



SUPPLEMENTAL

City of Oakland

Meeting Agenda

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, July 29, 2014

5:30 PM

City Council Chambers, 3rd Floor

DEFINITION OF TERMS:

Consent Item: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.

Non-Consent Item: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.

Action Item: any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

Informational Item: an item of the agenda consisting only of an informational report that does not require or permit Council action.

- 1 PLEDGE OF ALLEGIANCE
- 2 ROLL CALL / CITY COUNCIL

COUNCILMEMBERS: Desley Brooks, District 6; Noel Gallo, District 5; Lynette Gibson McElhaney, District 3; Dan Kalb, District 1; President Pro Tempore Rebecca Kaplan, At-Large; Vice Mayor Larry Reid, District 7; Libby Schaaf, District 4; Council President Patricia Kernighan, District 2

- 3 OPEN FORUM / CITIZEN COMMENTS (Time Available: 15 Minutes)
- 4 ACTIONS ON SPECIAL ORDERS OF THE DAY
(Ceremonial Presentations, Reports/Presentations From The Mayor, Council Acknowledgements/Announcements):
 - 4.1 Subject: Honoring Lu Vason
From: Councilmember Lynnette Gibson McElhaney
Recommendation: Adopt A Resolution To Honor Lu Vason, Founder And Director Of The Bill Pickett Invitational Rodeo, On The 30th Anniversary Of The Only Touring African American Rodeo In America
[\(13-0713\)](tel:4157710713)

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- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETINGS OF JULY 15, 2014
AND JULY 16, 2014
- 6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS
(Requests To: Reschedule Items From Consent To Non-Consent To The Next Council
Agenda, Speak On Consent Calendar, Register Votes, Change Order Of Items,
Reconsiderations, Pull Items Held In Committee):

7. CONSENT CALENDAR (CC) ITEMS:

- 7.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's
Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health
Crisis With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired
Immunodeficiency Syndrome ("AIDS") Epidemic
[\(13-0739\)](#)
- 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
[\(13-0740\)](#)
- 7.3-CC Subject: Board Of Port Commissioners Reappointment - Yee
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of
Alan S. Yee To The Board Of Port Commissioners
[\(13-0741\)](#)
- 7.4-CC Subject: Citizen's Police Review Board Reappointment - Yihdego
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of
Almaz Yihdego To The Citizen's Police Review Board
[\(13-0742\)](#)
- 7.5-CC Subject: Bicyclist And Pedestrian Advisory Commission Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Ryan
Chan, Chris Hwang, Christopher Kidd, Fred McWilliams, Robert Prinz, Midori Tabata,
Royston Taylor, Rosa Villalobos And Kenya Wheeler To The Bicyclist And Pedestrian
Advisory Commission
[\(13-0745\)](#)
- 7.6-CC Subject: Settlement Agreement - BART v. City of Oakland (Francis Love)
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of San Francisco Bay Area Rapid Transit District v.

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City Of Oakland (Francis Love), Alameda County Superior Court Case No. RG11601786, City Attorney's File No. 29181, For A Sum Not To Exceed Eleven Thousand Five Hundred Dollars And No Cents (\$11,500) (Public Works - Contract Dispute)
[\(13-0746\)](#)

The Council authorized settlement of this case in Closed Session on Tuesday, June 17, 2014, moved by Councilmember Noel Gallo and seconded by Councilmember Lynette Gibson McElhaney - 7 Ayes, 1 Absent.

7.7-CC Subject: Settlement Agreement - City v. Fairmount West Development Co.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of City Of Oakland v. Fairmount West Development Co., Inc., Alameda County Superior Court Case No. RG14718973, City Attorney's File No. X04012, For A Sum Not To Exceed Ninety-Nine Thousand Fifty-One Dollars And Thirty Cents (\$99,051.30) (Finance)
[\(13-0747\)](#)

The Council authorized settlement of this case in Closed Session on Tuesday, July 15, 2014, moved by Councilmember Rebecca Kaplan and seconded by Councilmember Larry Reid - 6 Ayes, 2 Absent.

7.8-CC Subject: Grant Funds To Attitudinal Healing Connection
From: President Pro Tempore Rebecca Kaplan
Recommendation: Adopt A Resolution Authorizing A Grant Of \$20,000 From Councilmember Kaplan's Graffiti Abatement Mural Funds To Attitudinal Healing Connection For The Third Mural In Their Super Heroes Project On The Freeway Underpass On West Street, Between 35th Street And 36th Street
[\(13-0736\)](#)

7.9-CC Subject: Grant To Good Hope Baptist Church's Youth Group
From: President Pro Tempore Rebecca Kaplan
Recommendation: Adopt A Resolution Authorizing A Grant Of \$500.00 From Councilmember Kaplan's Pay-Go Funds To Good Hope Baptist Church's Youth Group For Travel And Meal Expenses To Disneyland
[\(13-0737\)](#)

7.10-CC Subject: Grant Funds For Third Superheroes Mural Project
From: Councilmember Lynette Gibson McElhaney
Recommendation: Adopt A Resolution Authorizing A Grant Of \$10,000 From Councilmember McElhaney's Graffiti Abatement Mural And Green Wall Funds To Attitudinal Healing Connection For The Third Mural In Their Oakland Superheroes Mural Project On The West Street Freeway Underpass Between 35th And 36th Streets
[\(13-0751\)](#)

7.11-CC Subject: Grant Funds For Mural At The M. Robinson Baker YMCA

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From: Councilmember Lynnette Gibson McElhaney
Recommendation: Adopt A Resolution Authorizing A Grant Of \$11,000 From
Councilmember McElhaney's Graffiti Abatement Mural And Green Wall Funds To
Attitudinal Healing Connection To Install A Mural On The M. Robinson Baker YMCA In
West Oakland
[\(13-0752\)](#)

7.12-CC Subject: Grant Funds To Community Rejuvenation Project For Mural
From: Councilmember Lynnette Gibson McElhaney
Recommendation: Adopt A Resolution Authorizing A Grant Of \$2,500 From
Councilmember McElhaney's Graffiti Abatement Mural And Green Wall Funds To
Community Rejuvenation Project For Their Mural On 14th And Alice Streets In
Downtown Oakland
[\(13-0753\)](#)

7.13-CC Subject: Grant Funds For Athena Mural Project
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Authorizing A Grant Of \$3,100 From
Councilmember Noel Gallo Anti-Graffiti Abatement Mural And Green Wall Funds To
Peralta Hacienda For The Athena Mural Project Completed By The California College
Of The Arts And Arise High School
[\(13-0755\)](#)

7.14-CC Subject: Oakland Municipal Code Amendment; Chapter 2.29
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Chapter 2.29 Of The Oakland
Municipal Code Entitled "City Agencies, Departments And Offices" To Revised The
Titles Of Bureaus And Divisions In The Police Department And The Titles Of Divisions
In The Planning & Building Department And The Economic & Workforce Development
Department
[\(13-0684\)](#)

**ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second
Reading) OF THIS ORDINANCE.**

**INTRODUCTION (First Reading) WAS PASSED ON JULY 15, 2014; 8
AYES.**

7.15-CC Subject: LDDA Terms And Conditions With OMSS
From: Economic And Workforce Development Department
Recommendation: Adopt An Ordinance Amending Ordinance No. 13201 C.M.S. (That
Authorized The City Administrator, Without Returning To The City Council, To
Negotiate And Execute A Lease Disposition And Development Agreement ("LDDA")
And Ground Lease Between The City Of Oakland And Oakland Maritime Support
Services, LLC, Or Its Affiliate ("OMSS"), For The Development Of Truck Parking And
Truck-Related Services On Approximately 17 Acres Of The Former Oakland Army Base)
To Amend The General Terms Of The LDDA As Follows: (1) Modify The Financial

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Requirements For The Project Guarantor; And (2) Grant OMSS An Exclusive Right To Sell Truck Fuel On The City-Owned Portions Of The Army Base For Ten (10) Years
(13-0693)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE.

INTRODUCTION (First Reading) WAS PASSED ON JULY 15, 2014; 7 AYES, 1 NO - SCHAAF.

7.16-CC Subject: Library Advisory Commission Appointment- Montgomery
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Rosa Montgomery As A Member Of The Library Advisory Commission
(13-0758)

S-7.17-CC Subject: Rainy Day Fund & Excess RETT Policy
From: Office Of The City Administrator
Recommendation: Receive A Report And Adopt Recommendations On Establishing A Rainy Day Fund And Changing The Definition Of Excess Real Estate Transfer Tax, And Related Amendments To The City's Financial Policies
(13-0614-1)

The July 22, 2014 Finance & Management Committee approved recommendations as amended with a vote of 4 Ayes.

The Committee directed staff to draft an Ordinance amending Ordinance No. 13170 and establishing a Rainy Day Policy for Funding Debt and Unfunded Liabilities, as well as funding a newly established Vital Services Stabilization Reserve, with the following features:

1. Amend the definition of Excess RETT to the amount exceeding fourteen percent (14%) of that year's general tax revenues.

2. Add the creation of a new Rainy Day Policy with the following features:

a. When projected Real Estate Transfer Tax (RETT) exceeds fourteen percent (14%) of projected total general tax revenues, twenty-five percent of that Excess RETT shall be allocated through the budget process: half to a newly established Vital Services Stabilization Reserve and half to pay down debt or unfunded liabilities.

b. Fifty percent (50%) of any unallocated General Fund balance, as projected by the 3rd Quarter Revenue and Expenditure Report shall be allocated in the following budget as follows: half to the Vital Services Stabilization Reserve and half to pay down debt or unfunded liabilities.

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c. With regard to allocating funds to pay down debt or unfunded liabilities, which shall be clearly defined, as part of the budget process, staff shall present its analysis and recommendations to the Council that it believes are in the best long-term financial interest of the city.

d. Funding the Vital Services Stabilization Reserve may be reduced once it has accumulated a balance that exceeds 15% of general fund revenues.

e. In years when the city projects that total General Purpose Fund revenues for the upcoming fiscal year will be less than the current year's revenues, or anytime service reductions (such as layoffs or furloughs) are contemplated, use of this fund must be considered to mitigate such cuts, and the adopted budget may appropriate funds from the Vital Services Stabilization Reserve to preserve city operations; however, the budget may not appropriate more than sixty percent of the reserve balance in any year.

f. Any deviations from this policy, including the need to address unusual and temporary increases in baseline expenditures, must be made by Resolution requiring a minimum of 6 votes. The Resolution must include (1) a statement explaining the necessity for the deviation and (2) a plan for replenishing the reserve.

3. Bring back recommendations for maintaining and/or investing the Vital Services Stabilization Reserve, other relevant policies such as repayment of negative fund balances, and alternatives for paragraph 2b above.

S-7.18-CC Subject: Extend Contract With GRM
From: Office Of The City Clerk
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Extend The Contract With GRM Information Management Services For Records And Information Management Services On A Month To Month Basis Until Execution Of A New Contract And The City's Records Inventory Is Transferred To The New Records Management Contractor For A Period No Later Than March 31,2015 In An Amount Not To Exceed \$162,500.00; And 2) Waive The Advertising And Request For Proposals/Qualifications (RFP/Q) Process For The Agreement Extension With Current Contractor GRM Information Management Services; And 3) Proceed With Contract Negotiations And Return To Council Within 90 Days To Award Contract For Records And Information Management Services
(13-0729)

The July 22, 2014 Finance & Management Committee approved recommendations with a vote of 4 Ayes.

S-7.19-CC Subject: Traffic Signal Installations & Modifications
From: Oakland Public Works Department

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Recommendation: Adopt A Resolution Waiving Advertising And Competitive Bidding And Increasing The Change Order Limit Amount For The Contract With Bay Area Lightworks For Construction Of Traffic Signal Installations And Modifications (Project No. C313710), From Twenty Percent (20%) To Twenty-Three Percent (23%) Of The Original Contract Amount, For A Total Amount Not-To-Exceed One Million Six Thousand Six Hundred Thirty-One Dollars And Thirty-Three Cents (\$1,006,631.33) (13-0715)

The July 22, 2014 Public Works Committee approved recommendations with a vote of 4 Ayes.

S-7.20-CC Subject: Golden Gate Branch Library Exterior Window Restoration Project
From: Oakland Public Works Department
Recommendation: Adopt A Resolution To Reject All Bids, Waive Further Advertising And Competitive Bidding And Authorize The City Administrator, Or His Designee, To Negotiate And Execute A Construction Contract Up To The Amount Of One Hundred And Sixty Three Thousand Dollars (\$163,000.00) With Rockridge Builders, Sole Bidder, Or In The Open Market For The Golden Gate Branch Library Exterior Window Restoration Project (No. B00570) In Accordance With The Plans And Specifications (13-0716)

The July 22, 2014 Public Works Committee approved recommendations with a vote of 4 Ayes.

S-7.21-CC Subject: UPRR Crossing Improvement Agreements
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee, The Director Of Public Works Or The Assistant Director Of Public Works, Bureau Of Engineering And Construction, To Negotiate And Execute Agreements With Union Pacific Railroad (UPRR) For Crossing Improvements And Maintenance, In Accordance With California Public Utility Commission (CPUC) Regulations At: Broadway And Embarcadero West Intersection (No. 0010-6.70); Fruitvale Avenue South Of San Leandro Boulevard (No. 0010-9.80); And 23rd And 29th Avenues, Near Glascock Street (Nos. 0010-10.39-C And 0010-10.40-C) (13-0717)

The July 22, 2014 Public Works Committee approved recommendations with a vote of 4 Ayes.

S-7.22-CC Subject: Citywide Street Resurfacing
From: Oakland Public Works Department
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator, Or Designee To Execute A Construction Contract With Gallagher & Burk, Inc., The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications For Citywide Street Resurfacing (Project No. C369650) And With Contractor's Bid In The Amount Of Three Million Six Hundred Ninety-Eight Thousand Nine Hundred Ninety-Five Dollars And Eighty Cents (\$3,698,995.80); And 2) Waiving Advertising And Bidding Requirements Increasing The Contract Amount By An Additional Nine Hundred

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Thousand Dollars (\$900,000.00) For "Worst Streets" Road Improvements, For A Total Contract Authorization Of Four Million Five Hundred Ninety-Eight Thousand Nine Hundred Ninety-Five Dollars And Eighty Cents (\$4,598,995.80)
[\(13-0726\)](#)

The July 22, 2014 Public Works Committee approved recommendations with a vote of 4 Ayes.

S-7.23-CC Subject: Application To Expand Foreign Trade Zone
From: Department Of Economic And Workforce Development
Recommendation: Adopt A Resolution Authorizing The City Administrator To Submit A Foreign Trade Zone Alternative Site Framework Application And To Sign And Enter Into An Agreement With The Foreign Trade Zone Board, U.S Department Of Commerce
[\(13-0720\)](#)

The July 22, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

S-7.24-CC Subject: ENA For 2315 Valdez St And 2330 Webster Street
From: Department Of Economic And Workforce Development
Recommendation: Adopt A Resolution Authorizing An Exclusive Negotiating Agreement For A Period Of One Year With The Option To Extend Administratively For 90 Days With Harrison TDP Partners, LLC, To Develop A Mixed-Use Project On City owned Properties At 2315 Valdez Street And 2330 Webster Street
[\(13-0722\)](#)

The July 22, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

S-7.25-CC Subject: Annual Reports Of Property-Based BID's
From: Department Of Economic And Workforce Development
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving The Fiscal Year 2013-2014 Annual Reports Of The Koreatown/Northgate Community Benefit District Of 2007, The Downtown Oakland Community Benefit District Of 2008, The Lake Merritt/Uptown Community Benefit District Of 2008, The Fruitvale Property Business Improvement District Of 2011, And The Lakeshore/Lake Park Business Improvement Management District Of 2012 Advisory Boards; Confirming The Continuing Annual Assessment For Each Applicable District For Fiscal Year 2014/15; And Authorizing Payment Of The City's Cumulative Fiscal Year 2014/15 Fair Share Assessment In An Approximate Amount Of \$209,150.04 For City-Owned Properties In The Koreatown/Northgate District, The Downtown Oakland District, The Lake Merritt/Uptown District And The Fruitvale District; And
[\(13-0730\)](#)

2) An Oakland Redevelopment Successor Agency Resolution Authorizing Payment Of The Oakland Redevelopment Successor Agency's Cumulative Fiscal Year 2014/15 Fair Share Assessment In An Approximate Amount Of \$8,819.40 For Oakland

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Redevelopment Successor Agency-Owned Properties In The Downtown Oakland
Community Benefit District Of 2008, And The Fruitvale Property Business Improvement
District Of 2011
(13-0730-1)

**The July 22, 2014 Community & Economic Development Committee
approved recommendations with a vote of 4 Ayes.**

S-7.26-CC Subject: Basement Backfill And Repair Program
From: Department Of Economic And Workforce Development
Recommendation: Adopt A Resolution (1) Authorizing The Creation Of A City
Basement Backfill And Repair Program, (2) Allocating \$2,636,845 For The Program
Using Excess Central District Bond Funds Under The Bond Expenditure Agreement,
And (3) Authorizing The City Administrator To Make Grants Under The Program
Without Returning To Council
(13-0731)

**The July 22, 2014 Community & Economic Development Committee
approved recommendations with a vote of 4 Ayes.**

S-7.27-CC Subject: Producers Associates Inc. Agreement
From: Oakland Parks And Recreation Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His
Designee To Execute An Agreement With Producers Associates, Inc. To Provide Summer
Musical Theater At Woodminster Amphitheater For A Ten-Year Term From 2014
Through 2023 With One Three-Year Option To Renew
(13-0698)

**The July 22, 2014 Life Enrichment Committee approved recommendations
with a vote of 3 Ayes, 1 Absent - Gallo.**

**The Committee also directed staff to provide a breakdown of where
revenue streams are generated and to provide information regarding the
expansion of outreach strategies.**

S-7.28-CC Subject: Professional Services Agreement With Managed Health Network
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter
Into A Professional Services Agreement With Managed Health Network (MHN) In Order
To Meet The Requirements Of The Memorandum Of Understanding (MOU) With The
Oakland Police Officers' Association (OPOA) To Provide: (1) Psychological Counseling
Services For Sworn Members Of The Oakland Police Department (OPD) And Their
Dependents For The Period Of July 1, 2014 To June 30, 2017, For An Amount Not To
Exceed Three Hundred Fifteen Thousand Dollars (\$315,000), With An Option To Extend
For An Additional Two Years, In Amount Of One Hundred Five Thousand Dollars
(\$105,000) Per Year, For A Total Contract Amount Of Five Hundred Twenty-Five
Thousand Dollars (\$525,000) (2) Substance Abuse Counseling To Sworn Members And
Their Dependents And Civilian Members Of The OPD For The Period Of January 1, 2015

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To June 30,2017, For An Amount Not To Exceed Two Hundred Ten Thousand Dollars (\$210,00), With An Option To Extend For An Additional Two Years, In Amount Of Eighty-Four Thousand Dollars (\$84,000) Per Year For A Total Contract Amount Of Three Hundred Seventy-Eight Thousand Dollars (\$378,000); For An Overall Total Contract Amount Of Nine Hundred Three Thousand Dollars \$903,000)
(13-0725)

The July 22, 2014 Public Safety Committee approved recommendations with a vote of 3 Ayes, 1 Absent - Gallo.

S-7.29-CC Subject: Support For AB 2188 - Simplifying Solar Energy Permitting Process
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution In Support Of Assembly Bill (AB) 2188 (Muratsuchi) - State Legislation That Would Make California Statewide Permitting Process For Rooftop Solar Systems Simpler And More Efficient And Help Advance Goals Outlined In Oakland's Climate Action Plan
(13-0703)

The July 24, 2014 Rules & Legislation Committee approved recommendations with a vote of 4 Ayes.

S-7.30-CC Subject: Support For SB 1199 - Scenic River Designation For Mokelumne River
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution In Support Of Senate Bill SB 1199 (Hancock) State Legislation That Would Provide California Wild And Scenic River Designation For The Mokelumne River From Below Salt Springs Dam To The Upstream End Of Pardee Reservoir
(13-0714)

The July 24, 2014 Rules & Legislation Committee approved recommendations with a vote of 4 Ayes.

S-7.31-CC Subject: Travel Authorization For League Of CA Cities' Annual Conference
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution Authorizing Councilmember Kalb To Travel To Los Angeles To Attend The 2014 League Of California Cities' Annual Conference From September 3-5, 2014
(13-0760)

The June 24, 2014 Rules and Legislation meeting scheduled this item to this agenda.

S-7.32-CC Subject: Settlement Agreement - Goggin 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 Goggin, A Minor, v. City Of Oakland, Alameda County Superior Court, No. RG12-615075, City Attorney's File No. 28587 In The Amount Of Eight Thousand Five Hundred Dollars (\$8,500.00) (Real Estate - Traffic Collision)

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(13-0761)

This item will be heard in Closed Session on July 29, 2014.

The June 24, 2014 Rules and Legislation meeting scheduled this item to this agenda.

S-7.33-CC Subject: Settlement Agreement - Dao The Diep 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 Dao The Diep v. City Of Oakland, Alameda County Superior Court Case No. RG12-645758, In The Amount Of Ten Thousand Dollars And No Cents (\$10,000.00) As A Result Of A Trip And Fall Accident On Or About September 11, 2011 (Public Works Agency - Dangerous Condition/Trip & Fall)
(13-0762)

This item will be heard in Closed Session on July 29, 2014.

The June 24, 2014 Rules and Legislation meeting scheduled this item to this agenda.

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

**COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE
THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:**

9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

9.1 Subject: ~~Jack London Square Redevelopment Project Revision #1~~
From: ~~Planning & Building Department~~
Recommendation: ~~Conduct A Public Hearing And Upon Conclusion Adopt A
Resolution Approving The Jack London Square Redevelopment Project Revision #1,
Including: A) Adopting Addendum #1 To The Jack London Square Redevelopment
Project Environmental Impact Report; B) Adopting Revisions To The Jack London
Redevelopment Project Planned Unit Development And Design Review Subject To
Conditions Of Approval; And C) Approving A Minor Variance From Loading
Requirements~~
(13-0695)

**Pursuant to Rule 28(a) of Resolution 82580 C.M.S., this item was
withdrawn from this agenda.**

9.2 Subject: Plan Amendments For Jack London Square And West Oakland
From: Planning & Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A
Resolution Approving The Environmental Determinations For, And Adopting, The
Following Two Amendments To The City Of Oakland General Plan: (1) Approve

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Changes To The General Plan Designations In Support Of The West Oakland Specific Plan, As Delineated In Exhibit A; And (2) Approve Changes To The General Plan Designations Of (A) Assessor's Parcel Number 0018-0415-001-01 (Known As "Site D" Of The Jack London Square Development Project, And Generally Bounded By The Building Known As 70 Washington Street To The South And West, Embarcadero West To The North, And Broadway To The East) From RDE-1 (Retail, Dining, Entertainment Phase 1) To RDE-2 (Retail, Dining, Entertainment Phase 2), And (B) Assessor's Parcel Number 0018-0420-004-01 (Known As "Site F-2" Of The Jack London Square Development Project, And Generally Bounded By Harrison Street To The West, Embarcadero West To The North, Alice Street To The East, And Water Street To The South) From WCR-1 (Waterfront Commercial Recreation 1) To MUD (Mixed Use Development), As Delineated In Exhibit B
(13-0694)

This item was Continued from the July 15, 2014 City Council meeting.

The July 8, 2014 Community & Economic Development approved recommendations as amended with a vote of 4 Ayes.

The Committee requested that parties be given the opportunity to confer and produce revised recommendations for the full City Council to consider, including information on modified building heights.

- 9.3 Subject: Permanent Regulations For Crematories
From: Department Of Planning And Building
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, Recommended By The Planning Commission, And As Directed By City Council Under Emergency Ordinance No. 13222 C.M.S., To Amend The Planning Code To Establish Permanent Regulations Pertaining To Crematories Within The City Of Oakland
(13-0721)

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE.

FINAL PASSAGE (Second Reading) WILL OCCUR ON SEPTEMBER 23, 2014.

The July 22, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

- 9.4 Subject: Establishing The Temescal/Telegraph Business Improvement District 2015
From: Economic & Workforce Development Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Establishing The Temescal/Telegraph Business Improvement District 2015 ("TTBID 2015"), Approving The Management Plan, Directing Filing Of The Proposed Assessment District Boundary Description, Making A Determination With Regard To

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The Majority Protest Procedure For Approval Of The Proposed Assessments, Approving
The Assessments For The District And Appointing The Advisory Board For The TTBD
2015
(13-0502-2)

- 9.5 Subject: 5816-5826 Mendoza Drive Utility Pole Telecomm. Project Appeal
From: Planning & Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A
Resolution Denying Appeal #A13115 And Upholding The Decision Of The City
Planning Commission To Approve Regular Design Review To Attach A
Telecommunications Facility To A Utility Pole Located In The Public Right-Of-Way
Fronting The Lot Line Between 5816 And 5826 Mendoza Drive
(13-0699)

**Pursuant to Rule 28(a) of Resolution 82580 C.M.S., this item was added to
this agenda.**

- 9.6 Subject: ~~6239 Elderberry Drive Utility Pole Telecommunications Project Appeal~~
From: ~~Planning & Building Department~~
Recommendation: ~~Conduct A Public Hearing And Upon Conclusion Adopt A
Resolution Denying The Appeal Of Manuel Perez And Dr. Christy Hiebert (Appeal
#A13-233) And Upholding The Decision Of The City Planning Commission To Approve
Regular Design Review To Attach A Telecommunication Facility To A New Replacement
Utility Pole Located In The Public Right-Of-Way (Case File #DR13-055) At The
Intersection Of Elderberry Drive And Girvin Drive~~
(13-0700)

**The July 24, 2014 Rules & Legislation Committee withdrew this item from
the agenda.**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 10 THIS NUMBER INTENTIONALLY LEFT BLANK.
- 11 Subject: West Oakland Specific Plan And Related Actions
From: Planning & Building Department
Recommendation: Adopt An Ordinance, As Recommended By The City Planning
Commission, Amending The Oakland Planning Code To Create The Commercial
Industrial Mix CIX-IA Business Enhancement Zone, Commercial Industrial Mix CIX-IB
Low Intensity Business Zone, Commercial Industrial Mix CIX-IC High Intensity
Business Zone, Commercial Industrial Mix CIX-ID Retail Commercial Mix Zone,
Housing And Business Mix HBX-4 Zone, The "T" Combining Overlay Zone
Regulations, And Make Conforming Changes To Other Planning Code Sections, As Well
As Mapping Of A "C" (Commercial) Overlay For The RM-2 Zoned Properties Near The
West Oakland Bart Station Along The 5th Street And Chester Street Frontage Area, And
Adopting Zoning And Height Area Maps
(13-0696-1)

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ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE.

INTRODUCTION (First Reading) WAS PASSED ON JULY 15, 2014; 7 AYES, 1 ABSTENTION - BROOKS.

At the July 15, 2014 City Council meeting, the Council adopted the Ordinance as amended to include the following additions to the West Oakland Specific Plan:

- 1.) Add language from the Broadway Valdez Specific Plan regarding affordable housing;**
- 2.) West Oakland residents and business owners would not like to see any additional recycling operations permitted in West Oakland. The WOSP conditionally permits primary recycling within the Third Street CIX zone; and**
- 3.) Exclude primary recycling within the Third Street CIX Zone. The area bounded by Ettie, Hannah, 32nd and 34th Streets is currently an industrial block, zoned for CIX industrial, with several businesses, including Clear Channel Communications. The WOSP recommends changing the coning for this area to HBX, thereby allowing residential development. In order to retain this important piece of industrial land for jobs-producing businesses, the WOSP be amended to designate the area bounded by Ettie, Hannah, 32nd and 34th Streets as CIX zoning.**

S-11.1 Subject: City Minimum Wage And Sick Leave Ordinance
From: Council President Patricia Kernighan
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code To Establish A City Minimum Wage And Require Paid Sick Leave
(13-0757)

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE.

FINAL PASSAGE (Second Reading) WILL OCCUR ON SEPTEMBER 23, 2014.

The July 22, 2014 Community & Economic Development Committee approved recommendations with a vote of 3 Ayes, 1 No - Schaaf.

The Committee approved recommendations as amended to include the following revisions:

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- 1) Add direct care worker to 2nd tier of the phase in with small business owners; and
- 2) Add and option to eventually get to \$15.00 per hour for the minimum wage.

S-11.2 Subject: Amendments To Public Safety & Violence Prevention Ballot Measure
From: Office Of The City Administrator
Recommendation: Adopt A Resolution, Amending Resolution No. 85110 C.M.S., On The City Council's Own Motion Submitting To The November 4, 2014 Statewide General Election, A Proposed Ordinance To Maintain The Current Special Parcel Tax And The Parking Tax Surcharge For Police Services And Violence Prevention Strategies, To Address Violent Crime And To Improve Public Safety In The City Of Oakland, And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 4, 2014 Statewide General Election

This Item Is Re-Noticed Because At The July 15, 2014 City Council Meeting The City Council Adopted Significant Substantive Changes To The Resolution That Required Continuing The Item To July 29, 2014. The City Attorney Has Reviewed The Videotape And The Changes That The Council Considered On The Floor On July 15, 2014 And Has Determined That The Reduction Of Budgeted And Maintained Sworn Police Personnel Positions From 700 To 678 And A No Layoff Provision Were Significant Substantive Changes To The Measure That Were Not Included In The June 24, 2014 Public Safety Committee's Recommendations To Council.

Significant Substantive Changes Approved By The Council On July 15, 2014 Include A No Layoff Provision And A Requirement That The Council Budget And Maintain Staffing Of 678 Sworn Police Personnel. In Addition, City Administration Proposes An Exemption From The Tax For Churches And Public Schools, And Revisions To Clarify The Use Of Findings For Staffing Shortfall Exceptions, To Clarify The Duration Of Suspension/Reduction Of Taxes And Parking Fees For Staffing Shortfalls, And To Clarify That Suspension/Reduction Of Collection Is Proportional To The Number Of Days Of Shortfall.

[\(13-0756\)](#)

The June 24, 2014 Rules and Legislation meeting scheduled this item to this agenda.

12 Subject: Revisions To Local Amendments To State Building Code
From: President Pro Tempore Rebecca Kaplan
Recommendation: Adopt An Ordinance To Amend And Restate Ordinance No. 13200 C.M.S., Adopted November 19, 2013, To Revise The Local Amendments To The 2013 Editions Of The California Building Standards Code (Title 24, California Code Of Regulations) And Amendments To Oakland Municipal Code Chapter 15.04 To Incorporate Modified Requirements For Seismic Retrofitting When There Is A Change Of Occupancy In Existing Buildings And Other Modifications

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(13-0329)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE.

INTRODUCTION (First Reading) WAS PASSED ON JULY 1, 2014; 7 AYES, 1 NO - KALB.

This item was Continued from the July 15, 2013 City Council meeting.

- 13 Subject: Councilmember Cost-Of-Living Salary Increase For FY 2014-2015
From: Council President Kernighan
Recommendation: Adopt A Resolution Continuing To Waive Past Salary Increases Authorized By The Public Ethics Commission For City Councilmembers And Instead Accept A Salary Of \$76,100.00 For FY 2014-2015, Which Represents A 2.4 Percent Increase Over The Salary That Most Councilmembers Received In FY 2013-2014

(13-0733)

The July 10, 2014 Rules and Legislation meeting scheduled this item to this agenda.

- 14 Subject: Salary Ordinance Amendment For Increase Council Members
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Increase The Salary For The Classification Of Council Member

(13-0749)

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE.

FINAL PASSAGE (Second Reading) WILL OCCUR ON SEPTEMBER 23, 2014.

The July 15, 2014 Rules and Legislation meeting scheduled this item to this agenda.

- S-15 Subject: Addressing Needs Of Unaccompanied Minors Crossing The Border
From: Councilmembers Gallo, Reid And Off Of The Mayor
Recommendation: Adopt A Resolution Urging The City Of Oakland To Commit Resources And Support Efforts At The Congressional Level To Address The Growing Humanitarian Crisis Of Unaccompanied Children Fleeing Violence From Central America

(13-0759)

The June 24, 2014 Rules and Legislation meeting scheduled this item to this agenda.

CONTINUATION OF OPEN FORUM

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ADJOURNMENT OF COUNCIL SESSION

(Meeting Shall Conclude No Later Than 12:00 A.M., Unless Extended By Majority Vote Of The Council)

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**LaTonda Simmons
City Clerk and
Clerk of the Council**