



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

* 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 05, 2013

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. These items are heard on the 5:30 P.M. portion of the agenda.

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. These items are heard on the 6:30 P.M. portion of the agenda.

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 Life Academy Of Health And Bioscience High School
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Acknowledging The Life Academy Of Health

And Bioscience High School Community For Its Academic Growth And Community
Contributions
(13-0119)

- 4.2 Subject: Honoring Corazon Del Pueblo
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Acknowledging Corazon Del Pueblo For Their
Positive Promotion Of Peace And Cultural Understanding Through The Arts And
Education In The Fruitvale Community And For Their Leadership In The Dia De Los
Muertos Celebration Throughout The Bay Area
(13-0139)
- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF OCTOBER 15,
2013
- 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
(13-0128)
- 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
(13-0129)
- 7.3-CC Subject: Cannabis Regulatory Commission Reappointment - Sierra Martinez
From: Office Of The Mayor
Recommendation: Adopt A Resolution Reappointing Sierra Martinez As Members Of
The Cannabis Regulatory Commission
(13-0107)
- 7.4-CC Subject: Library Advisory Commission Reappointment - Kathryn Sterbenc
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of
Kathryn Sterbenc As A Member Of The Library Advisory Commission
(13-0108)

- 7.5-CC Subject: Community Policing Advisory Board Appointment - Sheryl Walton
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Sheryl Walton As A Member Of The Community Policing Advisory Board
[\(13-0121\)](#)
- 7.6-CC Subject: Settlement Agreement - Johnson 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 Johnson v. City Of Oakland, Et Al., Alameda County Superior Court, Case No. RG12653800 City Attorney's File No. 29168, In The Amount Of Seventy Thousand Dollars (\$70,000.00) (Public Works Department - Trip And Fall)
[\(13-0122\)](#)
- 7.7-CC Subject: Settlement Agreement - Fred Fakraei 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 Fred Fakraei v. City Of Oakland, Alameda County Superior Court Case No. RG12-643200 In The Amount Of \$550,000.00 As A Result Of A Vehicle Accident At 11th And Clay Streets (Oakland Fire Department-Vehicle Collision)
[\(13-0123\)](#)
- 7.8-CC Subject: Settlement Agreement - Christina And Alphonso Acampo
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromised And Settle The Claim Of Christina And Alphonso Acampo, City Attorney's Claim No. C29342, In The Amount Of Nine Thousand One Hundred Twenty-Three Dollars And Fourteen Cents (\$9,123.14) (Public Works Agency - Tree Limb Damaged Property)
[\(13-0137\)](#)
- 7.9-CC Subject: Settlement Agreement - Blesilda Alcantara
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromised And Settle The Claim Of Blesilda Alcantara, City Attorney's Claim No. C29545, In The Amount Of Nine Thousand Two Hundred Twenty-Nine Dollars And Eighty-Three Cents (\$9,229.83) (Public Works Agency - Sewer Overflow)
[\(13-0138\)](#)
- 7.10-CC Subject: Payment For City Property In Wildfire Prevention District Ordinance
From: Councilmembers Dan Kalb And Libby Schaaf
Recommendation: Adopt An Ordinance Authorizing Payment For City Owned Properties Within City Of Oakland Community Facilities District No. 2013-1 (Wildfire Prevention District) In Fiscal Years 2014-2015 Through 2023-2024, In An Amount Not To Exceed One Hundred Fifty Thousand Dollars (\$150,000) Per Fiscal Year, Subject To

Annual Appropriation
(13-0068)

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

INTRODUCTION (First Reading) WAS PASSED ON OCTOBER 15, 2013; 6 AYES, 2 EXCUSED - PRESIDENT KERNIGHAN AND VICE MAYOR REID.

7.11-CC Subject: Ordinance Supporting A Flexible Parking District Program
From: Public Works Agency
Recommendation: Adopt An Ordinance Amending Title 10.36 (Parking Meter Zones) Of The Oakland Municipal Code To Establish Flexible Parking Zones, Amending Title 10.44.050 (Designation Of A Residential Parking Area) And, Amending Ordinance Number 13184 C.M.S. (The FY 2013-14 Master Fee Schedule, Or "MFS"), To Establish And Modify Fees Assessed For On-Street And Off-Street Parking By In Order To Facilitate A Flexible Parking Zone Program
(13-0048-1)

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

INTRODUCTION (First Reading) WAS PASSED ON OCTOBER 15, 2013; 6 AYES, 2 EXCUSED - PRESIDENT KERNIGHAN AND VICE MAYOR REID.

7.12-CC Subject: Metropolitan Golf Rent Relief Extension
From: Office Of Parks and Recreation
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Second Amendment To Sublease And Operating Agreement ("2nd Amendment") Extending The Fifty Percent (50%) Of The Minimum Rent Relief To Oakland Golf LLC For The Operation Of The Metropolitan Golf Links (METRO) During Fiscal Year July 1, 2013 Through June 30, 2014 In The Amount Of \$149,179 As Authorized In The First Sublease And Operating Agreement Approved By Resolution No. 81274 C.M.S. On May 6, 2008
(13-0085)

The October 22, 2013 Finance & Management Committee approved recommendations with a vote of 3 Ayes, 1 Excused - Brooks.

7.13-CC Subject: Ending Of The Hiring Freeze
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution Rescinding Resolution No. 82502 C.M.S., Passed In January 2010, Which Imposed A Hiring Freeze On All Positions Funded By The General Fund, And Rescinding Resolution No. 82532, Passed In February 2010, Which Established Criteria For Exempting Positions And Exempted Certain Critical Positions From The Hiring Freeze
(13-0112)

**The October 22, 2013 Finance & Management Committee approved
recommendations with a vote of 3 Ayes, 1 Excused - Brooks.**

- 7.14-CC Subject: Appropriate Funds To Regulate Medical Cannabis Dispensaries
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To (1) Appropriate Three Hundred Fifty-Six Thousand Six Hundred And Ninety-Three Dollars (\$356,693) One-Time Expenditures For One-Time Costs, (2) Create One Tax Auditor II And One Assistant To City Administrator Positions, (3) Appropriate Three Hundred Sixty Thousand Dollar (\$360,000) For On-Going Staff And Operating Costs From General Purpose Fund (Fund# 1010), City Administrator's Office And Revenue Division On Positions And Operating And Maintenance Necessary To Adequately Regulate Medical Cannabis Dispensaries, And (4) Appropriate On-Going Revenue To Expenditure On An On-Going Basis
(13-0096)

**The October 22, 2013 Finance & Management Committee approved
recommendations with a vote of 3 Ayes, 1 Excused - Brooks.**

- 7.15-CC Subject: Citywide Curb Ramps And Sidewalk Repair Project
From: Department Of Public Works
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee To Award A Construction Contract To AJW Construction The Lowest Responsible, Responsive Bidder, In Accord With Plans And Specifications For Citywide Curb Ramps And Sidewalk Repair Project No. C428012 And Contractor's Bid Therefore, In The Amount Of Nine Hundred Thirty Six Thousand One Hundred Fifty-Six Dollars (\$936,156.00)
(13-0097)

**The October 22, 2013 Public Works Committee approved
recommendations with a vote of 3 Ayes, 1 Excused - Reid.**

- 7.16-CC Subject: Encroachment At 251 28th Street
From: Department Of Planning And Building
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To The Christian Church Homes Of Northern California To Allow A Surface Mounted Electrical Transformer And Retaining Wall At 251 28th Street To Encroach Into The Public Right-Of-Way Along 28th Street
(13-0110)

**The October 22, 2013 Public Works Committee approved
recommendations with a vote of 3 Ayes, 1 Excused - Reid.**

- 7.17-CC Subject: Senior Center Trust Funds
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept, Appropriate, And Expend Revenue Received In City Established Trust Accounts For Senior Center Events, Activities And Donations [TITLE CHANGE]
(13-0087)

The October 22, 2013 Life Enrichment Committee approved recommendations as amended with a vote of 4 Ayes.

The Committee amended the resolution title to read as follows: "Resolution Authorizing The City Administrator To Accept, Appropriate, And Expend Revenue Received In City Established Trust Accounts For Senior Center Events, Activities And Donations."

7.18-CC Subject: Winter Shelter Contracts
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To: (1) Accept And Appropriate Estimated Amount Of \$62,500 From Alameda County For Winter Shelter Beds; And (2) Enter Into A Memorandum Of Understanding With Alameda County, Governing The Transfer Of Said Funds; And (3) Enter Into Several Agreements For The Provision Of Emergency Winter Shelter Beds For The Period Of November 1, 2013 Through May 15, 2014 In An Aggregate Estimated Amount Of \$168,161 With The Following Homeless Services Providers: Bay Area Community Services (BACS); St. Mary's Center; And With Cityteam Ministries For As Needed Overflow Beds; And (4) Authorize The Acceptance And Appropriation Of Any Additional Funds From Other Sources For The Same Purpose Without Returning To Council Through June 30, 2014; And (5) Authorize The Reprogramming Of \$17,103 In Carry Forward Funds And Allocation Of Said Funds To Provide Match Funding For The Abode Oakland Path Re-Housing Initiative (OPRI) [TITLE CHANGE]
(13-0090)

The October 22, 2013 Life Enrichment Committee approved recommendations as amended with a vote of 4 Ayes.

The Committee approved the following amendments:

- 1) Adjusted language to replace "Several Agreements" with "MOU Contracts;" and**
- 2) The Committee approved the contract portion of the resolution to forward to the full City Council and would like a listing of participating partner agencies included in the supplemental report.**

The Committee also requested a Tracking Report on facility usage and strategies for walk-ins to be brought to the November 12, 2013 Life Enrichment Committee meeting.

7.19-CC Subject: Eden Information & Referral Contract For 2-1-1 Services
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Grant Agreement With Eden Information & Referral Inc., For The Provision Of 2-1-1 Telephone Line Services For Information And Referral Services For Social Services, Bank On Oakland (BOO), And The Earned Income Tax Credit Campaign (EITC) From July 1, 2013 - December 31, 2014 In An Estimated Amount Of \$125,000

(13-0093)

The October 22, 2013 Life Enrichment Committee approved recommendations as amended with a vote of 4 Ayes.

7.20-CC Subject: 2013 DNA Backlog Reduction Grant Program Funds
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To 1) Accept And Appropriate Grant Funds In An Amount Not To Exceed Four Hundred Twenty Seven Thousand Three Hundred And Sixty Eight Dollars (\$427,368) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year 2013 Forensic Casework Deoxyribonucleic Acid (DNA) Backlog Reduction Grant Program In The Oakland Police Department, And 2) For The Period October 1,2013 Through March 31, 2015, Approve A Waiver Of The Central Services Overhead (CSO), And 3) Waive The Advertising And Competitive Bidding Requirements For The Purchases Of DNA Typing Supplies And Maintenance Of DNA Typing Instruments In The Amount Of Fifty Four Thousand Seven Hundred Dollars (\$54,700) From Life Technologies, Thirty Four Thousand Two Hundred Dollars (\$34,200) From Qiagen, Four Thousand Eight Hundred Sixty Nine Dollars (\$4,869) From VWR/Fisher/USA Scientific, Seven Thousand Dollars (\$7,000) From Aurora Biomed, And Thirty One Thousand Six Hundred Dollars (\$31,600) From Promega

(13-0101)

The October 22, 2013 Public Safety Committee approved recommendations as amended with a vote of 4 Ayes.

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: Local Amendments to State Model Housing Code
From: Department Of Planning And Building
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) 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]; And

(13-0094)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON NOVEMBER 19, 2013.

2) A Resolution Of Findings Supporting 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, To Comply With Changes To State Law [TITLE CHANGE]

[\(13-0094-1\)](#)

The October 22, 2013 Community & Economic Development Committee approved recommendations with a vote of 3 Ayes, 1 Excused - Reid.

9.2

Subject: Local Amendments to State Model Building Code

From: Department Of Planning And Building

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) 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]; And

[\(13-0095\)](#)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON NOVEMBER 19, 2013.

2) A Resolution Of Findings Supporting Non-Administrative 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) To Comply With Changes To State Law [TITLE CHANGE]

[\(13-0095-1\)](#)

The October 22, 2013 Community & Economic Development Committee approved recommendations with a vote of 3 Ayes, 1 Excused - Reid.

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: Budget Implementation Tracking Report
From: Office Of The City Administrator
Recommendation: Receive A Monthly Budget Implementation Tracking Report
(13-0067)

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

12 Subject: CPS HR Consulting Contract For Human Resources Services
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution Waiving The Competitive Request For
Proposal/Qualifications (RFP/Q) Process And Awarding A Professional Services
Contract In The Amount Not To Exceed \$200,000 (Two Hundred Thousand Dollars) To
CPS HR Consulting To Include But Not Be Limited To Recruitment And Testing
Services For The Oakland Police Department, Public Works Agency And Other City
Departments For A Two Year Term
(13-0111)

**The October 22, 2013 Finance & Management Committee approved
recommendations with a vote of 3 Ayes, 1 Excused - Brooks.**

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) 238-3226

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 839-6451

(TTD)

**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.**

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