



# City of Oakland

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

## Meeting Minutes - DRAFT

### \* Special Meeting of the Oakland City Council

City Hall, 1 Frank H. Ogawa Plaza, Oakland, California 94612

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

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Tuesday, July 26, 2016

5:00 PM

City Council Chamber, 3rd Floor

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#### 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 5:18 p.m.*

#### 2 ROLL CALL / CITY COUNCIL

*Councilmember Gallo arrived at 5:23 p.m.  
Council President Gibson McElhaney arrived at 5:38 p.m.*

**Present** 8 - Desley Brooks, Annie Campbell Washington, Noel Gallo, Abel J. Guillén, Dan Kalb, Rebecca Kaplan, Laurence E. Reid, and Lynette Gibson McElhaney

#### 3 OPEN FORUM (Total Time Available: 15 Minutes)

*There were 7 open forum speakers*

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

*President Pro Tem Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Mildred Maree Jiles*

*Councilmember Gallo arrived at 5:23 p.m.*

**A motion was made by Abel J. Guillén, seconded by Dan Kalb, that the oral report of the City Attorney noting 3 final decisions made during the closed session be Approves as Submitted. The motion carried by the following vote:**

**Excused:** 1 - Gibson McElhaney

**Aye:** 7 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, and Reid

- 5 Subject: Honoring And Recognizing Annette Fontaine  
From: Councilmember Brooks  
Recommendation: Adopt A Resolution Recognizing And Honoring Fire Communications Supervisor Annette Fontaine For 30 Years Of Dedicated Service To The Residents Of Oakland And The Oakland Fire Department  
[15-1292](#)

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

**Aye:** 7 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, and Reid

**Absent:** 1 - Gibson McElhaney

- 6** Subject: Karen L. Harris Retirement  
From: Councilmember Brooks And President Pro Tem Reid  
Recommendation: Adopt A Resolution Commending Karen L. Harris For More Than 19 Years Of Exemplary And Dedicated Service To The City Of Oakland And Congratulating Her On Her Retirement And Bidding Her Farewell  
[15-1286](#)

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

**Aye:** 7 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, and Reid

**Absent:** 1 - Gibson McElhaney

- 7** Subject: Resolution Honoring and Recognizing Crystal Roza  
From: Councilmember Gallo  
Recommendation: Adopt A Resolution Honoring and Recognizing Crystal Roza Upon Her Retirement From The City Of Oakland After 18 Years of Dedicated Service  
[15-1239](#)

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

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

- 9** Subject: Auditor's Report dated June 27, 2016 (RAP)  
From: Gene Hazzard  
Recommendation: Receive A Presentation From The City Auditor On The Performance Audit Of The City Of Oakland Rent Adjustment Program (RAP) Dated June 27th 2016. The Special Meeting On July 26, 2016 Is Regarding The RAP To Which The Auditor's Information Is Pertinent To The Topic.  
[15-1304](#)

***The council direct staff to provide a follow up report on the status of the implementation of the recommendations.***

***At this time, Councilmember Kalb was noted as out of his seat.***

**A motion was made that this matter be Received and Filed. The motion carried by the following vote:**

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhaney

- 13** Subject: RAP Fee Increase  
From: Council President Gibson McElhane, President Pro Tem Reid and Vice Mayor Campbell Washington  
Recommendation: Adopt An Ordinance Amending Ordinance No. 13320 C.M.S. (The 2015-16 Master Fee Schedule) To Increase The Rent Program Service Fee From \$30 Per Unit To \$68 Per Unit  
[15-1299](#)

*A motion was made by Councilmember Kaplan, seconded by Councilmember Brooks to direct staff to provide status a report with the plan to implement the recommendations in the Auditor's report in late October to Council with continuing status reports on implementation on a quarterly basis thereafter. Hearing no objections, the motion passed by votes: 8 Ayes*

**A motion was made that this matter be Approved for Final Passage. The motion carried by the following vote:**

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhane

- 22** Subject: Amend FY 2016-17 Rent Adjustment Program Fund (2413) Budget  
From: Office Of The City Adminsitrator  
Recommendation: Adopt A Resolution Amending The City Of Oakland's FY 2015-17 Policy Budget Adopted Pursuant To Resolution No. 85672 C.M.S. On June 30, 2015 And Amended On June 21, 2016 Through The Adoption Of The Fiscal Year (FY) 2016-17 Midcycle Budget Resolution No. 86250 C.M.S. To Increase The Rent Adjustment Program Fund (2413) Budget In An Aggregate Amount Not To Exceed \$4,829,498 In Accordance With A \$68 Per Unit Fee  
[15-1320](#)

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

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhane

## **12 NUMBER INTENTIONALLY NOT USED**

- 11** Subject: Authorizing A Grant Of \$25,000 From Council Member Larry Reid's Graffiti Abatement Mural And Green Walls Funds  
From: President Pro Tem Reid  
Recommendation: Adopt A Resolution Authorizing A Grant Of \$25,000 From Council Member Larry Reid's Graffiti Abatement Mural And Green Walls Funds To The East Oakland Beautification Council To Deter Illegal Graffiti In Council District 7 And For Additional Effective Abatement And Deterrence Methods To Deter Illegal Graffiti  
[15-1319](#)

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

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhane

- 19** Subject: Aircraft Noise In Oakland, California  
From: Vice Mayor Annie Campbell Washington and Pro Tempore Reid  
Recommendation: Adopt A Resolution Of The Oakland City Council Requesting The Federal Aviation Administration Address Increased Noise In Oakland, California  
[15-1301](#)

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

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhane

- 17** Subject: Settlement Agreement of Jane Roe, et al., 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 Jane Roe, By And Through Her Guardian Ad Litem Janet Roe, Et Al. V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG14732238, City Attorney's File No. 29938, In The Amount Of Two Hundred And Thirty Thousand Dollars And Zero Cents (\$230,000.00) (Office Of Parks And Recreation - Child Assaulted)  
[15-1316](#)

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

**Abstained:** 1 - Brooks

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

- 18** Subject: Settlement of Camille Li v. Chim and 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 Camille Li, By And Through Her Guardian Ad Litem, Ella Seil Gee Leung V. Mark H. Chim, Marilyn M. Chim And City Of Oakland, Alameda County Superior Court Case No. RG15763115, City Attorney's File No. 30346, In The Amount Of Sixty-Two Thousand And Five Hundred Dollars And Zero Cents (\$62,500.00) (Public Works - Dangerous Condition) (1926658)  
[15-1315](#)

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

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhane

- 10** Subject: Amendment to the Salary Ordinance  
From: Human Resource Management  
Recommendation: Adopt An Ordinance Amending Ordinance No. 12187 C.M.S., "The Salary Ordinance," To Clarify The Authority Of The City Administrator In Setting The Compensation And Other Terms And Conditions Of Employment For Department Heads And Amending Ordinance No. 12903 C.M.S. And Repealing Ordinance No. 12918 C.M.S.

[15-1241](#)

*At this time Councilmember Kalb was noted as in his seat.*

**A motion was made by Guillén, seconded by Reid, that this matter be Approved for Final Passage. The motion carried by the following vote:**

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

**Absent:** 1 - Kalb

- 14** Subject: Pilot Project to Modify Library Fines & Fees for Oakland Youth  
From: Oakland Public Library  
Recommendation: Adopt An Ordinance Authorizing The City Administrator And Director Of Library Services, As Part Of A One Year Pilot Project, To Modify The Oakland Public Library Fines And Fees Affecting Youth (18 Years-Old And Under) In Order To Reduce A Substantial Barrier To Library Use By Oakland Students

[15-1264](#)

**This Ordinance was .**

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson  
McElhaney

- 20** Subject: Mayor's Appointment to the City Planning  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Tom Limon To The City Planning Commission

[15-1305](#)

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

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson  
McElhaney

- 21 Subject: Police Commission Charter Amendment Measure  
From: Councilmembers Noel Gallo And Dan Kalb  
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 8, 2016 Statewide General Election 1) A Proposed Amendment To The City Charter To Create The Oakland Police Commission, The Community Police Review Agency, And A Process For Police Discipline And 2) A Proposed Enabling Ordinance Relating To The Oakland Police Commission And The Community Police Review Agency, And Directing The City Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Election  
[15-1035](#)

*There were 75 speakers on this item*

**A motion was made that this matter be Adopted as Amended with substantial according to the attachment referenced as "7.26.2016 as provided on the dias" . The motion carried by the following vote:**

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhanev

*Council President Gibson McElhanev arrived at 5:38 p.m*

- 15 Subject: OUSD Use of City Hall Agreement  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With The Oakland Unified School District For Use Of City Hall Facilities For Purposes Of Conducting Twice-Monthly Board Meetings For A One Year Period  
[15-1278](#)

*The Council adopted the resolution including the following amendments to read accordingly:*

**RESOLVED, that the City Council of the City of Oakland authorizes the City Administrator to enter into an agreement with the Oakland Unified School District for use of City Hall facilities for purposes of conducting their regularly scheduled twice-monthly board meetings, on the second and fourth Wednesdays of each month, for a one year period from the effective date of the agreement as further described in the staff report accompanying this resolution; and be it**

**FURTHER RESOLVED, that the aforementioned agreement shall allow the City of Oakland the right to use City Hall facilities on any second or fourth Wednesday if the City provides OUSD with at least 72 hours of notice: and be it**

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

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhane

- 16** Subject: OUSD Use Of City Hall Agreement  
From: Office Of The City Administrator  
Recommendation: Adopt An Ordinance Waiving Facility Rental Fees For Oakland Unified School District Use Of City Hall Facilities For Purposes Of Conducting Twice-Monthly Board Meetings For A One Year Period  
[15-1308](#)

**A motion was made that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 9/20/2016. The motion carried by the following vote:**

**Aye:** 8 - Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid, and Gibson McElhane

- 8** Subject: Designating The City Clerk To Keep Minutes In Closed Session  
From: Council President Lynette Gibson McElhane  
Recommendation: Adopt A Resolution Pursuant To Government Code Section 54957.2. (A) Designating The City Clerk To Attend City Council Closed Sessions To Keep And Enter In A Confidential Minute Book A Record Of Topics Discussed And Decisions Made At The Meeting  
[15-1282](#)

*There were 14 speakers on this item.*

*It was noted that Councilmembers Anne Campbell Washington and Abel Guillen were noted absent prior to the vote on the item.*

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

**Aye:** 6 - Brooks, Gallo, Kalb, Kaplan, Reid, and Gibson McElhane

**Absent:** 2 - Campbell Washington, and Guillén

## CONTINUATION OF OPEN FORUM

## ADJOURNMENT

*There being no further business, and upon the motion duly made, the Council adjourned the meeting in memory of Mildred Maree Jiles at 12:03 a.m.*

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