



City of Oakland

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

Meeting Agenda - SUPPLEMENTAL

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 18, 2014

5:30 PM

City Council Chamber, 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: Recognizing The Ninth Graduating Class Of The Oakland City Academy
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Recognizing The Ninth Graduating Class Of
The City Of Oakland's Oakland City Academy
[14-0049](#)
Attachments: [View Report.pdf](#)
- 4.2 Subject: Recognizing Samee Roberts
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Honoring And Recognizing Samee Roberts
Upon Her Retirement From The City Of Oakland After 28 Years Of Dedicated And
Memorable Service
[14-0048](#)
Attachments: [View Report.pdf](#)
- 4.3 Subject: Recognizing Michele A. Silva
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Honoring Michele A. Silvia For Her 33 Years
Of Dedicated Service To The City Of Oakland And Congratulating Her On Her Recent
Retirement
[14-0153](#)
Attachments: [View Report.pdf](#)

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF OCTOBER 21, 2014 AND NOVEMBER 5, 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 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
[14-0187](#)
Attachments: [View Report.pdf](#)

- 7.2 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
[14-0188](#)

Attachments: [View Report.pdf](#)

- 7.3 Subject: California Safe Digging Month
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution In Support Of California Safe Digging Month
[14-0134](#)

Attachments: [View Report.pdf](#)

- 7.4 Subject: Amending Salary Ordinance To Create Fleet Compliance Coordinator
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Create The Classification Of Fleet Compliance Coordinator
[14-0066](#)

Attachments: [View Report.pdf](#)

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

INTRODUCTION (First Reading) WAS PASSED ON OCTOBER 21, 2014; 7 AYES, 1 ABSENT - SCHAAF.

- 7.5 Subject: Amending Salary Ordinance To Create Fire Fighter Paramedic Trainee
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Create The Classification Of Fire Fighter Paramedic Trainee
[14-0067](#)

Attachments: [View Report.pdf](#)

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

INTRODUCTION (First Reading) WAS PASSED ON OCTOBER 21, 2014; 7 AYES, 1 ABSENT - SCHAAF.

- 7.6** Subject: Amend CalPERS Contract To Increase Fire Safety Employees Contribution
From: Finance Department
Recommendation: Adopt An Ordinance Of The City Of Oakland To Approve An Amendment To The Contract Between The City Of Oakland And The Board Of Administration Of The California Public Employees' Retirement System (CALPERS) To Include A 1 % Employees Cost Sharing Of Additional Benefits For Tier Three City Of Oakland Sworn Fire Department Employees Pursuant To California Government Code Section 20516, As Approved By The City Council In The July 1, 2014 Memorandum Of Understanding With The International Association Of Fire Fighters (IAFF) Local 55
[14-0108](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report.pdf](#)
[View Supplemental Report.pdf](#)

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

INTRODUCTION (First Reading) WAS PASSED ON OCTOBER 21, 2014; 8 AYES.

- 7.7** Subject: Amending The Prompt Payment Ordinance
From: President Pro Tempore Kaplan And Councilmember Brooks
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 2.06 To Add Requirements To Make Prompt Disbursements Of Grant Funds To Grant Recipients
[14-0051](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report](#)

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

INTRODUCTION (First Reading) WAS PASSED ON NOVEMBER 5, 2014; 7 AYES, 1 ABSENT - REID.

- 7.8 Subject: Agricultural Regulations & Other Planning Regulation Changes
From: Councilmembers Kaplan, Kalb And Gibson McElhaney
Recommendation: Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To Update The City's Agricultural Regulations; And Make Other Miscellaneous Planning Code Text, Map, And Height Area Amendments, Including But Not Limited To: 1) Clarifying The Process And Exceptions To The Maximum Yard Requirements; 2) Standardizing Design Review Procedure Language; 3) Clarifying The Definitions Of "Live/Work" And "Work/Live"; 4) Streamlining The Process For Allowing Alcoholic Beverage Manufacturers To Sell Their Products On Site; 5) Modifying The Cup Findings For Hotels; 6) Adding "Taxi And Light-Based Fleet Services" To The Activity Chart For The CIX-1, CIX-2, IG, And LO Zones; 7) Modifying The Minimum Lot Frontage And I Width Requirements In The CIX-IC And CIX-ID Zones; 8) Clarifying The Application Of The S-19 Combining Zone; 9) Adding Height Area Designations To Certain CC Zoned Parcels In West Oakland; 10) Changing The Zoning From CIX-IA To CIX-IB For Certain Properties In The 3rd And 7th Street Corridors In West Oakland; 11) Adding The T Overlay To Two Blocks Between 3rd And 5th, Market And Brush Streets; 12) Adjusting The Boundary Between The CC-2 And RM-2 Zones Near The Intersection Of 7th And Peralta Streets; 13) Modifying The Regulation Of Pharmacies In The D-BV Zones; 14) Amending The Wood Street Zoning District Development Standards In Support Of Redevelopment Of The 16th Street Train Station; And 15) Making Other Minor Zoning Text Changes To Improve The Clarity Of The Planning Code, And Make Appropriate California Environmental Quality Act Determinations

[13-0328](#)

Attachments:

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

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

INTRODUCTION (First Reading) WAS PASSED ON NOVEMBER 5, 2014; 6 AYES, 2 ABSENT - BROOKS, REID.

- 7.9** Subject: Establish 1% For Public Art In Private Development Projects
From: Councilmember Libby Schaaf
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code To Adopt Chapter 15.70 Public Art Requirements, Which Establishes A New Requirement Of .5% For Residential Or 1% For Nonresidential Of Private Development Project Costs For Public Art And Codifies An Existing Requirement Of 1.5% Of The City's Capital Improvement Project Costs For Public Art, Adopted By The City Council Through Ordinance No. 11086 C.M.S.
[14-0036](#)

Attachments: [View Report.pdf](#)

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

INTRODUCTION (First Reading) WAS PASSED ON NOVEMBER 5, 2014; 6 AYES, 2 ABSENT - BROOKS, REID.

- 7.10** Subject: Honoring The 90th Anniversary Of The Sierra Club Bay Chapter
From: Councilmembers Kalb And Gibson McElhaney
Recommendation: Adopt A Resolution Honoring The Sierra Club Bay Chapter On Their 90th Anniversary, And Recognizing Their Remarkable Advocacy To Protect The San Francisco Bay, To Improve Air Quality, To Address Climate Change, To Reduce Waste, And To Preserve Natural Resources
[14-0193](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report](#)

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

- 7.11** Subject: Settlement Agreement - Estate Of Matthew Cicelske, Et. Al.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Estate Of Matthew Cicelske, Et. Al. V. City Of Oakland, Et. Al., United States District Court Case No. C-13-0379 JSC, City Attorney's File No. 28691 In The Amount Of Seventy-Five Thousand Dollars And No Cents (\$75,000.00) As A Result Of An Officer Involved Shooting On Or About January 29, 2011 (Oakland Police Department-Police Shooting)
[14-0194](#)

Attachments: [View Report](#)

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

- 7.12** Subject: Settlement Agreement - Linda Smith 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 Linda Smith V. City Of Oakland, Alameda County Superior Court Case No. RG13- 665558, In The Amount Of Two Million Dollars And No Cents (\$2,000,000.00) As A Result Of Being Struck By A City Owned And Operated Vehicle On Or About September 28, 2012 (Public Works Department- Motor Vehicle Collision)

[14-0195](#)

Attachments: [View Report](#)

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

- 7.13** Subject: Settlement Agreement - Julia Kim 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 Julia Kim V. City Of Oakland, Alameda County Superior Court Case No. RG07- 358758, In The Amount Of Fifty-Six Thousand Eight Hundred Thirty Dollars And No Cents (\$56,830.00) As A Result Of A Real Estate Transaction Of Encumbered Property On Or About November 17, 2005 (Economic & Workforce Development - Real Estate)

[14-0196](#)

Attachments: [View Report](#)

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

- 7.14** Subject: Settlement Agreement - State Farm General Ins. Co. 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 State Farm General Ins. Co. V. City Of Oakland, Alameda County Superior Court Case No. RG14-733470, In The Amount Of Thirteen Thousand Three Hundred Twenty-Six Dollars And Ninety-Two Cents (\$13,326.92) As A Result Of A Traffic Accident On September 28, 2012 (Public Works Department- Motor Vehicle Collision - Subrogation)

[14-0197](#)

Attachments: [View Report](#)

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

S7.15 Subject: Creating The Oakland Animal Services Department
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 Establish The
Oakland Animal Services Department In The City Administrator's Office
[14-0169](#)

Attachments: [View Report](#)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON DECEMBER 9, 2014.

*The November 12, 2014 Finance & Management Committee approved
recommendations with a vote of 4 Ayes.*

S7.16 Subject: 1601 and 1605 Clay Street Major Encroachment Permit
From: Planning And Building Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major
Encroachment Permit To 360 Ventures II, LLC To Allow An Existing Basement For
The Building Located At 1601 And 1605 Clay Street To Encroach Into The Public
Right-Of-Way Along The Building's Frontage Under The Sidewalks On Clay Street And
16th Street
[14-0151](#)

Attachments: [View Report.pdf](#)

*The November 12, 2014 Public Works Committee approved recommendations with a
vote of 4 Ayes.*

S7.17 Subject: Durant Mini Park Improvements
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His
Designee, To Execute A Construction Contract With Beliveau Engineering Contractors,
Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Project
Plans And Specifications For The Durant Mini Park Improvements (Project No.
C457610), And With Contractor's Bid In The Amount Of Seven Hundred Three
Thousand And Three Dollars (\$703,003.00)
[14-0137](#)

Attachments: [View Report.pdf](#)

*The November 12, 2014 Public Works Committee approved recommendations with a
vote of 4 Ayes.*

S7.18 Subject: Fruitvale Transit Village ENA
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Authorizing An Exclusive Negotiating Agreement With The Spanish Speaking Unity Council For Development Of Phase II Of The Fruitvale Transit Village Project At The Bay Area Rapid Transit ("BART") Fruitvale Station Parking Lot; Authorizing A Predevelopment Loan For The Project In An Amount Not To Exceed \$350,000; And Authorizing An Exclusive Negotiating Period Of One Year And One Optional Six Month Administrative Extension

[14-0171](#)

Attachments: [View Report.pdf](#)

The November 12, 2014 Community & Economic Development approved recommendations with a vote of 3 Ayes, 1 Absent - Reid.

S7.19 Subject: Downtown Specific Plan Grant Award
From: Planning & Building Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: (A) Apply For, Accept, And Appropriate Seven Hundred And Fifty Thousand Dollars (\$750,000) In Metropolitan Transportation Commission (MTC) And Association Of Bay Area Governments (ABAG) Priority Development Area (PDA) Planning Grant Funding For The Downtown Specific Plan; And (B) Enter Into A Grant Funding Agreement With MTC And ABAG For The PDA Planning Grant Funds; And (C) Appropriate Seven Hundred And Fifty Thousand Dollars (\$750,000) In Community Benefit Funds From The Jack London Redevelopment Project; And (D) Allocate One Hundred Thousand Dollars (\$100,000) Of The Jack London Redevelopment Project Community Benefit Funds To Fund The Local Match Requirement To Receive MTC Grant Funding For The Downtown Specific Plan.

[14-0163](#)

Attachments: [View Report.pdf](#)

The November 12, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

S7.20 Subject: 2014 US&R Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator, Or Designee To (A) Enter Into A Grant Cooperative Agreement To Accept And Appropriate Federal Emergency Management Agency (FEMA) Funds For The Period Of September 1, 2014 To February 29, 2016, In The Amount Of One Million Two Hundred Fifty Eight Thousand One Hundred Thirty One Dollars (\$1,258,131) To Meet Continuing Management, Training And Equipment Needs Of The Fire Department's Urban Search And Rescue (US&R) Task Force; And (B) Expend FEMA Grant Funds In Accordance With The Preliminary Spending Plan Without Further City Council Approval, Including The Purchase Of US&R Equipment From The General Services Administration (GSA) And Other Government Pricing Schedules; And 2) Waiving The City's Advertising And Bidding Requirements For The Purchase Of The US&R Equipment When Necessary Under Grant Guidelines; And; 3) Approving Travel For City Personnel Who Provide Services Under The FEMA Grant And Cooperative Agreement Of Short Notice Without Further Council Authorization
[14-0165](#)

Attachments: [View Report.pdf](#)

The November 12, 2014 Public Safety Committee approved recommendations with a vote of 4 Ayes.

S7.21 Subject: Office Of Traffic Safety STEP Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Grant Funds In The Amount Of One Hundred Forty Thousand Two Hundred Twenty Dollars (\$140,220.00) From The State Of California, Office Of Traffic Safety (OTS), For The 2014-2015 Selective Traffic Enforcement Program (STEP) To Be Conducted By The Oakland Police Department (OPD)
[14-0166](#)

Attachments: [View Report.pdf](#)

The November 12, 2014 Public Safety Committee approved recommendations with a vote of 4 Ayes.

S7.22 Subject: Honoring The Whispers
From: Office Of The City Attorney And Council President Kernighan
Recommendation: Adopt A Resolution Commemorating The 50th Anniversary Of The
Legendary Whispers, Honoring And Thanking The Whispers For Providing Half A
Century Of Timeless, Beautiful, Melodic, Ballads And Foot-Patting Dance Music With
Silky Voices And Harmony That Are National Treasures And Declaring Friday,
November 29, 2014 "The Whispers Day" In The City Of Oakland
[14-0201](#)

Attachments: [View Report](#)

This item was placed on the agenda Pursuant to Rule 28(a).

*This item requires an Urgency Finding (2/3 majority vote) pursuant to Section 2.20.080
E(2) of the Sunshine Ordinance, prior to hearing the item.*

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: Lake Merritt Station Area Plan And Related Actions
From: Planning And Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The
Following Pieces Of Legislation:

1) A Resolution (A) Certifying The Environmental Impact Report And Making Related
CEQA Findings And Adopting The Lake Merritt Station Area Plan And Related General
Plan Amendments And Design Guidelines; (B) Authorizing The Installation Of Bicycle
Lanes On Eighth (8th) Street From Harrison Street To Fallon Street, On Tenth (10th)
Street From Madison Street To Oak Street, Madison Street From Fifth (5th) Street To
Nineteenth (19th) Street, And On Oak Street From Fifth (5th) Street To Thirteenth
(13th) Street; And (C) Adopting A General Plan Amendment To The Community
Commercial Land Use Classification Text For The Broadway Valdez District Specific
Plan (BVDSP) Area To Allow A Maximum Density Of 250 Units Per Gross Acre And
Making Related CEQA Findings; And

[14-0121](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report](#)

2) An Ordinance, Amending The Oakland Planning Code To Create The D-LM Lake Merritt Station Area District Zone Regulations And Make Conforming Changes To Other Planning Code Sections, As Well As Adopting Zoning And Height Area Maps [14-0121-1](#)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON DECEMBER 9, 2014.

The November 12, 2014 Community & Economic Development Committee approved recommendations as amended to exclude the Planning Commission amendments with a vote of 4 Ayes.

- 9.2 Subject:** Oakland Zoo Conservation Easement
From: Planning & Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, Which Was Considered By The Parks And Recreation Advisory Commission, Granting A 53-Acre Conservation Easement In Knowland Park, Located At 9777 Golf Links Road, To Protect The Alameda Whipsnake, Which Further Implements The June 2011 California Trail Exhibit Project Approvals, Conditions Of Approval And Mitigation Measures And Authorizing The City Administrator To Take Any And All Actions Necessary To Implement The Conservation Easement Without Returning To Council (CEQA Determination: Reliance On Previously Approved 2011 Subsequent Mitigated Negative Declaration/Addendum) [14-0158](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report.pdf](#)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON DECEMBER 9, 2014.

The November 12, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

- 9.3 Subject:** Fee To Implement Alameda County Integrated Waste Management Plan

PER THE CITY ATTORNEY, ITEM 9.3 REGARDING FEE TO IMPLEMENT ALAMEDA COUNTY INTEGRATED WASTE MANAGEMENT PLAN DOES NOT REQUIRE A FORMAL PUBLIC HEARING AND HAS BEEN MOVED TO THE NON-CONSENT PORTION OF THE AGENDA AND WILL BE HEARD AS ITEM 20.

- 9.4 Subject:** Amending Residential Recycling Franchise Award & Max Service Rates

PER THE CITY ATTORNEY, ITEM 9.4 REGARDING AMENDING RESIDENTIAL RECYCLING FRANCHISE AWARD & MAX SERVICE RATES DOES NOT REQUIRE A FORMAL PUBLIC HEARING AND HAS BEEN MOVED TO THE NON-CONSENT PORTION OF THE AGENDA AND WILL BE HEARD AS ITEM 21.

- 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 One Of
The Following:

1) A Resolution Upholding Appeal #A13115, Thereby Reversing The Decision Of The City Planning Commission And Denying Regular Design Review To Attach A Telecommunications Facility To A Utility Pole Located In The Public Right-Of-Way At 5816-5826 Mendoza Drive; Or

[13-0699](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report.pdf](#)

Alternatively, Should The Council Wish To Deny The Appeal And Uphold The Regular Design Review Application, The City Council May, Upon Conclusion Of A Public Hearing, Adopt:

2) 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

[13-0699-1](#)

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 10** Subject: Fiscal Year 2014-2015 Cultural Funding Grants
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into Eighty-Six (86) Cultural Services Grants To Seventy-One (71) Oakland-Based Nonprofit Organizations And Individual Artists Providing Arts And Cultural Services In Oakland During Fiscal Year 2014-2015 In A Total Amount Not To Exceed \$950,000
[14-0159](#)

Attachments: [View Report](#)

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

- 11** Subject: Cultural And Service Learning Trip To Ethiopia Report
From: Councilmember Desley Brooks
Recommendation: Receive An Informational Report On The Outstanding Work Of Edom Tadesse And 14 Students From The French American School Who Participated In The Cultural And Service Learning Trip To Ethiopia
[14-0111](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report.pdf](#)

This item was Continued from the November 5, 2014 City Council meeting.

- 12** Subject: Report On The Outstanding Work Of Hanna Solomon
From: Councilmember Desley Brooks
Recommendation: Receive An Informational Report On The Outstanding Work Of 16
Year Old Hanna Solomon In Organizing A Coat Drive For Deserving Individuals [TITLE
CHANGE]
[14-0112](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report.pdf](#)

This item was Continued from the November 5, 2014 City Council meeting.

- 13** Subject: Report On The Outstanding Work Of Natthan Mesfin
From: Councilmember Desley Brooks
Recommendation: Receive An Informational Report On The Outstanding Work Of 9
Year Old Natthan Mesfin In Organizing And Raising Funds For A Sleeping Bag
Give-Away To Homeless Individuals [TITLE CHANGE]
[14-0113](#)

Attachments: [View Report](#)
[View Supplemental Report.pdf](#)

This item was Continued from the November 5, 2014 City Council meeting.

- 14** Subject: Rockridge BID Annual Report And Intent To Levy
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment
For Fiscal Year 2015-2016 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 9, 2014
[14-0160](#)

Attachments: [View Report.pdf](#)

*This item was scheduled to this agenda at the October 30, 2014 Rules & Legislation
Committee.*

- 15** Subject: Montclair BID Annual Report And Intent To Levy
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment
For Fiscal Year 2015-2016 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 9, 2014
[14-0161](#)

Attachments: [View Report.pdf](#)

*This item was scheduled to this agenda at the October 30, 2014 Rules & Legislation
Committee.*

- 16** Subject: Government Ethics Act
From: Councilmember Dan Kalb And The Office Of The City Attorney
Recommendation: Adopt A "Government Ethics Act" Ordinance (A) Adopting And Expanding Local Oversight Over Ethical Requirements Regarding Conflicts Of Interest, Revolving Door, Use Of City Resources For Private Gain, Gifts, City Officers Contracting With The City, And Other Ethics Issues; (B) Adopting And Expanding State Governmental Ethics Laws Applicable To Local Government Officials And Public Servants; (C) Granting The Public Ethics Commission Authority To Impose Penalties For Violations Of Certain Charter Provisions Including Sections 218 (Noninterference In Administrative Affairs) And 907 (Nepotism); (D) Requiring That The Public Ethics Commission Provide Training, Advice And Assistance Regarding Compliance With The Act; And (E) Authorizing The Commission To Impose Penalties And Fines For Violations [TITLE CHANGE]
[14-0078](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report.pdf](#)
[View Supplemental Report.pdf](#)
[View Supplemental Report.pdf](#)
[View Supplemental Report.pdf](#)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON DECEMBER 9, 2014.

The October 16, 2014 Rules & Legislation Committee approved recommendations with a vote of 3 Ayes, 1 Absent - Reid.

- 17** Subject: Establishing A Rainy Day Policy And Consolidated Fiscal Policy
From: Office Of The City Administrator And Councilmember Schaaf
Recommendation: Adopt An Ordinance Amending The City Of Oakland Financial Policies, To Establish A New Rainy Day Policy And Consolidating All Fiscal Policies Into The City Of Oakland Consolidated Fiscal Policy
[14-0120](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report](#)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON DECEMBER 9, 2014.

This item was heard at the November 12, 2014 Finance & Management Committee meeting.

- 18** Subject: Executive Recruitment Contract Extensions
From: Human Resources Management Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To: 1) Execute A One (1) Year Contract Extension (January 1, 2015 To December 31, 2015) With Avery Associates, Inc., For Executive Recruitment Services At A Cost Of \$90,000 For A Total Contract Amount Not To Exceed \$172,900 And Waive The Competitive Request For Proposals/Qualifications Process; And 2) Execute A One (1) Year Contract Extension (January 1, 2015 To December 31, 2015) With Management Partners, Inc., At A Cost Of \$97,500 For A Total Contract Amount Not To Exceed \$150,000 And Waive The Competitive Request For Proposals/ Qualifications Process

[14-0179](#)

Attachments: [View Report.pdf](#)

This item was scheduled to this agenda at the October 30, 2014 Rules & Legislation Committee meeting.

- 19** Subject: Emeryville-Berkeley-Oakland Transit Study
From: Planning & Building Department
Recommendation: Receive A Report And Provide Possible Direction To Staff To Endorse And/Or Provide Comments To The City Of Emeryville, As The Lead Agency, In Response To The Draft Emeryville-Berkeley-Oakland Transit Study (EBOTS)

[14-0191](#)

Attachments: [View Report.pdf](#)

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

- 20** Subject: Fee To Implement Alameda County Integrated Waste Management Plan
From: Oakland Public Works Department
Recommendation: Adopt An Ordinance Establishing A Fee In The Initial Amount Of \$3,240,000, Effective July 1, 2015, To Be Adjusted By Changes In The Annual Consumer Price Index, To Pay The City's Costs Of Preparing, Adopting, And Implementing The Alameda County Integrated Waste Management Plan, To Be Collected By The Mixed Materials And Organics Franchisee From Its Customers, Which Shall Reduce Said Franchise Fee By An Equal Amount And Shall Not Result In An Increase In Mixed Materials And Organics Rates

[14-0192](#)

Attachments: [View Report.pdf](#)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON DECEMBER 9, 2014.

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

- 21** Subject: Amending Residential Recycling Franchise Award & Max Service Rates
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Ordinance No. 13258 C.M.S., Which Amended Ordinance No. 13253 C.M.S. To Among Other Things, Grant A Franchise For Mixed Materials And Organics Collection Services To Waste Management Of Alameda County And Approve Maximum Service Rates For Mixed Materials And Organics Collection, Residential Recycling And Disposal Services, To: (1) Add Two (2) Contamination Rates Of \$25 And \$50 To The Maximum Service Rates For Customer Placement Of Items Other Than Those Allowed In Recycling And Organic Materials Containers And (2) Make Appropriate Findings Required By The California Environmental Quality Act; And

[14-0157](#)

Attachments: [View Report](#)

2) An Ordinance Amending Ordinance No. 13254 C.M.S, Which, Among Other Things, Granted A Franchise For Residential Recycling Collection Services To California Waste Solutions, Inc., For A Term Of Ten (10) Years From July 1, 2015 Through June 30, 2025, With Two Five-Year Extension Options In 2022 And 2027, To Change The Term Of The Contract To Twenty (20) Years: July 1,2015 Through June 30, 2035, And Make Appropriate Findings Required By The California Environmental Quality Act

[14-0173](#)

ACTION ON THESE ITEMS WILL RESULT IN INTRODUCTION (First Reading) OF THE ORDINANCES.

FINAL PASSAGE (Second Reading) WILL OCCUR ON DECEMBER 9, 2014.

This item was scheduled to this agenda at the October 30, 2014 Rules & Legislation Committee.

- S22** Subject: Amendments To The Fiscal Year 2014-2015 Midcycle Budget
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Amending The City Of Oakland's Fiscal Year 2013-2015 Biennial Budget, Which Was Adopted Pursuant To Resolution No. 84466 C.M.S. On June 27, 2013 And Amended By Resolution 84897 C.M.S. On March 18, 2014, And Further Amended By Resolution No. 85085 C.M.S. On July 1, 2014 To: (1) Appropriate Fiscal Year 2014-2015 General Purpose Fund Expenditures In An Amount Not To Exceed \$6,832,586 As Detailed In Exhibit 1; And (2) Increase General Purpose Fund Reserve In An Amount Of \$414,301 [NEW TITLE]

[14-0128](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report.pdf](#)

The November 12, 2014 Finance & Management Committee approved recommendations with a vote of 4 Ayes.

S23 Subject: Increasing The Salary Of The Director Of Animal Services Classification
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance
No. 12187 C.M.S. ("Salary Ordinance") To Increase The Salary Of The Director Of
Animal Services Classification
[14-0168](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report](#)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON DECEMBER 9, 2014.

*The November 12, 2014 Finance & Management Committee approved
recommendations with a vote of 4 Ayes.*

*The Committee also requested that staff prepare a supplemental report clarifying the
justifications for the increase in salary.*

S24 Subject: East Bay Bus Rapid Transit Project Updates, Approvals And Appropriations
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Accepting And Appropriating Up To \$1,450,000 In East Bay Bus Rapid
Transit (BRT) Project Funds From AC Transit For Reimbursement Of City Of Oakland
Staff Costs For The Final Design And Construction Phase Activities And Authorizing
The City Administrator To Approve The Cost Allocation Plan; And
[14-0146](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report](#)

*The November 12, 2014 Public Works Committee approved recommendations with a
vote of 4 Ayes.*

2) A Resolution Approving The East Bay Bus Rapid Transit (BRT) Project Business
Impact Mitigation Plan For Advanced Utility Relocations And The Parking And BRT
Business Impact Mitigation Plans For Fruitvale Bypass And Off-Street Parking Lot
Construction In The Fruitvale And Elmhurst Areas Of Oakland; And
[14-0147](#)

*The November 12, 2014 Public Works Committee approved recommendations as
amended with a vote of 4 Ayes.*

*The Committee approved recommendations as amended to include the following
addition: "Resolved: The proposed bus stop on 5th Avenue is not approved by this
action, and further work with the stakeholders will be conducted to determine the
specific location of the stop."*

3) A Resolution Accepting And Appropriating Up To \$2,500,000 From AC Transit To The Development And Implementation Of The City Of Oakland Business Sustainability Program Of The East Bay Bus Rapid Transit (BRT) Project Business Impact Mitigation Fund; And

[14-0148](#)

The November 12, 2014 Public Works Committee approved recommendations as amended with a vote of 4 Ayes.

4) A Resolution Waiving The Competitive Request For Proposal ("RFP") Selection Requirement And Authorizing The City Administrator To Enter Into A New Professional Services Agreement With The Oakland Business Development Corporation (OBDC) In An Amount Not To Exceed \$500,000 To Administer The Startup Phase Of The Technical Assistance Element Of The City Of Oakland East Bay Bus Rapid Transit (BRT) Project Business Impact Mitigation Fund; And

[14-0149](#)

The November 12, 2014 Public Works Committee approved recommendations as amended with a vote of 4 Ayes.

5) A Resolution Allocating \$1,000,000 In Fiscal Year 2015 - 2016 And Fiscal Year 2016 - 2017 Community Development Block Grant Funds To The City Of Oakland East Bay Bus Rapid Transit (BRT) Project Business Impact Mitigation Fund - Business Sustainability Program

[14-0150](#)

The November 12, 2014 Public Works Committee approved recommendations as amended with a vote of 4 Ayes.

The Committee approved recommendations as amended to include the following addition: "Resolved: That the Oakland City Council directs staff to create a Business Mitigation Fund to provide direct monetary assistance in the form of loans or grants to businesses for the purpose of enhancing the viability of such businesses that have experienced adverse construction impact or adverse permanent impact from the BRT infrastructure changes. Merchants may use funds for infrastructure improvements such as sidewalk improvements, business operations, capital and/or tenant improvements among other things.

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)

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk - Agenda Management Unit

Phone: (510) 238-6406

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 238-3254

THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR OVER THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO ENSURE THE SAFETY OF THOSE ATTENDING MEETINGS.

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