



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

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

Tuesday, December 10, 2013

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 5:36 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 11 Open Forum speakers.

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Erin Breckenridge

Councilmember Gibson-McElhaney took a point of personal privilege and requested that the meeting be adjourned in memory of Ronald Owens and Nelson Mandela.

Councilmember Gallo took a point of personal privilege and requested that the meeting be adjourned in memory of Michael Stainer.

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

- 4.1 Subject: Honoring Mark Morodomi
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Honoring Supervising Deputy City Attorney Mark T. Morodomi For 13 Years Of Exemplary Service To The City Of Oakland
[13-0198](#)

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

Votes: ORA\Councilmember Excused: 1 - President Pro Tempore Kaplan
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan
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- 4.2 Subject: Honoring Vertis Whitaker
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution Recognizing Vertis Whitaker For Serving The Oakland Community As The Beat 10Y NCPC Chair For Over 15 Years
[13-0200](#)

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

Votes: ORA\Councilmember Excused: 1 - President Pro Tempore Kaplan
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan
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- 4.3 Subject: Honoring African American Students With Perfect CST Scores
From: Councilmembers Schaaf And Gibson McElhaney And The City Attorney
Recommendation: Adopt A Resolution Honoring The Twenty Oakland African American Students Who Achieved Perfect Scores On Their 2013 California Skills Test For Their Tremendous Dedication And Perseverance
[13-0161](#)

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 Excused: 1 - President Pro Tempore Kaplan
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan
There were two speakers on this item.

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The Roll Call was modified to note President Pro Tempore Kaplan present at 6:28 P.M.

- 4.4 Subject: Honoring Wend Jung And Family
From: Councilmember Noel Gallo And Council President Patricia Kernighan
Recommendation: Adopt A Resolution Acknowledging Wendy Jung And Family For Her Service Provided To Oakland As A Woman Small Business Owner, Community Partner, And Volunteer To Improve The City Of Oakland
[13-0212](#)

A motion was made by Councilmember Gallo, seconded by Council President Kernighan, 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 NOVEMBER 19, 2013

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 Ayes: 8 - Councilmember Brooks, Councilmember Gallo, 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):

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

President Kernighan re-ordered the agenda in the following order:

16, S-22, 17, 18, S-24, S-26, S-21, S-23, 15, 12, S-20, 13 and 14, S-25, 11, S-19

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
[13-0217](#)

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
[13-0218](#)

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: Honoring Joseph Haraburda
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Honoring Joseph Haraburda For A Quarter Century Of
Service Marked By Numerous Accomplishments, A Powerful Downtown Monument And
Regional Economic Leadership
[13-0204](#)

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-CC Subject: Honoring Urban ReLeaf
From: Councilmember Gallo
Recommendation: Adopt A Resolution Recognizing Urban ReLeaf, A Non-Profit Urban Forestry Organization Based In Oakland For Their 15th Year Anniversary And For Their On Going Contributions To Oakland By Planting Trees, Supporting The Youth, And Enriching Communities
[13-0210](#)

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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7.5-CC Subject: Settlement Agreement - Jeffries 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 Don G. Jeffries v. City Of Oakland, Et Al, Alameda County Superior Court Case No. RG10545421, City Attorney's File No. 27220, In The Amount Of Four Hundred Thousand Dollars And No Cents (\$400,000.00) Arising Out Of Mr. Jeffries' Employment Discrimination . Allegations (City Administrator's Office - Employment Discrimination)
[13-0164](#)

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: Amending Oakland Municipal Code - Residential Permit Parking
From: Public Works Agency
Recommendation: Adopt An Ordinance Amending Title 10.44 Of The Oakland Municipal Code Clarifying And Updating Residential Permit Parking
[13-0142](#)

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: Oakland Army Base Utility Agreements
From: Office Of The City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Authorizing The City Administrator To Negotiate And Execute Temporary Easements With Pacific Bell Telephone Company, A California Corporation, DBA AT&T California ("AT&T"), For Temporary Relocation Of Telecommunication Lines And Any Associated Or Related Equipment Or Facilities To Facilitate The Public Infrastructure Project On The Former Oakland Army Base; And

[13-0148](#)

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 Authorizing The City Administrator To Negotiate And Execute Easements With Pacific Gas And Electric Company, A California Corporation ("PG&E"), For Installation, Maintenance, And Operation Of A High Pressure Gas Line, Gas Regulator Stations, And Any Associated Or Related Equipment Or Facilities, To Facilitate The Public Infrastructure Project On The Former Oakland Army Base; And

[13-0148-1](#)

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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3) An Ordinance Authorizing The City Administrator To Negotiate And Execute Easements With Pacific Gas And Electric Company, A California Corporation ("PG&E"), For Installation, Maintenance, And Operation Of Transmission Gas Lines, Distribution Gas Lines, And Any Associated Or Related Equipment Or Facilities, To Facilitate The Public Infrastructure Project On The Former Oakland Army Base

[13-0148-2](#)

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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S-7.8-CC Subject: Amended Ammunition Purchasing Contract
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee:
To Amend The Awarded Contract Amounts To San Diego Police Equipment, A Corporation,
Contract Purchase Order (CPO) No. 2013014316, By Increasing The Award Amount From
Four Hundred Twenty-Four Thousand, Four Hundred Thirteen Dollars (\$424,413) To An
Amount Not To Exceed Five Hundred Eighty-Seven Thousand, Nine Hundred Fourteen Dollars
(\$587,914) And To Adamson Police Products, A Corporation, CPO No. 2013014320, By
Increasing The Award Amount From Eighty Thousand, Two Hundred Seventy-Nine Dollars
(\$80,279) To An Amount Not To Exceed One Hundred Forty-Five Thousand, Six Hundred
Seventy-Nine Dollars (\$145,679) Per Year For The Three Year Period Of July 1, 2013 To June
30, 2016 To Provide Duty And Practice Ammunition To The City Of Oakland (City) Police
Department In Accordance With Specification No. 13-680-04/Request For Quote (RFQ) No.
4449
[13-0186](#)

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: Sanitary Sewer Rehabilitation
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Award A Construction Contract To Mosto Construction, The Lowest Responsive And Responsible Bidder For The Rehabilitation Of Sanitary Sewers In The Easement Between Delmont Avenue And Edgemoor Place, The Easement Between Majestic Avenue And Laird Avenue, And The Easement Between Modesto Street And Madera Avenue (Project No, C329132) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Two Hundred Eighty-Three Thousand Five Hundred Sixty-Nine Dollars (\$283,569.00); And
[13-0188](#)

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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2) A Resolution Authorizing The City Administrator To Award A Construction Contract To Mosto Construction, The Lowest Responsive And Responsible Bidder For The Rehabilitation Of Sanitary Sewers In The Easement Between Thornhill Drive And Cabot Drive, And In Gouldin Road Between Alhambra Avenue And Armour Drive (Project No. C329133) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Two Hundred Sixty-Four Thousand Five Hundred Seventy-Five Dollars (\$264,575.00); And [13-0188-1](#)

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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3) A Resolution Authorizing The City Administrator To Award A Construction Contract To Pacific Trenchless, Inc., The Lowest Responsive And Responsible Bidder For The Rehabilitation Of Sanitary Sewers Bounded By MacArthur Boulevard, Maple Avenue, Barner Avenue, And Frye Street (Project No. C428510 Sub-Basin 80-102) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of One Million Three Hundred Fifty-Four Thousand Three Hundred Sixty-Seven Dollars (\$1,354,367.00); And [13-0188-2](#)

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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4) A Resolution Authorizing The City Administrator To Award A Construction Contract To J. Howard Engineering, Inc., The Lowest Responsive And Responsible Bidder For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Embarcadero Street, Dennison Street, King Street, Frederick Street, And Kennedy Street (Project No. C428610 Sub-Basin 61-01) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Eight Hundred Ninety-Six Thousand Eighty-Six Dollars (\$896,086.00) [13-0188-3](#)

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-7.10-CC Subject: Sanitary Sewer Pump Station Improvements
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Enter Into A Professional Services Agreement With Schaaf & Wheeler Consulting Civil Engineers For Engineering Services For Oakland's Sanitary Sewer Pump Station Improvements (Project No. C267630) In An Amount Not-To-Exceed Four Hundred Fifty Thousand Dollars (\$450,000.00)
[13-0189](#)

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: Contract Extension With Montclair Village Association
From: Public Works Agency
Recommendation: Adopt A Resolution Waiving Formal Advertising And Request For Proposals/Qualifications (RFP/Q) And Authorizing The City Administrator To 1) Continue To Extend The Existing Contract On A Month-To-Month Basis For A Period Not-To-Exceed Six Months From January 1, 2014 Through June 30, 2014, At A Compensation Rate Of Up To \$15,900 A Month (Including A \$900 Per Month Management Fee And Up To \$15,000 In Garage Operating Expenses) For A Total Not-To-Exceed Contract Amount Of \$95,400 And 2) Negotiate A New Contract For An Initial Period Of Three Years, With A Two-Year Extension, Contingent Upon Satisfactory Evaluation Of Performance, With Montclair Village Association For The Operation And Management Of Montclair Garage Located At 6235 La Salle Avenue And Scout Lot Located On 2250 Mountain Boulevard
[13-0190](#)

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 Subject: Oakland Army Base Contractor Laydown Uses And Campus Lease
From: Office Of Neighborhood Investment
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Negotiate And Execute An Amendment To The 5-Acre Lease With The Port Of Oakland To Amend The Permitted Use From Truck Parking And Truck Services To Contractor Laydown Uses And Extend The Term Up To Forty-Eight Months, Without Returning To City Council; And
[13-0195](#)

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

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - 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 Authorizing The City Administrator To Negotiate And Execute An Up To Forty-Eight (48) Month Sublease With Turner/Goodfellow Top Grade/Flatiron, A Joint Venture Of Turner Construction Company, Goodfellow Top Grade Construction, And Flatiron West, Inc., Or A Related Entity, For Contractor Laydown And Contractor Campus Uses On Approximately 5-Acres Of Port-Owned Land At The Former Oakland Army Base, Without Returning To The City Council
[13-0195-1](#)

A motion was made by Councilmember Gallo, 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 January 7, 2014 meeting. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - 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: Progress Report On Adopted Benchmarks For Coliseum City
From: Vice Mayor Larry Reid
Recommendation: Receive A Progress Report On The Adopted Benchmarks (30 Days) For
The City's ENA Amendment Agreement, Along With Sequential Benchmarks And Delivery
Dates On Coliseum City With JRDV Urban International, HKS Sports And Entertainment,
Forest City Real Estate Services LLC, And Bay Investment Group, LLC, As Adopted On The
October 8, 2013 City Council Meeting; And
[13-0181](#)

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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Subject: Revised Third Amendment To Coliseum City ENA
From: Office Of Neighborhood Investment
Recommendation: Adopt A Resolution Amending Resolution Nos. 83746, 84574 And 84666
C.M.S. Authorizing An Exclusive Negotiating Agreement For The Coliseum City Project At
The Oakland-Alameda County Coliseum Complex And Surrounding Areas With JRDV
Architects, HKS Architects, Forest City Real Estate Services LLC, And Bay Investment Group,
LLC, To Remove Forest City Real Estate Services, LLC, As A Party
[13-0201](#)

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-7.14-CC Subject: Mills Act Contracts
From: Department Of Planning And Building
Recommendation: Adopt A Resolution, As Recommended By The Landmarks Preservation Advisory Board, Approving Three (3) Mills Act Contracts Between The City Of Oakland And The Properties At 1710 Filbert Street (Estimated \$1,484/Year Property Tax Reduction), 1218 East 21st Street (Estimated \$5,318/Year Property Tax Reduction), And 3054 Richmond Boulevard (Estimated \$6,965/Year Property Tax Reduction) Pursuant To Ordinance 12987 C.M.S., To Provide Property Tax Reductions In Exchange For Owners' Agreement To Repair And Maintain Historic Properties In Accordance With Submitted Work Programs
[13-0196](#)

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: Planning-Related Permit Extensions
From: Department Of Planning And Building
Recommendation: Adopt A Resolution (A) Extending Until December 31, 2014 The Expiration Date Of Permits Issued Under The Authority Of Title 17 Of The Oakland Municipal Code (Planning Code), Creek Protection Permits Issued Under The Authority Of Chapter 13.16 Of The Oakland Municipal Code, And Development-Related Tree Protection Permits Issued Under The Authority Of Chapter 12.36 Of The Oakland Municipal Code That Otherwise Would Expire On Or Prior To January 1,2014 Or During 2014, Upon Request And Payment Of The Administrative Fee And (B) Memorializing The Long-Standing Practice Of Extending The Time Frame For Land Use Related Permits That Have Been Litigated In Court By The Length Of The Litigation Period
[13-0197](#)

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-CC Subject: BART 17th Street Gateway Public Art Contract Amendment
From: Department Of Economic & Workforce Development
Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend The Professional Services Agreement With Artist Dan Corson For Public Art Design, Fabrication And Installation Services For The Bart 17th Street Gateway Project To (1) Extend The Termination Date To June 30, 2014, And (2) Increase The Contract For A Total Amount Not To Exceed Six Hundred Fifty Thousand Dollars (\$650,000) In Central District Public Art Funds
[13-0187](#)

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-7.17-CC Subject: Diablo Fire Safe Council Agreement
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To: 1) Enter Into A Cooperative Funding Agreement With The Diablo Fire Safe Council (DFSC) For The Proposed South Oakland Hills Community Fuel Reduction Project Whereby: A) DFSC Will Act As The Project Manager And Grant Administrator For The City Of Oakland For The Duration Of The South Oakland Hills Community Fuel Reduction Project; B) DFSC Will Administer Western Wildland Urban Interface Grant Funds (Western WUI Grant) Allocated To The City Of Oakland As Well As Grant Required Matching Funds Provided By The City Of Oakland In An Amount Not To Exceed Two Hundred And Ninety Eight Thousand Eight Hundred And Thirty-One Dollars (\$298,831) For Completion Of The Project; 2) Accept And Expend The City Of Oakland Portion Of The Western WUI Grant Award In The Amount Of One Hundred Twenty Thousand Dollars (\$120,000); 3) Expend Approved City Of Oakland Funds In The Wildfire Prevention Assessment District (WPAD) Budget Pursuant To The Local Grant Match Requirement Of The Western WUI Grant In An Amount Not To Exceed One Hundred Seventy Eight Thousand Eight Hundred Thirty-One Dollars (\$178,831) By Distributing These Funds To DFSC Under The Proposed Cooperative Funding Agreement
[13-0183](#)

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-7.18-CC Subject: Office Of Traffic Safety Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee
To: 1) Enter Into An Agreement With The California Office Of Traffic Safety (OTS) To
Accept, Appropriate, And Spend Fiscal Year 2014 State Of California, Office Of Traffic Safety
Grant Funds (FY 2014 OTS Grant Funds) In An Amount Up To Three Hundred Thousand
Dollars (\$300,000); And 2) Administer The FY 2014 OTS Grant Funds Program And All
Programs Included As Part Of The Grant Performance And Requirements In Accordance To
The Preliminary Spending Plan Including Purchases Of Equipment And Services In Excess Of
Her Purchasing Authority Without Further Council Review And Action For Equipment And
Services Required By The Grant Provided That The City's Bidding Requirements, Contracts
And Purchasing Programs/Policies Are Followed
[13-0185](#)

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-7.19-CC Subject: Settlement Agreement - State Farm v. Carden And City
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of State Farm Mutual Automobile Insurance Company v.
Monique Nicole Carden; City Of Oakland, Alameda County Superior Court Case No.
RG13-664366, In The Amount Of Seven Thousand Five Hundred Dollars And No Cents
(\$7,500.00) As A Result Of A Motor Vehicle Collision On Or About June 23, 2011 (Oakland
Parking Division)
[13-0219](#)

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: Cannabis Regulatory Commission Appointment - Tyson Nagler
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Tyson Nagler As A Member Of The
Cannabis Regulatory Commission
[13-0242](#)

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: Budget Advisory Committee Appointment - Edward Gerber
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Edward Gerber To The Budget Advisory Committee
[13-0243](#)

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: Community Jobs Oversight Commission Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Andreas Cluver, Josie Camacho, Kate O'Hara, Shirley Burnell, George Bolton, Margaret Gordon, Brian Beveridge, Joe Sarapochillo, Megan Morodomi, Jens Hilmer, And Mark Henderson To The Community Jobs Oversight Commission
[13-0244](#)

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 Councilmember Gallo, 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 Vice Mayor Reid, seconded by Councilmember Gallo, to *Approve as Submitted the oral report from the Office of the City Attorney of 3 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:

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 6:54 P.M.

Councilmember Schaaf made a motion, seconded by Councilmember Gibson-McElhaney, to close the Public Hearing and continue the item to January 7, 2013, and hearing no objections, the motion passed with 8 Ayes: Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and President Kernighan.

- 9.1 Subject: Montclair BID Annual Levy
From: Department Of Economic And Workforce Development
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution
Confirming The Annual Report Of The Montclair Business Improvement District Advisory
Board And Levying The Annual Assessment For The Montclair Business Improvement District
For Fiscal Year 2014/15
[13-0135-1](#)

A motion was made by Councilmember Schaaf, seconded by Councilmember Gibson McElhaney, that this matter be Continued to the Meeting of the Oakland City Council, due back on January 7, 2014. 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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Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 6:55 P.M.

Councilmember Kalb made a motion, seconded by Councilmember Gallo to close the Public Hearing, and continue the item to January 7, 2014 and hearing no objections, the motion passed with 8 Ayes: Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and President Kernighan.

- 9.2 Subject: Rockridge BID Annual Levy
From: Department Of Economic & Workforce Development
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution
Confirming The Annual Report Of The Rockridge Business Improvement District Advisory
Board And Levying The Annual Assessment For The Rockridge Business Improvement
District For Fiscal Year 2014/15
[13-0136-1](#)

A motion was made by Councilmember Kalb, seconded by President Pro Tempore Kaplan, that this matter be Continued to the Meeting of the Oakland City Council, due back on January 7, 2014. 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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Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at 6:57 P.M.

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

- 9.3 Subject: OMC Fire Code Amendments
 From: Oakland Fire Department
 Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Repealing Current Oakland Municipal Code Chapter 15.12, Fire Code, Making Findings To Substantiate Modifications To California Building Codes And Standards Due To Local Climatic, Geological Or Topographical Conditions, And Adopting And Making Local Amendments To The 2013 Edition Of The California Model Building Code, California Code Of Regulation Title 24, Part 9, Including, But Not Limited To, National Fire Protection Association And Other Referenced Standards As Adopted By The California State Fire Marshal, And Recodifying Said Code At Oakland Municipal Code Chapter 15.12 As The Oakland Fire Code
[13-0184](#)

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Gallo, to Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard at the January 7, 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
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Upon the reading of Item 9.4 by the City Clerk, the Public Hearing was opened at 6:59 P.M.

Councilmember Kaplan made a motion, seconded by Councilmember Gallo to close the Public Hearing and adopt Option 1, and hearing no objections, the motion passed with 8 Ayes: Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and President Kernighan.

9.4 Subject: Assessment Of Liens For Delinquent Business Taxes
From: Office Of The City Administrator
Recommendation: Conduct A Public Hearing On The Assessment Of Liens For Delinquent Business 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 Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For Collection; Or
[13-0191](#)

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Gallo, 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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2) A Resolution Continuing Hearing On Reports Of The City Administrator On The Delinquent Business Taxes And The Confirming Of The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code; Or
[13-0191-1](#)

Not Adopted

3) A Resolution Overruling Protests And Accepting And Confirming Reports Of The City Administrator On The Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For Collection
[13-0191-2](#)

Not Adopted

Upon the reading of Item 9.5 by the City Clerk, the Public Hearing was opened at 7:00 P.M.

Councilmember Kaplan made a motion, seconded by Councilmember Gallo, to close the Public Hearing and adopt Option 1, and hearing no objections, the motion passed with 8 Ayes: Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and President Kernighan.

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

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or [13-0192](#)

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Gallo, 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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2) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Garbage Service Fees And The Recordation Of Liens With Administrative And Assessment Charges As Necessary-Pursuant To Chapter 8.28 Of The Oakland Municipal Code; Or [13-0192-1](#)

Not Adopted

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

[13-0192-2](#)

Not Adopted

Upon the reading of Item 9.6 by the City Clerk, the Public Hearing was opened at 7:01 P.M.

Councilmember Kaplan made a motion, seconded by Councilmember Gallo, to close the Public Hearing and adopt Option 1, and hearing no objections, the motion passed with 8 Ayes: Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and President Kernighan.

9.6 Subject: Assessment Of Liens For Delinquent Transient Occupancy Taxes
From: Office Of The City Administrator
Recommendation: Conduct A Public Hearing 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 Transient Occupancy Taxes And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or [13-0193](#)

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Gallo, 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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2) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Transient Occupancy Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code; Or
[13-0193-1](#)

Not Adopted

3) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Transient Occupancy Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection
[13-0193-2](#)

Not Adopted

Upon the reading of Item 9.7 by the City Clerk, the Public Hearing was opened at 7:03 P.M.

Councilmember Kaplan made a motion, seconded by Councilmember Gallo, to close the Public Hearing and adopt Option 1, and hearing no objections, the motion passed with 8 Ayes: Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and President Kernighan.

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

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

[13-0194](#)

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Gallo, 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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2) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Real Property Transfer Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary-Pursuant To Chapter 4.20 Of The Oakland Municipal Code; Or

[13-0194-1](#)

Not Adopted

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

[13-0194-2](#)

Not Adopted

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

- 11 Subject: 2014 City Council And School Board Redistricting
From: Department Of Planning And Building
Recommendation: Adopt An Ordinance Amending Municipal Code Sections 2.16.010 And 3.04.020, Redefining And Establishing The 2014 City Council And School Board District Boundaries Of The City Of Oakland (Redistricting)
[13-0169](#)

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Kalb, that this matter be Approved for Final Passage. 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
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- 12 Subject: Fiscal Year 2012-13 Adjusted Budget Report
From: Office Of The City Administrator
Recommendation: Receive The Unaudited FY 2012-13 Fourth Quarter Revenue And Expenditure Report And Year-End Summaries For Four Selected Funds: General Purpose Fund (GPF, 1010), Landscape & Lighting Assessment District Fund (2310), Equipment Fund (4100) And Facilities Fund (4400); And Overtime Analysis For The General Purpose Fund (1010) And All Funds
[13-0160-1](#)

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Gallo, that this matter be *Received and Filed. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
ORA\Councilmember Absent: 1 - Vice Mayor Reid
ORA\Councilmember Ayes: 6 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan
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13 Subject: City Council Censure Policy
 From: Councilmember Noel Gallo
 Recommendation: Receive A Discussion And Possible Action On The Policy And Procedure
 To Provide The Mechanism By Which The City Council, Acting As A Whole, Can Discipline
 Any Of Its Members Who Violate State Or Federal Laws, City Ordinances Or Policies
 [13-0074](#)

**A motion was made by Councilmember Gallo, seconded by
Councilmember Brooks, that this matter be *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
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14 Subject: Council Censure Policy
 From: Councilmember Gallo
 Recommendation: Adopt A Resolution Amending The Council's Rules Of Procedures
 Currently Set Forth In Resolution No. 82580 C.M.S. To Add A Council Censure Policy And
 Procedures
 [13-0211](#)

**A motion was made by Councilmember Gallo, seconded by
Councilmember Brooks, that this matter be Adopted as Amended. 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
*Under Procedure Section, Item 7, "negligent or" will be added before all
occurrences of the word "willful."*
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15 Subject: Contract Extension For Police Monitoring Services
 From: Oakland Police Department
 Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Waive The Advertising, Competitive Bid And Request For Proposals/Qualifications (RFP/RFQ) Requirements For Awarding Professional Services Contracts; And 2) Extend The Professional Services Agreement With Police Performance Solutions, LLC, For Monitoring And Technical Assistance Services In The Case Of Allen v. City Of Oakland, Et Al., USDC No. COO-4599 TEH (JL) For One Year For The Period From January 21, 2014 To January 20, 2015, In The Amount Of Nine Hundred Ten Thousand Dollars (\$910,000)

[13-0208](#)

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Gallo, that this matter be Adopted. 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

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16 Subject: Adopt MOU for SEIU Local 1021 Part-Time Unit
 From: City Administrator's Office
 Recommendation: Adopt A Resolution Approving Memorandum Of Understanding Between The City Of Oakland And The Service Employees International Union, Local 1021 Part Time Unit In Representation Unit SII From July 1, 2013 To June 30, 2015

[13-0209](#)

A motion was made by Councilmember Gibson McElhaney, 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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- 17 Subject: Eighth Amended Stadium License Agreement With Oakland Athletics
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Approving And Authorizing The Execution Of The
Eighth Amendment To The Oakland-Alameda County Coliseum Oakland Athletics Amended
And Restated Stadium License Agreement
[13-0213](#)

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 Abstained: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Gallo, Councilmember Gibson
McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor
Reid, Councilmember Schaaf and Council President Kernighan
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- 18 Subject: Supplement To Master Agreement - Oakland Raiders & Coliseum Authority
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Approving And Authorizing The Execution Of
Supplement No. 4 To The Master Agreement And Exhibits To The Master Agreement Between
The Oakland Raiders And The Oakland Alameda County Coliseum Authority
[13-0214](#)

A motion was made by President Pro Tempore Kaplan, 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
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S-19 Subject: Establishing Criteria For Future KTOP Staffing And Expenditures
From: Councilmember Desley Brooks
Recommendation: Receive A Report And Possible Action Establishing Criteria For Future
KTOP Staffing And Expenditure/Allocation Of Telecommunication Fund (1760) Revenues. A
Full Report From KTOP Regarding KTOP Operations, Including Identification Of All Positions
Currently Funded Out Of Fund 1760; And The Function Of Each Staff Position In The Day To
Day Operations Of KTOP
[13-0089](#)

**A motion was made by Councilmember Gallo, seconded by President Pro
Tempore Kaplan, that this matter be *Approve as Submitted to re-codify
the 1983 ordinance restricting 2% of the telecommunications fund to
KTOP for cable-related activities. The motion carried by the following
vote:**

Votes: ORA\Councilmember Abstained: 1 - Councilmember Schaaf
ORA\Councilmember Absent: 2 - Councilmember Gibson McElhaney and Vice
Mayor Reid
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember
Gallo, Councilmember Kalb, President Pro Tempore Kaplan and Council
President Kernighan
There was one speaker on this item.

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S-20 Subject: Oakland City Mayor's Salary
From: Office Of The City Auditor
Recommendation: Receive An Informational Report Calculating The Oakland City Mayor's
Salary In Conformity With The Oakland City Charter
[13-0180](#)

**A motion was made by President Pro Tempore Kaplan, seconded by
Councilmember Brooks, that this matter be *Received and Filed. The
motion carried by the following vote:**

Votes: ORA\Councilmember Abstained: 2 - Councilmember Gallo and
Councilmember Schaaf
ORA\Councilmember Absent: 1 - Vice Mayor Reid
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember
Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan and
Council President Kernighan

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Subject: Confirmation Of The Mayor's Salary
From: Office Of The City Auditor
Recommendation: Adopt A Resolution Confirming The Salary And Salary Range For The Mayor Of The City Of Oakland Pursuant To The Oakland City Charter, Article III, Section 300
[13-0180-1](#)

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Brooks, that this matter be Adopted to set the Mayor's salary at \$203,000 per year. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 2 - Councilmember Gallo and Councilmember Schaaf
ORA\Councilmember Absent: 1 - Vice Mayor Reid
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan and Council President Kernighan
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S-21 Subject: Contracts For Banking And Custodial Services
From: Office Of The City Administrator
Recommendation: The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To: (1) Negotiate And Execute An Agreement With J.P. Morgan Chase, N.A. Or Wells Fargo Bank, N.A. To Provide Primary Depository Services For The City At An Estimated Annual Cost Amount Of \$275,000 For A Three-Year Period With Two One-Year Options To Renew, And (2) Negotiate With J.P. Morgan Chase, N.A. Or Wells Fargo Bank, N.A. For Such Additional Banking Services As She May From Time To Time Deem Appropriate, At Costs She Deems Reasonable; And Waiving The Requirements Of The Living Wage Ordinance [TITLE CHANGE]; And
[13-0202](#)

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

Votes: ORA\Councilmember Abstained: 1 - Councilmember Kalb
ORA\Councilmember Absent: 1 - Vice Mayor Reid
ORA\Councilmember Noes: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 5 - Councilmember Gallo, Councilmember Gibson McElhaney, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan
Council approved the service agreement with J.P. Morgan Chase, directed staff to bring the agreement back to Council after three years for review, and include the following:

Add 5th Whereas paragraph: "WHEREAS, banking institutions completed the supplemental questionnaire on their lending, services and investments as part of the RFP process; and"

Add 6th Whereas paragraph: "WHEREAS, banking information disaggregate to the neighborhood level is needed by the City in order to plan for economic development and promote positive health, economic, and other outcomes for its residents; and"

Add 4th Further Resolved paragraph, "FURTHER RESOLVED, that contract with the financial institution shall require that the financial institution continue to provide information on their lending, services and investment activities, specific to Oakland, especially in low and moderate income communities including business loans, home loans, media outreach and branch locations for historically undeserved communities; and be it"

Add 5th Further Resolved paragraph, "FURTHER RESOLVED, that the contract with the financial institution shall require the financial institution to deliver by the end of the second year of agreement information on the census

tract or zip code level that will promote efforts of the Department of Housing & Community Development; and be it."

There were 2 speakers on this item.

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2) A Resolution Authorizing The City Administrator To: (1) Negotiate And Execute An Agreement With Bank Of New Mellon Trust Company, N.A., Or Wells Fargo Bank, N.A. To Provide Primary Custodial Services For The City At An Estimated Annual Cost Amount Of \$25,000 For A Three-Year Period With Two One-Year Options To Renew, And (2) Negotiate With Bank Of New Mellon Trust Company, N.A., Or Wells Fargo Bank, N.A. For Such Additional Banking Services As She May From Time To Time Deem Appropriate, At Costs She Deems Reasonable; And, Waiving The Requirements Of The Living Wage Ordinance [TITLE CHANGE]

[13-0202-1](#)

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

Votes: ORA\Councilmember Abstained: 1 - Councilmember Kalb

ORA\Councilmember Absent: 1 - Vice Mayor Reid

ORA\Councilmember Noes: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 5 - Councilmember Gallo, Councilmember Gibson McElhaney, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan

Council approved the service agreement with Bank of New Mellon Trust and directed staff to bring the agreement back to Council after three years for review.

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S-22 Subject: Encroachment For Kaiser Hospital Project
From: Department Of Planning And Building
Recommendation: Adopt A Resolution Amending And Restating A Previously Approved
Conditional And Revocable Major Encroachment Permit To Kaiser Foundation Hospitals To
Allow (1) Telecommunications Conduits, Electrical Transformers And Vaults, A Portion Of A
Building Foundation And Sewage Storage Vault For Phase II Buildings At 275 West
MacArthur Boulevard To Encroach Under The Public Right-Of-Way Along Broadway, West
MacArthur Boulevard, And Piedmont Avenue, And (2) Soil Nailing, A Planter Box,
Rectangular Curb Drains, The Foundation For A Gate Post, Six Benches, Four Trash Cans,
Four Sanitary Sewer Manholes And A Concrete Driveway Approach With Nonstandard Color
At 3600 Broadway To Encroach Into The Public Right-Of-Way Along Broadway, MacArthur
Boulevard, And Piedmont Avenue

[13-0109](#)

A motion was made by Councilmember Kalb, 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 was one speaker on this item.

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S-23 Subject: Full Police Staffing Policy
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Establishing A Full Police Staffing Policy That Will
Establish Alternative Hiring Methods, Deadlines And Reporting Requirements For Promptly
And Consistently Achieving Actual Budgeted Staffing Levels For Sworn And Non-Sworn
Positions Within The Oakland Police Department

[13-0058](#)

A motion was made by Councilmember Schaaf, seconded by President Pro Tempore Kaplan, that this matter be Adopted as Amended. 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

*Council approved the resolution as amended to include the following addition:
"Further Resolved: That nothing in this policy shall be interpreted as superseding the Council's budget authority."*

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S-24 Subject: Circus Regulations To Raise Humane Standards
From: Councilmember Libby Schaaf
Recommendation: Adopt An Ordinance Amending Chapter 9.52 Of The Oakland Municipal Code To Provide Additional Requirements For Special Event Permits To Operate Circuses Performing In The City Of Oakland
[13-0179](#)

A motion was made by Councilmember Schaaf, seconded by Councilmember Kalb, to Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard at the January 7, 2014 meeting. 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
Council approved the resolution as amended to include the following:

Under Section 9.52.110, subsection (b)(2), add "A delay shall not be "unreasonable" under this section if it meets the following: (a) it is less than 30 minutes duration total, (b) is due to temporary unavailability of persons identified pursuant to section 9.52.065(B) who are essential to allow the City to safely perform a physical inspection of a particular animal or its quarters, and (c) the City is provided the immediate ability, without delay, to visually observe the animal or quarters while waiting for there person named in (b) above;"

Add additional section before Section 4: "The City Administrator shall provide to the City Council by June 1, 2015 and bi-annually thereafter a report detailing the administration and enforcement of circus permits issued pursuant to Section 9.52.065 et. seq. This report shall include, but not be limited to, the administrations of permits, findings of inspections, citations, and recommendations for additional permit restrictions on training methods, transport and movement restrictions. In addition, the Administration shall also provide options for possible legislation by the June 1, 2015 deadline that address the conditions of performing animals, including an option that mirrors the implements ban proposed by the Los Angeles City Council;" and

Include "the Alameda County Board of Supervisors" in Sections 3 and 4.

There were 25 speakers on this item.

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S-25 Subject: November 13, 2013 Special Mail Ballot Election Results
From: Office Of The City Clerk
Recommendation: Adopt A Resolution Declaring The Results Of The City Of Oakland's
Community Facilities District No. 2013-1 (Wildfire Prevention District) Special Mail Ballot
Election Held On Wednesday, November 13, 2013
[13-0229](#)

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Gallo, that this matter be Adopted. 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
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[84768 CMS.pdf](#)

S-26 Subject: Report On State Legislative Activities And Priorities
From: Council President Patricia Kernighan
Recommendation: Receive An Informational Report On 2013 State Legislative Activities And Proposed 2014 State Legislative Priorities
[13-0159](#)

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Gibson McElhaney, that this matter be *Received and Filed. 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
Council approved the legislative priorities including adding prioritizes to protect sexually-exploited youth, add graffiti as part of blight reduction, require a kill switch for smartphones, and provide better methods for tracking illegal gun trafficking.
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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 Erin Breckenridge, Ronald Owens, Nelson Mandela, Michael Stainer, Howard Poulter at 11:56 P.M.

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City Clerk and Clerk of the Council