



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, April 01, 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 5:40 PM.

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 4 Open Forum speakers.

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

Vice Mayor Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Ann Taylor. Councilmembers Schaaf, Kernighan and Brooks requested association with this adjournment.

Councilmember Schaaf took a point of personal privilege and requested that the meeting be adjourned in memory of Lewis Mahlmann.

Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Robert Mix.

Mayor Quan took a point of personal privilege and requested that the meeting be adjourned in memory of Anita Kelley Maher.

- 4.1 Subject: Victims Support Month
From: Councilmember Lynette Gibson McElhaney
Recommendation: Adopt A Resolution Proclaiming April As Victims Support Month In The City Of Oakland; Acknowledging The Significant Impact That Crimes Have Upon Victims And Their Families For Years After Those Crimes Have Occurred; And Recognizing And Honoring The Many Organizations In Oakland Which Provide Services, Support, And Counseling To Victims Of Crime And Their Families
[13-0391](#)

A motion was made by Councilmember Gibson McElhaney, seconded by Vice Mayor Reid, 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
There were no speakers on this item.

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- 4.2 Subject: Cesar Chavez Day
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution In Celebration Of Cesar Chavez Day Honoring Oakland Latinos And Latinas Who Through Their Leadership And Community Service Have Continued The Legacy Of Cesar Chavez
[13-0398](#)

A motion was made by Vice Mayor Reid, seconded by Councilmember Schaaf, 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
There were no speakers on this item.

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- 4.3 Subject: Voluntary 10% Cutback In Water Usage
From: Council President Patricia Kernighan
Recommendation: Receive An East Bay Municipal Utility District (EBMUD) Presentation On Voluntary 10% Cutback In Water Usage
[13-0387](#)

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF MARCH 18, 2014

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

Votes: ORA\Councilmember Absent: 1 - Councilmember Gallo
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, 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):

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
[13-0424](#)

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
[13-0425](#)

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: Oakland Youth Advisory Commission Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Rebecca Dharmapa, Takai Ginwright,
Mahlik Smith, Jamila Coleman, Eleanor Good As Members Of The Oakland Youth Advisory
Commission
[13-0426](#)

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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7.4 Subject: Citizen's Police Review Board Appointment - Sokhom Mao
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Sokhom Mao To The Citizen's Police Review Board
[13-0452](#)

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

Votes: ORA\Councilmember Noes: 1 - Councilmember Schaaf
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid and Council President Kernighan
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7.5-CC Subject: Settlement Agreement - Dulcey Bower 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 Dulcey Bower v. City Of Oakland, Alameda County Superior Court Case No. RG12-634283, City Attorney File Number 28770, In The Amount Of \$3,250,000.00 (Public Works Agency - Dangerous Condition/Bicycle Accident)
[13-0442](#)

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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7.6-CC Subject: Settlement Agreement - Marilyn Johnson v. City Of Oakland, Et Al.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Marilyn Johnson v. City Of Oakland, Et Al., Alameda
County Superior Court Case No. RG11-604205, City Attorney's File No. 28468 In The Amount
Of Thirty-Six Thousand Dollars And No Cents (\$36,000.00) As A Result Of A Trip And Fall
Accident (Public Works Agency - Trip And Fall)
[13-0443](#)

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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7.7-CC Subject: Settlement Agreement - Brandon Chuman 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 Brandon Chuman v. City Of Oakland, Et Al., Contra
Costa Superior Court Case No. MSC13-02186, City Attorney's File No. 29543, In The Amount
Of Thirty Thousand Dollars (\$30,000.00) (Oakland Police Department - Police Dog Bite)
[13-0444](#)

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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7.8-CC Subject: Walk To Work Day In Oakland
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution Proclaiming Thursday, April 3, 2014 As Walk To
Work Day In The City Of Oakland
[13-0447](#)

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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7.9-CC Subject: Brain Health Registry Day
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution To Declare April 8th Brain Health Registry Day In The
City Of Oakland
[13-0449](#)

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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7.10-CC Subject: Ordinance Expanding Park Areas Permitting Dogs
From: Department Of Parks And Recreation
Recommendation: Adopt An Ordinance Amending Section 6.04.080 Of The Oakland
Municipal Code, Dogs At Large In Parks, To Designate Additional Areas As Permitted
On-Leash And Off-Leash Areas
[13-0280](#)

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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7.11-CC Subject: Amendments To Debt Service Regulations
From: Department Of Housing And Community Development
Recommendation: Adopt An Ordinance Amending The Rent Adjustment Ordinance (O.M.C.
Sections 8.22.020 And 8.22.070) To Eliminate Debt Service As A Justification For A Rent
Increase
[13-0342-3](#)

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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7.12-CC Subject: AB 1999: Economic Development & Historic Preservation Tax Credit Act
From: Vice Mayor Reid And Councilmembers Schaaf And Gibson McElhaney
Recommendation: Adopt A Resolution In Support Of Assembly Bill 1999 (Atkins), The
California Economic Development And Historic Preservation Tax Credit Act
[13-0400](#)

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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7.13 Subject: Compliance Director Professional Services Contract Amendments
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Professional Services Contract With Warshaw & Associates Inc. To Provide Compliance Director Services Regarding The Negotiated Settlement Agreement In Delphine Allen V. City Of Oakland For One Year, In An Amount Not To Exceed One Hundred Sixty Five Thousand Dollars (\$165,000), And Waiving The Competitive Advertising And Request For Proposals/Qualifications Process
[13-0440](#)

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

Votes: ORA\Councilmember Noes: 1 - Councilmember Gallo
ORA\Councilmember Ayes: 7 - Councilmember Brooks, 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: Fiscal Year 2014-2015 LLAD Assessment Process
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Initiating The FY 2014-15 Assessment Process For The City Of Oakland Landscaping And Lighting Assessment District And Authorizing The City Administrator To Order A Preliminary Engineers' Report Pursuant To The California Streets And Highways Code
[13-0405](#)

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: Measure C - Oakland Hotel Tax Audit And Status Report
From: Office Of The City Administrator
Recommendation: Receive An Informational Report Regarding Measure C - Oakland Hotel
Tax Audit And Program Status Report
[13-0362](#)

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-7.16-CC Subject: Measure DD Series 2009B Fund Report Audit Of Financial Statements
From: Office Of The City Administrator
Recommendation: Receive An Informational Report Regarding Measure DD Series 2009B
Fund Report On Audit Of Financial Statements For The Period Of July 22, 2009 Through June
30, 2012
[13-0363](#)

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-7.17-CC Subject: ORSA Audit Report For Fiscal Year 2012-2013
From: Office of the City Administrator
Recommendation: Receive The Oakland Redevelopment Successor Agency (ORSA) Audit
Report For Fiscal Year (FY) 2012-2013
[13-0380](#)

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-7.18-CC Subject: Comprehensive Annual Financial Report And Management Letter
From: Office Of The City Administrator
Recommendation: Receive An Informational Report Regarding The Comprehensive Annual
Financial Report And Management Letter For Fiscal Year 2012-2013
[13-0333](#)

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-7.19-CC Subject: Authorizing Execution Of Funding Agreements With CalTrans
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Assistant City Administrator, Deputy City Administrator, Public Works Director, And/Or Assistant Public Works Director To Execute Funding Agreements With The California Department Of Transportation For Transportation Infrastructure And/Or Planning Grants
[13-0410](#)

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-7.20-CC Subject: Measure DD Fund Report And Reallocation
From: Public Works Agency
Recommendation: Receive An Informational Update On Measure DD, The Oakland Trust For Clean Water And Safe Parks, And Adopt A Resolution To 1) Approve The Reallocation Of Measure DD Bond Series 2009B Proceeds, And 2) Authorize The City Administrator, Or The City Administrator's Designee, To Make Final Adjustments To The Allocations Of Measure DD Series 2009B Bond Proceeds As The City Administrator Deems Necessary For The Timely Completion Of Measure DD Projects
[13-0355](#)

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-7.21-CC Subject: ENA Extension For Recycling Project
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And
Execute A Second Amendment To The City's Exclusive Negotiating Agreement (ENA) With
California Waste Solutions, Inc. And Cass, Inc., Regarding A Proposed Recycling Project On
Up To Approximately 20 Acres In The North Gateway Area Of The Former Oakland Army
Base Extending The ENA To December 15, 2014
[13-0406](#)

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-7.22-CC Subject: Bike Pedestrian Anti-Harassment Ordinance
From: Councilmember Libby Schaaf
Recommendation: Adopt An Ordinance Adding Chapter 12.61 To Article 12 ("Streets,
Sidewalks, And Public Places") Of The Oakland Municipal Code To Prohibit Endangerment Of
Vulnerable Roadway And Sidewalk Users (Pedestrians And Bicyclists)
[13-0372](#)

**This Matter was Approved On Introduction and Scheduled for Final
Passage to the Meeting of the Oakland City Council, to be heard at the
April 22, 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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S-7.23-CC Subject: Project Safe Neighborhoods Grant Funds
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee,
On Behalf Of The City Of Oakland (City), To Accept And Appropriate Grant Funds In The
Amount Of Five Hundred Thousand Dollars (\$500,000) From The U.S. Department Of Justice
(DOJ), Office Of Justice Programs, Bureau Of Justice Assistance (BJA), To Fund Project Safe
Neighborhoods (PSN), A Ceasefire Strategy By The Oakland Police Department (OPD)
[13-0402](#)

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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Passed The Consent Agenda

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Kalb, 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 President Pro Tempore Kaplan, seconded by Councilmember Gibson McElhaney, to *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:

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:**

9.1 Subject: Amending Density Bonus Ordinance
 From: Department Of Planning And Building
 Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, As
 Recommended By The City Planning Commission, Amending The Oakland Planning Code To
 Update Chapter 17.107 Density Bonus And Incentive Procedure
 [13-0403](#)

A motion was made by Vice Mayor Reid, seconded by President Pro Tempore Kaplan, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard at the April 22, 2014 meeting. 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

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 7:07 p.m.

One individual spoke on this item.

Vice Mayor Reid made a motion, seconded by President Pro Tempore Kaplan to close the Public Hearing, and hearing no objections, the motion passed by 8 Ayes: Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and President Kernighan.

[View Report.pdf](#)

9.2 Subject: Extend Interim Controls On Crematoriums
 From: Department Of Planning And Building
 Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Emergency
 Ordinance Pursuant To Charter Section 213, Extending By One Hundred And Eighty (180)
 Days Emergency Ordinance Number 13196 C.M.S. Requiring A Major Conditional Use Permit
 To Establish A Crematorium Within The City Of Oakland, To Take Effect Immediately Upon
 Introduction And Adoption (Extends The One Hundred And Eighty (180) Day Emergency
 Ordinance Adopted October 15, 2013)
 [13-0445](#)

A motion was made by Vice Mayor Reid, seconded by Councilmember Gibson McElhaney, that this matter be Approved for Final Passage. 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

Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 7:15 p.m.

No individuals spoke on this item.

Vice Mayor Reid made a motion, seconded by Councilmember Gibson McElhaney, to close the Public Hearing, and hearing no objections, the motion passed by 8 Ayes: Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and President Kernighan.

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ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

S-11 Subject: Support For Assembly Bill No. 2310 Re City Attorney Eviction Authority
From: Office Of The City Attorney
Recommendation: Adopt A Resolution To Support California Assembly Bill No. 2310
Immediately Reinstating Section 3485 To The California Civil Code Which Authorizes City
Attorneys To File An Action For Unlawful Detainer To Abate A Nuisance Caused By Illegal
Conduct Involving Weapons Or Ammunition On Real Property
[13-0448](#)

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

Votes: ORA\Councilmember Absent: 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 the resolution as amended to include the following revisions to read as follows:

WHEREAS, the bill would apply to the Counties of Alameda (only cases arising in Oakland), Los Angeles, San Diego and Sacramento and the City Council wishes to ensure Oakland remains part of the legislation; and

RESOLVED: that the City of Oakland supports Assembly Bill No. 2310 immediately reinstating Section 3485 to the California Civil Code to include the City of Oakland and authorizing the Oakland City Attorney to file an action for unlawful detainer to abate a nuisance caused by illegal conduct involving weapons or ammunition on real property.

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S-12 Subject: Regulating Unattended Donation Boxes
From: Department Of Planning And Building
Recommendation: Receive An Informational Report And Request For Direction On The
Process Of Developing Regulations On Unattended Donation Boxes (UDBs) In The City Of
Oakland
[13-0407](#)

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 Noes: 1 - Councilmember Gallo
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan
Councilmember Brooks made a motion, seconded by Councilmember Schaaf, to direct staff to:

- A. Bring, as soon as possible, either regulations to ban or an emergency ordinance to create a moratorium on prospective Unattended Donation Boxes; and*
- B. Develop stringent regulations for existing boxes, including but not limited to, consideration of the points from Council President Kernighan's memo:*
 - 1. Permit: Permit required for each unattended donation box; Track 1 Design Review and Site Inspection required for each permit, which we understand currently will cost \$1,251;*
 - 2. Application: Application to include a signed authorization from owner of property granting permission for installation of box, and a signed affidavit from owner of property accepting responsibility for any blighted conditions associated with the box;*
 - 3. Renewal of Permit: Permit must be renewed annually; annual renewal fee required multiple violations not addressed immediately will result in revocation or non-renewal of permit*
 - 4. Location: Boxes may not be located within 20 feet of the public right-of-way or other public property, nor within 2,500 feet of another box; no more than one box on a single parcel; boxes not permitted on vacant lots or properties with all closed businesses*
 - 5. Trash and graffiti removal: On a daily basis operator required to remove all clothing, litter, trash and debris within 20 feet of the box and remove graffiti on box*
 - 6. Signage: Signage required on each box in keeping with the California Welfare and Institutions Code; contact information for Code Enforcement required on each box*
 - 7. Penalties and fines: Penalty assessed for installation of a box without the required permit. Fines to be assessed for violations such as*

repeated failure to maintain the box and its immediate surrounding as mandated by the ordinance

8. *Removal: With due process City authorized to remove a box for violating a compliance order and charge the operator the cost of said removal if a written order to do so is not executed within 30 days*

9. *Exceptions: Exception to these provisions made for boxes totally inside a building's premises and not visible from the public right-of-way; exception to permit requirement but not performance standards/enforcement made for boxes that are determined to be in keeping with the property's primary use.*

The motion passed with a vote of 7 Ayes, 1 No - Gallo.

There were nine speakers on this item.

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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 Ann Taylor, Lewis Mahlman, Robert Mix and Anita Kelley Maher at 8:32 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) 238-3226

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

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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.

City Clerk and Clerk of the Council