



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, November 19, 2013

5:30 PM

City Council Chambers, 3rd Floor

1 PLEDGE OF ALLEGIANCE

ORA\Councilmember Excused: 1 - Vice Mayor Reid
ORA\Councilmember Present: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan

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 5:37 p.m.

2 ROLL CALL / CITY COUNCIL

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

There were 8 Open Forum speakers.

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

Councilmember Schaaf took a point of personal privilege and requested that the meeting be adjourned in memory of Vern Sullivan, Dorene Cosgrove and Eileen Schaaf.

Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Juanita Mary May.

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

Council President Kernighan took a point of personal privilege and requested that the meeting be adjourned in memory of Paul Alex Sanchez.

4.1 Subject: Commemorating National Adoption Awareness Month
From: Councilmembers Lynnette Gibson McElhaney And Libby Schaaf
Recommendation: Adopt A Resolution Commemorating National Adoption Awareness Month
And Saluting Black Adoption Placement And Research Center, One Of Two Agencies In
California That Specializes In Finding Permanent Homes For African American And Other
Waiting Children, For 30 Years Of Service To The Oakland-Bay Area Community
[13-0171](#)

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

Votes: ORA\Councilmember Excused: 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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S-4.2 Subject: Transgender Remembrance Day
From: Councilmembers Gibson McElhaney And Kaplan
Recommendation: Resolution Declaring November 20, 2013 As Transgender Remembrance Day In The City Of Oakland, Requesting That The City Council Wear Skirts And Encourage Oakland Residents To Wear Skirts On Wednesday, November 20th As A Symbol Of Solidarity With Sasha Fleischman, A Young Person Who Was Seriously Burned For Associating As Gender Nonconforming
[13-0182](#)

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 Excused: 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

Councilmember Brooks made a motion seconded by Councilmember Gibson McElhaney to approve the urgency finding on item 4.2 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action relates to a purely ceremonial action.

There was one speaker on this item.

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4.3 Subject: Honoring Mark Gomez
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Honoring Mark Gomez For 17 Years Of Service To
The City Of Oakland
[13-0172](#)

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

Votes: ORA\Councilmember Excused: 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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4.4 Subject: Honoring Randall Whitney And Family
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Acknowledging Randall Whitney And Family For The
35 Years Of Service Provided To Oakland As A Small Business Man, Community Partner, And
Volunteer To Improve The City Of Oakland
[13-0176](#)

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

Votes: ORA\Councilmember Excused: 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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4.5 Subject: Native American Heritage Month
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Recognizing The Month Of November Of Every Year
As "National Native American Heritage Month" Celebrating The Heritages And Cultures Of
Native Americans To The United States
[13-0174](#)

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

Votes: ORA\Councilmember Excused: 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

There was one speaker on this item.

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5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETINGS OF OCTOBER 29, 2013 AND NOVEMBER 5, 2013

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Schaaf, to *Approve with the following amendments. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 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
On the City Council minutes for November 5, 2013, the motion for Item 9.2 "Local Amendments To State Model Business Code" will be revised as follows: A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Gibson McElhaney, that this matter be Adoped with the assurances of staff that staff will meet with community members regarding concerns with the changes to the Code and bring a report back to Council in February 2014 addressing the concerns.

- 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 Councilmember Gibson McElhaney, seconded by
President Pro Tempore Kaplan, to *Approve with the following
amendments. The motion carried by the following vote:**

Votes: ORA\Councilmember Excused: 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

*Item 11 will be taken last. Items 17 and 18 will be taken after Item 12. Item 19
will be heard after 15.*

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
[13-0165](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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- 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
[13-0166](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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7.3-CC Subject: Oakland-Alameda County Coliseum Authority Board Reappointments
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Re-Appointing Aaron Goodwin And Yui Hay Lee As
Members Of The Oakland-Alameda County Coliseum Authority Board Of Commissioners For
Terms Commencing October 9, 2013 And Expiring October 8, 2015
[13-0156](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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7.4-CC Subject: Budget Advisory Committee Reappointment - Ken Houston
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Ken
Houston To The Budget Advisory Committee
[13-0157](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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7.5-CC Subject: Commission On Aging Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Irene Yen
And Reappointment Of Ned Saturu As Members Of The Commission On Aging
[13-0167](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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7.6-CC Subject: Settlement Agreement - Northern California River Watch v. OMSS
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Approving Settlement Of Northern California River
Watch, Et Al. v. Oakland Maritime Support Services, Inc., (OMSS) Et Al. (U.S. District Court,
Northern District Of California, Case No. 4:40-CV-3912 CW) By Paying A Total Of
\$300,000.00, With \$200,000.00 Of That Sum To Be Allocated To The West Oakland Job
Resources Center And \$100,000.00 To Be Allocated To Resolve Plaintiffs' Statutory Claim For
Attorneys' Fees In Exchange For Plaintiffs' Dismissal Of The Litigation And Agreement Not To
Challenge Certain Actions Related To Relocation Of The OMSS Facility (Office Of The City
Administrator - Clean Water Act)
[13-0168](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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7.7-CC Subject: Settlement Agreement - Upshaw 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 Kazeem Upshaw v. City Of Oakland, Et Al., Northern
District Of California Case No. C11-05044, City Attorney's File No. 28421, In The Amount Of
Sixty-Five Thousand Dollars (\$65,000.00) (OPD - Civil Rights)
[13-0170](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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7.8-CC Subject: Local Amendments to State Model Housing Code
From: Department Of Planning And Building
Recommendation: Adopt An Ordinance Repealing The Oakland Amendments To The 2010 Edition Of The California Housing Law, Adopting Local Amendments To The 2013 Edition Of The State Housing Law Regulations, California Code Of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Section 32, Amending Oakland Municipal Code Chapter 15.08 To Comply With Changes To State Law [TITLE CHANGE]
[13-0094](#)

This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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7.9-CC Subject: Local Amendments to State Model Building Code
From: Department Of Planning And Building
Recommendation: Adopt An Ordinance Repealing The Oakland Amendments To The 2010 Editions Of The California Model Building Codes And Adopting Local Amendments To The 2013 Editions Of The California Building Standards Code, California Code Of Regulations, Title 24, Parts 2 (Building), 2.5 (Residential), 3 (Electrical), 4 (Mechanical), 5 (Plumbing), 6 (Energy), And 11 (Green Building Standards), And Amending Oakland Municipal Code Chapter 15.04 To Comply With Changes To State Law [TITLE CHANGE]
[13-0095](#)

This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.10-CC Subject: Allocation Of PEG Funds
From: Office Of The City Administrator
Recommendation: Adopt A Resolution (1) Appropriating Approximately \$3.2 Million Total Estimated In Public Education Government (PEG) Funds For Fiscal Year 2013-14 Through Fiscal Year 2017-2018, From Funds Paid By Cable And Video Franchise Holders Comcast And AT&T (PEG Funds) For The Capital Expenses Of Public, Education And Government (PEG) Cable Television Channels Operating In The City Of Oakland; (2) Authorizing Apportionment Of Equal Shares Of The PEG Funds To PEG Channels Of The City Of Oakland (KTOP), The Oakland Unified School District (KDOL) And The Peralta Community College District (Peralta TV) For Their PEG Channel Cable And Video Television Facilities, Subject To Equal Reapportionment In Fiscal Years When There Are Fewer Or More PEG Channels Operating In Oakland; And (3) Authorizing The City Administrator To Execute A Memoranda Of Understanding To Effectuate The Distribution Of Said Funds [TITLE CHANGE]
[13-0117](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.11-CC Subject: FY 2011-2012 Annual Report On Grants Up To \$50,000
From: Office Of The City Administrator
Recommendation: Receive The Annual Informational Report From The City Administrator On The Acceptance And Appropriation Of Restricted Grant Funds, Gifts And Donations Of \$50,000 Or Less For The Period July 1, 2011 Through June 30, 2012
[13-0134](#)

This Matter was *Received and Filed on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.12-CC Subject: FY 2012-2013 Annual Report On Grants Up To \$50,000
From: Office Of The City Administrator
Recommendation: Receive The Annual Informational Report From The City Administrator On
The Acceptance And Appropriation Of Restricted Grant Funds, Gifts And Donations Of
\$50,000 Or Less For The Period July 1, 2012 Through June 30, 2013
[13-0125](#)

This Matter was *Received and Filed on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.13-CC Subject: CalRecycle Grant Applications
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing Submittal Of Grant Applications To The
California Department Of Resources Recycling And Recovery City/County Payment Program
And To Appropriate City/County Payment Program Funds For Recycling Programs Beginning
With Fiscal Year 2013/2014 Through Fiscal Year 2014/2015
[13-0126](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.14-CC Subject: Five-Year Maintenance Agreement For Fleet Management Software
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee
To: 1) Execute A Five-Year Extension Of The Current Maintenance Agreement Between The
Public Works Agency's Equipment Services Division And AssetWorks, Inc. For The Term Of
January 1, 2014 Through December 31, 2018 In An Amount Not To Exceed Three Hundred
And Three Thousand Two Hundred And Twelve Dollars (\$303,212.00) For Fleet Management
Software Maintenance And Support Associated With The Department's Fleet Management
System Software, And 2) Waive The Competitive Request For Proposals/Qualifications
(RFP/Q) Process, The Advertising And Bidding Requirements, And The Local And Small
Local Business Enterprise Program (L/SLBE) Provisions Associated With Said Maintenance
Agreement
[13-0127](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.15-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 On Introduction and Scheduled for Final
Passage to the Meeting of the Oakland City Council, to be heard at the
December 10, 2013 meeting on the Consent Agenda.**

Votes: ORA\Councilmember Excused: 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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S-7.16-CC Subject: Montclair BID Annual Levy
From: Department Of Economic & Workforce Development
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For
Fiscal Year 2014/15 For The Montclair Business Improvement District, Approving The Annual
Report Of The Montclair Business Improvement District Advisory Board, And Scheduling A
Public Hearing For December 10, 2013
[13-0135](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.17-CC Subject: Rockridge BID Annual Levy
From: Department Of Economic & Workforce Development
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For
Fiscal Year 2014/15 For The Rockridge Business Improvement District, Approving The
Annual Report Of The Rockridge Business Improvement District Advisory Board, And
Scheduling A Public Hearing For December 10, 2013
[13-0136](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.18-CC Subject: Funds To Represent Low Income Clients In Rent Adjustment Hearings
From: Department Of Housing And Community Development
Recommendation: Adopt A Resolution Approving A Grant In The Amount Of \$100,000 Per Year For Two Years With The Option For Three One-Year Extensions To Represent Low Income Landlords And Tenants In Rent Adjustment Program Hearings And Appeals To The Rent Board With \$90,000 Allocated To Centro Legal De La Raza To Provide Representation To Tenants And \$10,000 Allocated For Landlord Representation By An Agency As A Sub Grantee Or By Separate Contract For The Low Income Client Representation Program For Rent Adjustment
[13-0147](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.19-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 On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard at the December 10, 2013 meeting on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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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 On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard at the December 10, 2013 meeting on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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

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](#)

A motion was made to Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard at the December 10, 2013 meeting on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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

S-7.20-CC Subject: Fiscal Year 2013-2014 Cultural Funding Grants
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into Sixty-Nine (69) Cultural Services Grants To Sixty (60) Oakland-Based Nonprofit Organizations And Individual Artists Providing Arts And Cultural Services In Oakland During Fiscal Year 2013-2014 In A Total Amount Not To Exceed \$950,000

[13-0154](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.21-CC Subject: Allocating Measure C Funding For Community Festivals
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Allocate
\$50,000 Previously Budgeted In FY 13-14 General Fund Appropriation For Community
Festivals To Reimburse The City For Fees And Costs Incurred By First Fridays
[13-0155](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.22-CC Subject: Oakland Head Start & St. Vincent's Day Home Partnership
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The
City Of Oakland, Head Start/Early Head Start Program, To Enter Into A Grant Agreement With
St. Vincent's Day Home, To Fund Comprehensive Child Development Services In Accord With
The 2013-14 Head Start/Early Head Start Grant, From U.S. Department Of Health And Human
Services, Administration For Children And Families (DHHS/ACF), For Program Year 2013-14,
In An Estimated Amount Of (\$54,000.00) To Serve 24 Head Start Eligible Families And
Children And An Estimated Amount Of (\$42,813.60) To Serve 12 Early Head Start Eligible
Families And Children For A Total Estimated Amount Of (\$96,813.60), With An Estimated
Start Date Of November 1, 2013 Through August 31, 2014
[13-0143](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.23-CC Subject: Shattuck Gateway Mural Project
From: Councilmember Kalb
Recommendation: Adopt A Resolution From The Oakland City Council Supporting The Installation Of A Mural At 54th Street And Shattuck Avenue On Caltrans State Route 24 Support Columns And Authorizing The City Administrator To Take Any Actions Necessary To Provide Maintenance Of The Artwork
[13-0163](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.24-CC Subject: Office Of Traffic Safety DUI Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland (City), To Accept And Appropriate Grant Funds In The Amount Of Forty-Eight Thousand Five Hundred Dollars (\$48,500) From The Regents Of The University Of California, Berkeley, School Of Public Health, Traffic Safety Center, Serving As The Fiscal Agent For The State Of California, Office Of Traffic Safety (OTS), For The 2013-2014 Sobriety Checkpoint Program To Be Conducted By The Oakland Police Department (OPD), And For A Waiver Of The Central Services Office (CSO) Overhead Charges In The Amount Of Five Thousand One Hundred One Dollars (\$5,101)
[13-0124](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.25-CC Subject: Office Of Traffic Safety STEP Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In The Amount Of One Hundred Seventy-Five Thousand Dollars (\$175,000) From The Regents Of The University Of California, Berkeley, School Of Public Health, Traffic Safety Center, Serving As The Fiscal Agent For The State Of California, Office Of Traffic Safety (OTS), For The 2013-2014 Selective Traffic Enforcement Program (STEP) To Be Conducted By The Oakland Police Department (OPD) And To Authorize Coverage Of The Central Services Overhead (CSO) From The General Fund In An Amount Not To Exceed Twenty Thousand Two Hundred Ten Dollars (\$20,210)
[13-0131](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.26-CC Subject: Community Oriented Policing Services (COPS) Grant Funds
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland (City) To: 1) Accept And Appropriate Grant Funds In The Amount Of Four Million Five Hundred Fifteen Thousand And Seven Hundred Thirty Dollars (\$4,515,730) From The U.S. Department Of Justice, Office Of Community Oriented Policing Services (USDOJ/COPS), (2) To Fund The Entry-Level Salary And Fringe Benefit Costs Of Ten (10.0) Full-Time Equivalent (FTE) Police Officers Positions For A Thirty-Six Month Period From September 1, 2013 Through August 31, 2016, And Appropriate Said Funds To The Oakland Police Department (OPD); (3) Authorize An Appropriation Of Eighty Five Thousand Dollars (\$85,000) From The Undesignated General Purpose Fund Balance To Cover Costs Associated With Holding A Lateral Police Academy To Hire And Train Additional Police Officers, In The FY 2013-14 OPD General Purpose Fund Budget; And 4) Authorize A Contribution Of Central Services Overhead
[13-0149](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.27-CC Subject: Metropolitan Medical Response System (MMRS) Grant Funds
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee
To: 1) Accept, Appropriate, And Administer Federal Fiscal Year 2011 Statewide Homeland
Security (SHSP) Grant Funds In An Amount Of Two Hundred And Eighty Thousand Dollars
(\$280,000) From The Alameda County (ALCO) Sheriff's Department; And 2) Expend Fiscal
Year 2011 SHSP Funds Including Funding The Oakland Fire Department Metropolitan
Medical Response System (MMRS) Planning Staff, Equipment And Training Program And
Entering Into Service And Purchasing Agreements To Expend Such Grant Funds Without
Further Council Review Or Action Provided Competitive Solicitation And Purchasing
Programs/Policies Are Followed
[13-0150](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.28-CC Subject: 911 Fire Dispatch Center Phone Upgrade
From: Department Of Information And Technology
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept
Equipment And Services From AT&T, Funded By The State Of California, Needed To
Upgrade The City Of Oakland's Fire Dispatch 9-1-1 Phone System, Customer Premise
Equipment (CPE), And Related Equipment, Valued At Three Hundred Thirty-Six Thousand
Dollars (\$336,000). All Equipment And Services For The Project Will Be Paid From The State
Of California 9-1-1 Program; No City Of Oakland Funds Are Required To Implement This
Project
[13-0118](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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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S-7.29-CC Subject: Opposing Changes To SNAP/CalFresh In 2013 Farm Bill
From: Councilmember Lynnette Gibson McElhaney
Recommendation: Adopt A Resolution Opposing The Changes In The Supplemental Nutrition
And Assistance Program ("Snap," Known As Cal Fresh) In The 2013 Farm Bill (H.R. 2642, S.
3240), Including Cuts To 4.2 Million California Residents And 33,747 Oakland Households
Participating In Snap/Cal Fresh, And Any Reductions In Eligibility, Benefits, Or State And
Local Flexibility.
[13-0173](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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

*Councilmember Gibson McElhaney made a motion seconded by
Councilmember Kalb to approve the urgency finding on Item 7.29 for the
following reasons: That there is a need to take immediate action which came to
the attention of the local body after the agenda was posted, and that the need to
take immediate action relates to federal legislation.*

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Passed The Consent Agenda

**A motion was made by President Pro Tempore Kaplan, seconded by
Councilmember Gibson McElhaney, including all the preceding items
marked as having been adopted on the Consent Agenda. The motion
carried by the following vote:**

Votes: ORA\Councilmember Excused: 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

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

A motion was made by Councilmember Schaaf, seconded by Councilmember Kalb, 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 Excused: 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

**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 7:24 p.m.

62 individuals spoke on this item.

Councilmember Brooks made a motion, seconded by Councilmember Kalb, to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Schaaf, and President Kernighan, 1 Excused - Reid.

9.1 Subject: LDDA With Oakland Maritime Support Services (OMSS)
From: Office Of The City Administrator
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing The City Administrator To Negotiate And Execute A Lease Disposition And Development Agreement And Ground Lease Between The City Of Oakland And Oakland Maritime Support Services, LLC, A California Limited Liability Company, Or Its Affiliate, In A Form And Content Substantially In Conformance With The Attached Documents, For The Development Of An Ancillary Maritime Support Facility To Provide Truck Parking And Truck-Related Services On Approximately 17 Acres In The Central And North Gateway Areas Of The Former Oakland Army Base, Without Returning To The City Council
[13-0145](#)

A motion was made by Councilmember Gibson McElhaney, 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 December 10, 2013 meeting. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Kalb
ORA\Councilmember Excused: 1 - Vice Mayor Reid
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, President Pro Tempore Kaplan, 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 7:54 p.m.

25 individuals spoke on this item.

Councilmember Schaaf made a motion, seconded by President Pro Tempore Kaplan, to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Schaaf, and President Kernighan, 1 Excused - Reid.

9.2 Subject: Appeal Of Planning Commission Approved Project At 4311-4317 MacArthur
From: Department Of Planning And Building
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution
Denying The Appeal Of CRADL And Citizens4Oakland And Upholding The City Planning
Commission's Certification Of An Environmental Impact Report And Approval Of A
Mixed-Use Project, Consisting Of 115 Senior Housing Units And 3,446 Square Feet Of Retail
Space, At 4311-4317 Macarthur Boulevard
[13-0158](#)

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 Excused: 1 - Vice Mayor Reid
ORA\Councilmember Noes: 2 - Councilmember Brooks and Councilmember Gallo
ORA\Councilmember Ayes: 5 - Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan
The Council adopted the amended resolution submitted on the dais by Councilmember Schaaf as well as the following additions:

1) *"If the retail space is not occupied within 30 days after the first residential habitation then the owner will demonstrate good faith effort to lease the space and must provide a marketing study and plan to the City and again every quarter that the space remains vacant;" and*

2) *"Whereas the project applicant has stated his intention to provide that at least 20% of the units will be affordable senior housing units."*
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Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at 9:38 p.m.

4 individuals spoke on this item.

President Pro Tempore Kaplan made a motion, seconded by Councilmember Schaaf, to close the Public Hearing, and hearing no objections, the motion passed by 7 Ayes: Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Schaaf, and President Kernighan, 1 Excused - Reid.

9.3 Subject: 2014 City Council And School Board Redistricting
From: Department Of Planning And Building
Recommendation: Conduct A Public Hearing And Upon Conclusion 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 On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard at the December 10, 2013 meeting. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 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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ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 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 Schaaf, seconded by Councilmember Gallo, that this matter be Continued to the Meeting of the Oakland City Council, due back on December 10, 2013. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
ORA\Councilmember Excused: 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

This item was heard after Item 20.

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12 Subject: Allocating Funds For Complaint In-Take Positions In OPD And CPRB
From: City Administrator's Office
Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend Resolution No. 86644 C.M.S., Adopting The City Of Oakland Policy Budget For Fiscal Years 2013-15, To Reallocate Funds From The General Purpose Fund (#1010) City Administrator's Office (#02211) To General Purpose Fund (#1010) Police Department (#101120); To (1) Establish Five Positions For Complaint In Take At The Oakland Police Department In An Amount Of Four Hundred Ninety-Seven Thousand And Twenty Dollars (\$497,020) Each Year For FY 2013-14 And FY 2014-15; (2) Establish Additional Positions Staffing Of Citizen's Police Review Board (CPRB), Including CPRB Director In An Amount Of Nine Hundred Seventy-One Thousand One Hundred Thirty-Eight Dollars (\$971,138) Each Year For FY 2013-14 And FY 2014-15; (3) Make Funds Available For Expenditure Immediately
[13-0177](#)

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

Votes: ORA\Councilmember Excused: 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 also requested assurance from the City Administrator that the job description of the CPRB Director will be provided to institutional stakeholders like PUEBLO to allow for their participation in establishing the job criteria.

There were 7 speakers on this item.

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[84718 C.M.S.pdf](#)

13 Subject: Report On Local Principal Reduction Strategies
From: Office Of The City Administrator
Recommendation: Receive An Informational Report On Local Principal Reduction Strategies
[13-0178](#)

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

Votes: ORA\Councilmember Excused: 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

There were 2 speakers on this item.

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14 Subject: Supporting Richmond's Strategy Of Local Principle Reduction
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Recognizing The Devastating Effect Of The
Foreclosure Crisis On Local Communities, Supporting The City Of Richmond's Strategy Of
Local Principle Reduction To Assist Homeowners In Risk Of Foreclosure Remain In Their
Homes, And Declaring Oakland's Intention To Study Whether It Should Embark Upon A
Similar Strategy
[13-0120](#)

No Action Taken

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S-15 Subject: Condemning The Ongoing Impacts Of Predatory Lending
From: President Pro Tempore Rebecca Kaplan
Recommendation: Adopt A Resolution Recognizing The Devastating Effect Of The
Foreclosure Crisis On Local Communities, Appreciating The City Of Richmond's Leadership
In Efforts To Assist Homeowners At Risk Of Foreclosure To Remain In Their Homes, And,
Asking The City Attorney To Provide The Oakland City Council With A Legal Analysis Of
The Richmond Strategy And Legal Implications Of Acting Similarly. [TITLE CHANGE]
[13-0116](#)

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

Votes: ORA\Councilmember Excused: 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 City Council adopted the amended resolution with the following revisions:

Revised Title: "Resolution Recognizing The Devastating Effect Of The Foreclosure Crisis On Local Communities, Supporting The City Of Richmond's Strategy Of Local Principle Reduction To Assist Homeowners In Risk Of Foreclosure Remain In Their Homes"

Delete the last 3 "Further Resolved" paragraphs.

Add "appreciates the City of Richmond's leadership in efforts to assist homeowners at risk of foreclosure to remain in their homes. And supports" in the first Resolved paragraph.

Revise the first Further Resolved paragraph as follows: "That the Oakland City Council calls on Wall Street banks, and other financial institutions to stop threatening our communities with reprisals and litigation and instead work with them to negotiate principal reduction for underwater mortgages to current market values in order to stop the housing crisis, strengthen local economies and help keep families in their homes; and be it"

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S-16 Subject: Fiscal Year 2012-13 Adjusted Budget
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Accepting The Unaudited FY 2012-13 Fourth Quarter Revenue And Expenditure Results 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; And Authorizing The City Administrator To Adjust The GPF Revenue Appropriations In The Amount Of \$18.89 Million And Expenditure Appropriations In The Net Amount Of \$28.00 Million Over Or Under Budget By Department Listed In Exhibits A And B Attached Herein
[13-0160](#)

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

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
ORA\Councilmember Excused: 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

The Council also moved to continue the report portion of the item to the next council meeting for discussion.

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S-17 Subject: Pedestrian Safety Improvement Project
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Execute A Construction Contract With McGuire & Hester, The Lowest Responsive And Responsible Bidder, For The Construction Of The Pedestrian Safety Improvement Project (Project No. C371810) In Accordance With Plans And Specifications For The Project In The Amount Of Five Hundred Forty-Three Thousand, Eighty-Six Dollars And Zero Cents (\$543,086.00) And Reject All Other Bids

[13-0130](#)

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

Votes: ORA\Councilmember Excused: 1 - Vice Mayor Reid
ORA\Councilmember Absent: 1 - Councilmember Gibson McElhaney
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember Gallo, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan

This item was heard after Item 12.

There was one speaker on this item.

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[84721 C.M.S.pdf](#)

S-18 Subject: Seismic Retrofit Of Coliseum Way Bridge
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Waiving Advertising And Competitive Bidding And Increasing The Change Order Limit For The Contract With Disney Construction, Inc. For The Seismic Retrofit Of Coliseum Way Bridge (Project No. C346810) From Fifteen Percent (15%) To Thirty Percent (30%.) Of The Original Contract Amount For A Total Contract Amount Not-To-Exceed Three Million Six Hundred Fifty-Nine Thousand Three Hundred Eighty-Eight Dollars (\$3,659,388.00); And

[13-0133](#)

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

Votes: ORA\Councilmember Excused: 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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2) A Resolution Authorizing The City Administrator To Accept And Appropriate Up To One Million Eleven Thousand Three Hundred Forty-Four Dollars (\$1,011,344.00) Of Federal Highway Administration And State Proposition IB Funds For The Seismic Retrofit Of Coliseum Way Bridge (Project No. C346810)
[13-0133-1](#)

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

Votes: ORA\Councilmember Excused: 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

This item was heard after Item 17.
[84723. C.M.S.pdf](#)

S-19 Subject: Foreclosure Prevention/Mitigation Grants
From: Department Of Housing And Community Development
Recommendation: Adopt A Resolution 1) Authorizing The City To Accept Grant Funds From The County Of Alameda For Up To \$75,000, And Allocating Such Funds To The Healthy Housing Pilot Program To Address Housing Conditions Contributing To Negative Health Outcomes For Oakland Residents, Including Those Impacted By The Foreclosure Crisis; And 2) Authorizing A Grant Of Up To \$50,000 From Community Development Block Grant Funds To Community Housing Development Corporation For Foreclosure And Housing Counseling For Oakland Homeowners
[13-0153](#)

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 Excused: 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

This item was taken after Item 15.
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A motion was made by Councilmember Gibson McElhaney, seconded by Councilmember Kalb, to extend the meeting past 12:00 a.m. and the motion carried with a vote of 7 Ayes, 1 Excused - Reid.

S-20 Subject: Domain Awareness Center (DAC) Phase II
 From: Office Of The City Administrator
 Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Award A
Contract For Phase 2 Of The Domain Awareness Center (DAC) Project Implementation In An
Amount Not To Exceed Two Million Dollars (\$2,000,000); (2) Select A Vendor From The
Pool Of Vendors That Responded To The Request For Proposals Titled "City Of Oakland/Port
Of Oakland Joint Domain Awareness Center, October 2012"; (3) With A Return To Council
For Approval Of The Recommended Vendor And Contract Award [TITLE CHANGE]
[13-0141](#)

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

Votes: ORA\Councilmember Excused: 1 - Vice Mayor Reid
ORA\Councilmember Noes: 1 - Councilmember Gibson McElhaney
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember
Gallo, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember
Schaaf and Council President Kernighan

There were 61 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 Vern Sullivan, Dorene Cosgrove, Eileen
Schaaf, Juanita Mary May, Raul Ramirez, and Paul Alex Sanchez at 1:27 a.m.*

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MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30 A.M. TO 5:00 P.M.

City Clerk and Clerk of the Council