labor Relations Analyst, Senior
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of
Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Create The Classification Of
Employee And Labor Relations Analyst, Senior

14-0419

Attachments: [View Report.pdf](#)

**This Ordinance was Approved On Introduction and Scheduled for Final Passage.
to the Meeting of the Oakland City Council on 3/31/2015**

2) A Resolution Recommending To The Civil Service Board The Exemption Of The Following Classification From The Operation Of Civil Service: Employee And Labor Relations Analyst, Senior

14-0481

This City Resolution was Adopted.

- S7.12** Subject: Amending The Salary Schedule Of Ordinance No. 12187 C.M.S.
From: Employee Relations
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance 12187 C.M.S. (The Salary Ordinance) To Increase Salaries For Classifications Represented By The Oakland Police Officers' Association (OPOA) And Oakland Police Management Association (OPMA) In The Amounts Set Forth In The Adopted July 1, 2006 Through June 30, 2015 Memoranda Of Understanding (MOUs)
14-0580

Attachments: [View Report.pdf](#)

This Ordinance was Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council on 03-31-2015

- S7.13** Subject: TFCA Funding For Bike Share, City Racks, And The Broadway "B" Shuttle
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate Nine-Hundred Thousand Six-Hundred Sixteen Dollars (\$900,616.00) In Transportation Funds For Clean Air (TFCA) County Program Manager Funds To Implement The Oakland Bike Share Program, Eighty-Eight Thousand Dollars (\$88,000.00) To Implement The Cityracks Bicycle Parking Program, Phase II, And Forty-One Thousand Five-Hundred Dollars (\$41,500.00) For The Oakland Broadway "B" Shuttle Peak Hour Operations
14-0543

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

S7.14 Subject: Latham Square Streetscape Improvements
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution To Award A Construction Contract To McGuire And Hester, The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications For The Latham Square Streetscape Improvements (Project No. C464560) And With Contractor's Bid In The Amount Of Four Million One Hundred Ninety Thousand One Hundred Fifty-Six Dollars (\$4,190,156.00); And

14-0561

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This City Resolution was Adopted.

2) A Resolution To Authorize The City Administrator Or Designee To Negotiate And Execute A Reimbursement Agreement With East Bay Municipal Utilities District ("EBMUD") In The Amount Not To Exceed Three Hundred Thousand Dollars (\$300,000.00) And To Accept And Appropriate These Funds For The Construction And City Staff Costs Associated With The Construction Of EBMUD Water Main Relocation For The Latham Square Project (No. C464560)

14-0602

This City Resolution was Adopted.

S7.15 Subject: Report From OPD Regarding Recent Demonstrations
From: Councilmember Dan Kalb
Recommendation: Receive An Informational Report From The Oakland Police Department (OPD) On Planning For And Responding To Recent Demonstrations And Subsequent Violence And Vandalism And Resulting Prosecution

14-0444

Attachments: [View Report.pdf](#)

This Informational Report was Received and Filed.

S7.16 Subject: Assignment Of Oakland Marriott Hotel City Center Ground Lease
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The Interim City Administrator To Execute A Consent To An Assignment Of The Oakland Marriott Hotel City Center Ground Lease To AGRE DCP Oakland City Center Owner LLC, Or A Related Entity

14-0562

Attachments: [View Report.pdf](#)

This City Resolution was Adopted.

S7.17 Subject: Settlement Agreement Metropolitan Golf Links FY 2013-14 Rental
Obligation
From: Oakland Parks & Recreation Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His
Designee To: 1) Execute A Settlement Agreement With The Port Of Oakland And
Oakland Golf LLC With Respect To Metropolitan Golf Links Golf Course Fiscal Year
2013-2014 Rental Obligations; 2) Execute A Fourth Supplemental Lease Agreement
With The Port For The Lease Of The Metropolitan Golf Links Golf Course; And 3)
Execute A Second Amendment To The Sublease And Operating Agreement With
Oakland Golf LLC For The Operation Of The Metropolitan Golf Links Golf Course
14-0568

Attachments: [View Report.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 no final decisions
made during Closed Session. The motion carried by the following vote:

Excused: 1 - Gallo

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

**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 Oakland Municipal Code Chapter 12.12 - Excavation
From: Oakland Public Works Department
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code (OMC) Chapter 12.12-Excavation To Enhance Preservation Of City's Street And Sidewalk Assets
14-0417

Attachments: [View Report.pdf](#)
[View Supplemental Report.pdf](#)
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Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 6:45 p.m.

One individual spoke on this item.

President Pro Tempore Reid made a motion, seconded by Councilmember Campbell Washington, to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Brooks, Campbell Washington, Guillen, Kalb, Kaplan, Reid and Council President Gibson McElhane, and 1 Excused: Gallo.

A motion was made by Reid, seconded by Campbell Washington, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 3/31/2015. The motion carried by the following vote:

Excused: 1 - Gallo

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

9.2 Subject: Car Share Policy, Ordinance, Master Fee Changes & External Funding
From: Oakland Public Works Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The
Following Pieces Of Legislation:

1) A Resolution Approving A Car Sharing Policy; 2) Accept And Appropriate Three
Hundred Twenty Thousand Five Hundred And Twenty-Six Dollars (\$320,526.00) In
Cycle 2 Congestion Mitigation And Air Quality (CMAQ) Program Funds From The
Metropolitan Transportation Commission; 3) Commit Matching Funds Of 20.00% Of
The Grant Amount, Or Sixty-Four Thousand One Hundred Five Dollars (\$64,105.00);
And

14-0500

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

*Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at
7:02 p.m.*

4 individuals spoke on this item.

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

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

Excused: 1 - Gallo

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

2) A Resolution Authorizing The Filing Of An Application For Funding Assigned To
MTC And Committing Any Necessary Matching Funds And Stating The Assurance To
Complete The Project; And

14-0501

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

Excused: 1 - Gallo

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

Subject: Car Share Policy, Ordinance, Master Fee Changes & External Funding
From: Oakland Public Works Department
Recommendation: Adopt An Ordinance That Amends Title 10.44 And Title 10.71 Of
The Oakland Municipal Code To Establish New Parking Permits To Eligible Car
Sharing Organizations; And Amend Ordinance Number 13184 C.M.S. (The FY
2013-14 Master Fee Schedule, Or "MFS") To Establish Fees For The New Permits
14-0502

**A motion was made by Kaplan, seconded by Kalb, that this matter be Approved
On Introduction and Scheduled for Final Passage to the Meeting of the Oakland
City Council, to be heard 3/31/2015. The motion carried by the following vote:**

Excused: 1 - Gallo

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

9.3 Subject: Assessment Of Liens For Delinquent Real Property Transfer Taxes
From: Finance Department
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
14-0596

Attachments: [View Report.pdf](#)

***Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at
7:11 p.m.***

No individuals spoke on this item.

***President Pro Tempore Reid made a motion, seconded by Vice Mayor Kaplan, to
close the Public Hearing, and hearing no objections, the motion passed by 7
Ayes: Brooks, Campbell Washington, Guillen, Kalb, Kaplan, Reid and Council
President Gibson McElhane, and 1 Excused: Gallo.***

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

Excused: 1 - Gallo

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

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

14-0597

This City Resolution was 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 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

14-0598

This City Resolution was Not Adopted.

9.4 Subject: Assessment Of Liens For Delinquent Garbage Fees
From: Finance Department

Recommendation: Conduct A Public Hearing On Delinquent Garbage Fees For July/August/September 2014 Monthly Accounts And October -December 2014 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

14-0599

Attachments: [View Report.pdf](#)

Upon the reading of Item 9.4 by the City Clerk, the Public Hearing was opened at 7:12 p.m.

No individuals spoke on this item.

President Pro Tempore Reid made a motion, seconded by Vice Mayor Kaplan, to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Brooks, Campbell Washington, Guillen, Kalb, Kaplan, Reid and Council President Gibson McElhane, and 1 Excused: Gallo.

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

Excused: 1 - Gallo

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

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

14-0600

This City Resolution was 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

14-0601

This City Resolution was Not Adopted.

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

S-11 Subject: I-880 Integrated Corridor Management North Alameda Segment Project
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee To Negotiate And Enter Into A Memorandum Of Understanding (MOU) With The Metropolitan Transportation Commission, For The Interstate 880 Integrated Corridor Management (I-880 ICM) North Alameda Segment Project (Project) To Provide Transportation Improvements In Oakland. The Project Consists Of Interconnected Traffic Signals, Electronic Guide Signs, Monitoring Cameras And Other Equipment To Manage Traffic During Emergencies And Incidents On Interstate 880 That Impact City Of Oakland Streets That Are Near The Freeway

14-0560

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A motion was made by Reid, seconded by Guillén, that this matter be Adopted as Amended that the item will return once the MOU is drafted for final approval by City Council. The motion carried by the following vote:

Excused: 1 - Gallo

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

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 Celeste Howe, Michael Bailey, Devon Ellis, Louis Ballanger, Officers Daniel Sakai, Ervin Romans, Mark Dunakin and John Hege, and Chyemil Pierce at 7:17 p.m.

Americans With Disabilities Act

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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.