



City of Oakland

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

Meeting Minutes

Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council

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

Tuesday, December 9, 2014

5:30 PM

City Council Chamber, 3rd Floor

1 PLEDGE OF ALLEGIANCE

The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 5:36 P.M.

2 ROLL CALL / CITY COUNCIL

The Roll Call was modified to note Councilmember Brooks absent at 1:30 a.m.

Present 8 - Desley Brooks, Noel Gallo, Lynette Gibson McElhaney, Dan Kalb, Rebecca Kaplan, Laurence E. Reid, Libby Schaaf, and Patricia Kernighan

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

There were 16 Open Forum speakers.

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

Councilmember Schaaf took a point of personal privilege and requested that the meeting be adjourned in memory of David Robert Ruenzel.

President Pro Tem Kaplan took a point of personal privilege and requested that the meeting be adjourned in memory of Michael Brown, Eric Garner, and Tamir Rice.

Vice Mayor Kalb took a point of personal privilege and requested that the meeting be adjourned in memory of Arnold White.

Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Regina E. Enabulele.

- 4.1 Subject: 50th Anniversary Of The Wilderness Act
From: Councilmember Dan Kalb And Council President Kernighan
Recommendation: Adopt A Resolution Honoring 50th Anniversary Of The
Wilderness Act Which Allows For Protection And Preservation Of America's Precious
Wilderness For Present And Future Generations Of Human, Plant And Animal
Species [TITLE CHANGE]
[14-0133](#)

Attachments: [View Report](#)
[85287 CMS.pdf](#)

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

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

- 4.2 Subject: Honoring Neighborhood Volunteer Leaders Of Council District 2
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Honoring The Neighborhood Volunteer
Leaders Of Council District 2
[14-0152](#)

Attachments: [View Report.pdf](#)
[85288 CMS.pdf](#)

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

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

- 4.3 Subject: Recognizing Renee Domingo
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Honoring And Recognizing Renee Domingo
Upon Her Retirement From The City Of Oakland, After 25 Years Of Dedicated Service
[14-0247](#)

Attachments: [View Report](#)
[85289 CMS.pdf](#)

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

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

- 4.4** Subject: Recognizing Mayor Jean Quan
From: Councilmembers Schaaf, Kernighan, Kaplan And Kalb
Recommendation: Adopt A Resolution Recognizing Mayor Jean Quan For A Lifetime Of Dedication And Achievement In Making Government Work For The People And For Her Deep And Abiding Love For The City Of Oakland
[14-0273](#)

Attachments: [View Report](#)
[85290 CMS.pdf](#)

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

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

- 4.5** Subject: Recognizing Council President Patricia Kernighan
From: Councilmembers Schaaf, Reid, Gibson-McElhaney And Kalb
Recommendation: Adopt A Resolution Recognizing Council President Patricia Kernighan For Her Outstanding Dedication And Service To Her Constituents And To The City Of Oakland
[14-0281](#)

Attachments: [View Report](#)
[85291 CMS.pdf](#)

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

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

- S4.6** Subject: Ferguson Resolution
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution: "Ferguson - Calling For Charges To Be Filed And Recognizing Our Collective Responsibility To Advance Racial Equity"
[14-0293](#)

Attachments: [View Report.pdf](#)
[85292 CMS.pdf](#)

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

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF NOVEMBER 18, 2014

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

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

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:

There were 21 speakers on the Consent portion of the agenda.

Approval of the Consent Agenda

**A motion was made by Reid, seconded by Kalb, to approve the Consent Agenda.
The motion carried by the following vote:**

Aye: 8 - Brooks, Gallo, Gibson McElhane, Kalb, Kaplan, Reid, Schaaf, and Kernighan

- 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

[14-0266](#)

Attachments: [View Report.pdf](#)
[85293 CMS.pdf](#)

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

Aye: 8 - Brooks, Gallo, Gibson McElhane, Kalb, Kaplan, Reid, Schaaf, and Kernighan

- 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

[14-0267](#)

Attachments: [View Report.pdf](#)
[85294 CMS.pdf](#)

This City Resolution was Adopted.

- 7.3 Subject: Amendment To Pay-Go Funds For Galatians Baptist Church
From: President Pro Tempore Kaplan
Recommendation: Adopt A Resolution Amending Resolution No. 85125 C.M.S.
Which Authorized 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, CA, To Change The Grantee Name To Galatians Baptist Church
[14-0211](#)

Attachments: [View Report.pdf](#)
[85295 CMS.pdf](#)

This City Resolution was Adopted.

- 7.4 Subject: Graffiti Abatement Mural Funds To Corum LLC
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Authorizing A Grant Of \$13,600 From
Councilmember Schaaf's Graffiti Abatement Mural And Green Wall Funds To Corum
LLC For Two Murals On The Walls Of King's Coffee Shop At 3000 38th Avenue,
Oakland [TITLE CHANGE]
[14-0246](#)

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

**This City Resolution was Continued.to the Meeting of the Oakland City Council to
be heard 1/6/2015**

- 7.5 Subject: Graffiti Abatement Mural Funds To Debra Koppman
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Authorizing A Grant Of \$7,500 From
Councilmember Schaaf's Graffiti Abatement Mural And Green Wall Funds To Debra
Koppman For The Artist's Mural On The Wall At The End Of Champion Street, Next
To 3480 Champion Street, Oakland
[14-0244](#)

Attachments: [View Report.pdf](#)

**This City Resolution was Continued.to the Meeting of the Oakland City Council to
be heard 1/6/2015**

- 7.6 Subject: Graffiti Abatement Mural Funds To Pamela Consear
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Authorizing A Grant Of \$6,625 From Councilmember Schaaf's Graffiti Abatement Mural And Green Wall Funds To Pamela Consear For Murals On Walls At Club 2101 At 2101 MacArthur Blvd., Oakland, St. Louis Veterinary Clinic At 3545 Fruitvale Ave., Oakland, And Loard's Ice Cream At 2825 MacArthur Blvd., Oakland
[14-0243](#)

Attachments: [View Report.pdf](#)

This City Resolution was Continued.to the Meeting of the Oakland City Council to be heard 1/6/2015

- 7.7 Subject: Graffiti Abatement Mural Funds To Rock Paper Scissors Collective
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Authorizing A Grant Of \$11,100 From Councilmember Schaaf's Graffiti Abatement Mural And Green Wall Funds To Rock Paper Scissors Collective For A Mural On The Wall Of The Fairfax Lighthouse Deliverance Center At 5345 Foothill Blvd, Oakland
[14-0242](#)

Attachments: [View Report.pdf](#)

This City Resolution was Continued.to the Meeting of the Oakland City Council to be heard 12/16/2014

- 7.8 Subject: Graffiti Abatement Mural Funds To Andrew Johnstone
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Authorizing A Grant Of \$2,000 From Councilmember Schaaf's Graffiti Abatement Mural And Green Wall Funds To Andrew Johnstone For A Mural On The Wall Of The Montclair-Mountain Trestle, Near 1902 Mountain Blvd, Oakland [TITLE CHANGE]
[14-0241](#)

Attachments: [View Report.pdf](#)

[View Supplemental Report.pdf](#)

This City Resolution was Continued.to the Meeting of the Oakland City Council to be heard 1/6/2015

- 7.9** Subject: Travel To League Of CA Cities Academy - Guillen & Campbell-Washington
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Authorizing Councilmembers Abel Guillen
And Anne Campbell Washington To Travel To Sacramento, CA To Attend The 2015
League Of California Cities New Mayors & Council Members Academy In
Sacramento, CA From January 14 - 16, 2015
[14-0225](#)

Attachments: [85296 CMS.pdf](#)

This City Resolution was Adopted.

- 7.10** Subject: Settlement Agreement - Claim Of Salvador And Laura Navarro
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney
To Compromise And Settle The Claim Of Salvador And Laura Navarro, In The
Amount Of Thirteen Thousand Seven Hundred Fifty-Six Dollars And Fourteen Cents
(\$13,756.14), Payable To Salvador And Laura Navarro (Public Works Department -
Sewers)
[14-0259](#)

Attachments: [View Report.pdf](#)
[85297 CMS.pdf](#)

This City Resolution was Adopted.

- 7.11** Subject: Settlement Agreement - Claim Of Diana Montes And Jeremy Leeds
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney
To Compromise And Settle The Claims Of Diana Montes And Jeremy Leeds, City
Attorney's Claim No. C30134, In The Amount Of Seven Thousand Seven Hundred
Twenty-Seven Dollars And Fifty Cents (\$7,727.50) (Public Works Department - Trees)
[14-0260](#)

Attachments: [View Report.pdf](#)
[85298 CMS.pdf](#)

This City Resolution was Adopted.

- 7.12 Subject: Settlement Agreement - Ana Castaneda 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 Ana Castaneda v. City Of Oakland, Alameda County Superior Court Case No. RG13682362, City Attorney's File No. 29368, In The Amount Of One Hundred Thousand Dollars (\$100,000.00) (Public Works Department - Dangerous Condition)
[14-0261](#)

Attachments: [View Report.pdf](#)
[85299 CMS.pdf](#)

This City Resolution was Adopted.

- 7.13 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](#)
[13271 CMS.pdf](#)

This Ordinance was Approved for Final Passage.

- 7.14 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](#)
[View Supplemental Report.pdf](#)
[13272 CMS.pdf](#)

This Ordinance was Approved for Final Passage.

7.15 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](#)
[View Supplemental Report.pdf](#)
[13273 CMS.pdf](#)

This Ordinance was Approved for Final Passage.

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](#)

Attachments: [13274 CMS.pdf](#)

This Ordinance was Approved for Final Passage.

- 7.16** 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](#)
[View Supplemental Report.pdf](#)
[13275 CMS.pdf](#)

This Ordinance was Approved for Final Passage.

- 7.17** Subject: Certifying Election Results
From: Office Of The City Clerk
Recommendation: Adopt A Resolution Declaring The Results Of The City Of Oakland General Municipal Election Held On Tuesday, November 4, 2014

[14-0272](#)

Attachments: [View Report](#)
[85300 CMS.pdf](#)

This City Resolution was Adopted.

- 7.18** Subject: Budget Advisory Committee Appointment - Jon Bauer
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Jon Bauer To The Budget Advisory Committee

[14-0274](#)

Attachments: [View Report.pdf](#)

This City Resolution was Continued.to the Meeting of the Oakland City Council to be heard 1/6/2015

- 7.19** Subject: Children's Fairyland Board Appointment - Ron Zeno
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Ron Zeno To The Children's Fairyland Board Of Directors

[14-0277](#)

Attachments: [View Report.pdf](#)

This City Resolution was Continued.to the Meeting of the Oakland City Council to be heard 1/6/2015

- 7.20** Subject: Library Advisory Commission Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Grant Inaba And Reappointment Of Shanthi Gonzales, April Harper, And Ain Bailey
As Members Of The Library Advisory Commission
[14-0278](#)

Attachments: [View Report.pdf](#)

This City Resolution was Continued.to the Meeting of the Oakland City Council to
be heard 1/6/2015

- 7.21** Subject: Oakland Housing Authority Board Appointment - Donna Griggs Murphy
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Donna Griggs Murphy To The Oakland Housing Authority Board
[14-0279](#)

Attachments: [View Report.pdf](#)

This City Resolution was Continued.to the Meeting of the Oakland City Council to
be heard 1/6/2015

- 7.22** Subject: Civil Service Board Appointment - Lisa Charbonneau
From: Office Of The Mayor
Recommendation: Request To Withdraw The Following Item From The January 6,
2015 City Council Agenda:

Adopt A Resolution Confirming The Mayor's Appointment Of Lisa Charbonneau To
The Civil Service Board

[14-0280](#)

Attachments: [View Report.pdf](#)

This City Resolution was Continued.to the Meeting of the Oakland City Council to
be heard 1/6/2015

- S7.23** Subject: Bicyclist And Pedestrian Advisory Commission Reappointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of
Robert Prinz, Chris Hwang, And Ryan Chan To The Bicyclist And Pedestrian Advisory
Commission
[14-0291](#)

Attachments: [View Report.pdf](#)

[View Supplemental Report.pdf](#)

This City Resolution was Continued.to the Meeting of the Oakland City Council to
be heard 1/6/2015

S7.24 Subject: Youth Advisory Commission Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Jamila Coleman, Eleanor Good,
Takai Ginwright, Shizhou Chen, Elliot Hunt, Rebecca Dharmapalan And Mahlik Smith
As Members Of The Oakland Youth Advisory Commission

[14-0292](#)

Attachments: [View Report.pdf](#)

This City Resolution was Continued.to the Meeting of the Oakland City Council to
be heard 1/6/2015

S7.25 Subject: Settlement Agreement - Cordova-Munoz, Et Al. 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 Abel Cordova-Munoz, Et Al V. City Of
Oakland, Et Al, Alameda County Superior Court Case No. RG09-489243, In The
Amount Of Twenty-Five Thousand Dollars And No Cents (\$25,000.00) As A Result Of
An Arrest On Or About November 9, 2008 (Oakland Police Department)

[14-0311](#)

Attachments: [View Report](#)

[85301 CMS.pdf](#)

This City Resolution was Adopted.

S7.26 Subject: Settlement Agreement - Hampton, Et Al. 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 Hampton, Et Al V. City Of Oakland, Et Al.,
United States District Court, Case No. C13-3094 DMR, City Attorney's File No. 29442,
In The Amount Of Fifteen Thousand Dollars (\$15,000.00) (Oakland Police Department
- Wrongful Detention

[14-0313](#)

Attachments: [View Report](#)

[85302 CMS.pdf](#)

This City Resolution was Adopted.

S7.27 Subject: Appropriation Of Regional Measure 2 Safe Routes To Transit Funds
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, The Director Of Public Works, Or The Assistant Director, Bureau Of Engineering And Construction, To Execute Agreements With BART, Fourth Bore Coalition, And Metropolitan Transportation Commission (MTC) For The SR2T Grant Funds And To Accept And Appropriate: 1) Four Hundred Seventy-Two Thousand Dollars (\$472,000.00) In Regional Measure 2 (RM-2) Safe Routes To Transit (SR2T) Funds; 2) Eighteen Thousand Dollars (\$18,000.00) Matching Funds From BART; And 3) Fifty Thousand Dollars (\$50,000.00) Matching Funds From Fourth Bore Coalition; To Fund Pedestrian And Bicycle Access And Safety Improvement Around Rockridge BART Station, And At The Intersections Of College Avenue/Keith Avenue And College Avenue/Miles Avenue
[14-0214](#)

Attachments: [Measure 2](#)
[85303 CMS.pdf](#)

This City Resolution was Adopted.

S7.28 Subject: 5107 Broadway Major Encroachment Permit
From: Planning & Building Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Merrill Gardens At Rockridge LLC To Allow Fourteen Tie Backs To Encroach Into The Public Right-Of-Way Along The Building's Frontage At 5107 Broadway
[14-0215](#)

Attachments: [View Report.pdf](#)
[85304 CMS.pdf](#)

This City Resolution was Adopted.

S7.29 Subject: Construction Extension
From: President Pro Tempore Rebecca Kaplan
Recommendation: Adopt A Resolution (A) Extending Until December 31, 2015 The Expiration Date Of Permits Issued Under The Authority Of Title 17 Of The Oakland Municipal Code (Planning Code), Creek Protection Permits Issued Under The Authority Of Chapter 13.16 Of The Oakland Municipal Code, And Development-Related Tree Protection Permits Issued Under The Authority Of Chapter 12.36 Of The Oakland Municipal Code That Otherwise Would Expire On Or Prior To January 1, 2015 Or During 2015, Upon Request And Payment Of The Administrative Fee And (B) Memorializing The Long-Standing Practice Of Extending The Time Frame For Land Use Related Permits That Have Been Litigated In Court By The Length Of The Litigation Period
[14-0145](#)

Attachments: [View Report.pdf](#)
[View Supplemental Reports](#)
[85305 CMS.pdf](#)

The item was adopted as amended to include the following revisions:

- 1) Delete section B of the Resolution title;*
- 2) Delete the last further resolved in resolution; and*
- 3) Add the following: FURTHER RESOLVED Any project such seeking an extension will be subject to and agree to pay any development impact fees determined by the city council, unless a vested interest is obtained prior to the impact fee adoption date and such project is diligently pursued toward completion is reasonably determined by the director of planning.*

This City Resolution was Adopted.

S7.30 Subject: Sale Of Surplus Lot On Tunnel Road
From: Economic & Workforce Development Department
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Negotiate And Execute A Purchase And Sale Agreement For The Sale Of A City-Owned Surplus Vacant Lot APN: 048H-7520-066 Located On The West Side Of Tunnel Road Next To 2245 Tunnel Road To Zafer Yasa For Two Hundred Thousand Dollars (\$200,000) And Authorizing The City Administrator To Enter Into A Purchase And Sales Agreement For This Sale.
[14-0218](#)

Attachments: [View Report](#)
[View Supplemental Report](#)
[13282 CMS.pdf](#)

This Ordinance was Approved for Final Passage.

S7.31 Subject: Definition Of Deferred Maintenance
From: Housing & Community Development Department
Recommendation: Adopt A Resolution Amending Rent Adjustment Regulations,
Appendix A, Sections 10.1 And 10.2.2 To Address Excluding The Costs Of Deferred
Maintenance From Capital Improvement And Housing Service Costs Rent Increases
[14-0216](#)

Attachments: [View Report](#)
[85306 CMS.pdf](#)

This City Resolution was Adopted.

S7.32 Subject: Contract For Impact Fee Nexus Study
From: Planning & Building Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To
Negotiate And Execute A Professional Services Agreement With Hausrath Economics
Group For Preparation Of An Impact Fee Nexus Study And Implementation Strategy
In An Amount Of One Million One Hundred Thousand Dollars (\$1,100,000); And To
Apply For, Accept And Appropriate Grant Funds Should They Become Available For
The Same Stated Purpose, And To Increase The Contract Amount To Reflect
Additional Grant Funds Obtained Without Returning To Council
[14-0210](#)

Attachments: [View Report](#)
[85307 CMS.pdf](#)

This City Resolution was Adopted.

S7.33 Subject: 2014 Community Oriented Policing Services (COPS) Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, On Behalf Of The City Of Oakland To (1) Accept And Appropriate Grant Funds In An Amount Not To Exceed One Million Eight Hundred Seventy-Five Thousand Dollars (\$1,875,000) From The U.S. Department Of Justice, Office Of Community Oriented Policing Services (USDOJ/COPS) To Fund The Entry-Level Salary And Fringe Benefits Costs Of Fifteen (15) Full-Time Equivalent (FTE) Police Officers Positions For A Thirty-Six Month Period From September 1, 2014 Through August 31, 2017; (2) Appropriate Said Funds To The Oakland Police Department (OPD); (3) Authorize An Appropriation Of Eight Million Seven Hundred Seventy-Four Thousand Nine Hundred Forty-Four Dollars (\$8,774,944) From The Undesignated General Purpose Fund To OPD's Baseline Budget To Cover The Local Cash Match Requirement And Central Services Overhead Cost

[14-0220](#)

Attachments: [View Report.pdf](#)
[85308 CMS.pdf](#)

This City Resolution was Adopted.

S7.34 Subject: Housing, Residential Rent And Relocation Board Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Jessica "Jessie" Warner, Tyfahra D. Singleton And Thomas Cameron And Reappointment Of Noah Frigault To The Housing, Residential Rent And Relocation Board

[14-0314](#)

Attachments: [View Report.pdf](#)

This City Resolution was Continued.to the Meeting of the Oakland City Council to be heard 1/6/2015

S7.35 Subject: Approving Final Map For Tract No. 8176 At 857-867 West Grand Avenue
From: Planning & Building Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Conditionally Approving A Final Map For Tract No. 8176 Located At 857-867 West Grand Avenue For A Six Lot Residential Subdivision For Flatlands Development LLC; And

[14-0227](#)

Attachments: [View Report.pdf](#)
[85309 CMS.pdf](#)

This City Resolution was Adopted.

2) Resolution Authorizing The City Administrator Or His Designee To Enter Into A Subdivision Improvement Agreement With Flatlands Development LLC For Deferred Construction Of Public Infrastructure Improvements As A Condition To Final Map Approval For Tract No. 8176 Located At 857-867 West Grand Avenue
[14-0228](#)

Attachments: [85310 CMS.pdf](#)

This City Resolution was Adopted.

S7.36 Subject: Approving Final Map For Tract No. 8196 At 4425 Piedmont Avenue
From: Planning & Building Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) Resolution Conditionally Approving A Final Map For Tract No. 8196 Located At 4425 Piedmont Avenue For A Seven Lot Subdivision For 4425 Piedmont LP; And
[14-0229](#)

Attachments: [View Report](#)
[85311 CMS.pdf](#)

This City Resolution was Adopted.

2) Resolution Authorizing The City Administrator Or His Designee To Enter Into A Subdivision Improvement Agreement With 4425 Piedmont LP For Deferred Construction Of Public Infrastructure Improvements As A Condition To Final Map Approval For Tract No. 8196 Located At 4425 Piedmont Avenue
[14-0230](#)

Attachments: [85312 CMS.pdf](#)

This City Resolution was Adopted.

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

A motion was made by Reid, seconded by Schaaf, that this matter be Approve as Submitted the oral report from the Office of the City Attorney of 2 final decisions made during Closed Session. Please refer to Attachment A for the details of the final decision. The motion carried by the following vote:

Aye: 7 - Brooks, Gallo, Gibson McElhaney, Kalb, Reid, Schaaf, and Kernighan

Absent: 1 - Kaplan

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: Rockridge Business Improvement District Annual Report
From: Economic & Workforce Development Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Confirming The Annual Report Of The Rockridge Business Improvement District Advisory Board And Levying The Annual Assessment For The Rockridge Business Improvement District For Fiscal Year 2015-2016

[14-0275](#)

Attachments: [View Report](#)
[85313 CMS.pdf](#)

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 8:20 p.m.

No individuals spoke on this item.

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

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

Aye: 7 - Brooks, Gallo, Gibson McElhaney, Kalb, Reid, Schaaf, and Kernighan

Absent: 1 - Kaplan

- 9.2** Subject: Montclair Business Improvement District Annual Report
From: Economic & Workforce Development Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A
Resolution Confirming The Annual Report Of The Montclair Business Improvement
District Advisory Board And Levying The Annual Assessment For The Montclair
Business Improvement District For Fiscal Year 2015-2016
[14-0276](#)

Attachments: [View Report](#)
[85314 CMS.pdf](#)

Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 8:21 p.m.

No individuals spoke on this item.

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

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

Aye: 7 - Brooks, Gallo, Gibson McElhaney, Kalb, Reid, Schaaf, and Kernighan

Absent: 1 - Kaplan

- 9.3** Subject: 2015 - 2023 Housing Element
From: Planning & Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A
Resolution Adopting The 2015-2023 Housing Element As A General Plan Amendment
To The Oakland General Plan And Adopting The Addendum To The Previous CEQA
Documents, As Recommended By The City Planning Commission
[14-0217](#)

Attachments: [View Report](#)
[View Supplemental Report.pdf](#)
[85315 CMS.pdf](#)

Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at 8:22 p.m.

Six individuals spoke on this item.

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

This City Resolution was Adopted.

Aye: 7 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Schaaf, and Kernighan

Absent: 1 - Reid

9.4 Subject: Assessment Of Liens For Delinquent Garbage Fees
From: Finance Department
Recommendation: Conduct A Public Hearing On Delinquent Garbage Fees For April/May/June 2014 Monthly Accounts And July-August-September 2014 Quarterly Accounts And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
[14-0245](#)

Attachments: [View Report.pdf](#)
[85316 CMS.pdf](#)

Upon the reading of Item 9.4 by the City Clerk, the Public Hearing was opened at 8:36 p.m.

No individuals spoke on this item.

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

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

Aye: 7 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Schaaf, and Kernighan

Absent: 1 - Reid

2) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Garbage Service Fees And The Recordation Of Liens With Administrative And Assessment Charges As Necessary-Pursuant To Chapter 8.28 Of The Oakland Municipal Code; Or
[14-0248](#)

This City Resolution was Not Adopted.

3) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection
[14-0249](#)

This City Resolution was Not Adopted.

9.5 Subject: Assessment Of Liens For Delinquent Business Taxes
From: Finance Department
Recommendation: Conduct A Public Hearing On The Assessment Of Liens For Delinquent Business Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For Collection; Or
[14-0250](#)

Attachments: [View Report](#)
[85317 CMS.pdf](#)

Upon the reading of Item 9.5 by the City Clerk, the Public Hearing was opened at 8:37 p.m.

No individuals spoke on this item.

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

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

Aye: 7 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Schaaf, and Kernighan

Absent: 1 - Reid

2) A Resolution Continuing Hearing On Reports Of The City Administrator On The Delinquent Business Taxes And The Confirming Of The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code; Or
[14-0251](#)

This City Resolution was Not Adopted.

3) A Resolution Overruling Protests And Accepting And Confirming Reports Of The City Administrator On The Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For Collection
[14-0252](#)

This City Resolution was Not Adopted.

9.6 Subject: Assessment Of Liens For Delinquent Real Property Transfer Taxes
From: Finance Department
Recommendation: Conduct A Public Hearing On The Assessment Of Liens For Delinquent Real Property Transfer Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
[14-0253](#)

Attachments: [View Report](#)
[85318 CMS.pdf](#)

Upon the reading of Item 9.6 by the City Clerk, the Public Hearing was opened at 8:38 p.m.

No individuals spoke on this item.

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

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

Aye: 7 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Schaaf, and Kernighan

Absent: 1 - Reid

2) A Resolution Continuing Hearing On Reports Of The City Administrator On The Delinquent Business Taxes And The Confirming Of The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code; Or
[14-0254](#)

This City Resolution was Not Adopted.

3) A Resolution Overruling Protests And Accepting And Confirming Reports Of The City Administrator On The Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For Collection
[14-0255](#)

This City Resolution was Not Adopted.

9.7 Subject: Assessment Of Liens For Delinquent Transient Occupancy Taxes
From: Finance Department
Recommendation: Conduct A Public Hearing On The Assessment Of Liens For Delinquent Transient Occupancy Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Transient Occupancy Taxes And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
[14-0256](#)

Attachments: [View Report](#)
[85319 CMS.pdf](#)

Upon the reading of Item 9.7 by the City Clerk, the Public Hearing was opened at 8:39 p.m.

No individuals spoke on this item.

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

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

Aye: 7 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Schaaf, and Kernighan

Absent: 1 - Reid

2) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Transient Occupancy Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code; Or
[14-0257](#)

This City Resolution was Not Adopted.

3) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Transient Occupancy Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection
[14-0258](#)

This City Resolution was Not Adopted.

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

S10 Subject: Ban Of Bullhook Use On Elephants
From: Councilmembers Gallo And Kalb
Recommendation: Adopt An Ordinance Amending Titles 1 And 6 Of The Oakland Municipal Code To Add Provisions Prohibiting In The City Of Oakland The Use Of A Bullhook, Ankus, Or Other Implement Or Tool Designed To Inflict Pain On Elephants To Train Them Or Control Their Behavior, And Prohibiting The Use Of Baseball Bats, Axe Handles Or Pitchforks To Train And/Or Control Elephant Behavior
[14-0131](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report.pdf](#)
[13280 CMS.pdf](#)

The Council amended the ordinance to delay implementation of the regulations until September 2017.

A motion was made by Kaplan, seconded by Gallo, that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 12/16/2014. The motion carried by the following vote:

Abstained: 1 - Gibson McElhaney

Aye: 5 - Gallo, Kalb, Kaplan, Schaaf, and Kernighan

No: 2 - Brooks, and Reid

A motion was made by Vice Mayor Reid, seconded by Councilmember Kalb, to extend the meeting past 12:00 a.m. The motion passed with a vote of 8 Ayes.

- 11 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](#)
[13281 CMS.pdf](#)

A motion was made by Kalb, seconded by Kaplan, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 12/16/2014. The motion carried by the following vote:

Abstained: 1 - Gibson McElhaney

Aye: 7 - Brooks, Gallo, Kalb, Kaplan, Reid, Schaaf, and Kernighan

12 Item 12, Approving Final Map For Tract No. 8176 At 857-867 West Grand Avenue, has been moved to the Consent portion of the agenda and renumbered as Item S7.35.

13 Item 13, Approving Final Map For Tract No. 8196 At 4425 Piedmont Avenue, has been moved to the Consent portion of the agenda and renumbered as Item S7.36.

- 14 Subject: Lake Merritt Station Area Plan And Related Actions
From: Planning & Building Departmen
Recommendation: Adopt 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](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report](#)
[13276 CMS.pdf](#)

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

Aye: 7 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Schaaf, and Kernighan

Absent: 1 - Reid

- 15** 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](#)
[13277 CMS.pdf](#)

There were 25 speakers on this item.

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

Aye: 5 - Gallo, Gibson McElhaney, Reid, Schaaf, and Kernighan

No: 2 - Kalb, and Kaplan

Absent: 1 - Brooks

- 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](#)
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[13278 CMS.pdf](#)

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

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

- 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](#)
[View Supplemental Report](#)
[13279 CMS.pdf](#)

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

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

S18 Subject: Resolution Awarding Contract To Sans Digital
From: Finance Department
Recommendation: Adopt A Resolution Awarding A Contract To Sans Digital, A Corporation, To Furnish A Video File Delivery And File Sharing Network System, In An Amount Not To Exceed One Hundred Thousand, Two Hundred Twenty-Three Dollars And Sixty-One Cents (\$100,223.61), In Accordance With Specification No. 14-206-89/Request For Quotation (RFQ) No. 5052 And The General Conditions Therfor On File In Purchasing According To Its Bid Filed With The City On May 5, 2014.

[14-0167](#)

Attachments: [View Report](#)
[85320 CMS.pdf](#)

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

Aye: 7 - Brooks, Gallo, Gibson McElhane, Kalb, Kaplan, Schaaf, and Kernighan

Absent: 1 - Reid

S19 Subject: HRA Administrator Contract With ICMA-RC
From: Human Resources Management Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Execute A Three (3) Year Contract (January 1, 2015 To December 31,2017) With One Option To Extend For An Additional Two (2) Year Term, With ICMA-RC, For Plan Administration Services Of A Health Reimbursement Account (HRA) Under An Agreed Upon Fee Structure To Be Paid By Individual Account Participants And Waiving Advertising And The Request For Proposals/Qualifications Process

[14-0234](#)

Attachments: [View Report.pdf](#)
[85321 CMS.pdf](#)

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

Aye: 7 - Brooks, Gallo, Gibson McElhane, Kalb, Kaplan, Schaaf, and Kernighan

Absent: 1 - Reid

S20 Subject: Setting The Salary For The Newly Elected City Auditor
From: Office Of The City Administrator And Council President Kernighan
Recommendation: Adopt A Resolution Setting The Salary For The Newly Elected
City Auditor Of The City Of Oakland Pursuant To The Oakland City Charter, Article Iv,
Section 403, Effective 2015

[14-0271](#)

Attachments: [View Report.pdf](#)
[85322 CMS.pdf](#)

There was one speaker on this item.

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

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

S21 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](#)
[1_14-157a EBOTS](#)

**A motion was made by Reid, seconded by Kaplan, that this matter be Received
and Filed with the following recommendations:**

1. Do not recommend metal-rail streetcars;
2. Route should go to shops on Shellmound Street not Hollis Street in Emeryville;
3. Route should not impede freight transportation; and
4. Encourage partnership with AC Transit.

**The Committee also directed staff to review the short and mid-term plans, and if
implemented, provide analysis of the impact on development in North Oakland
along the San Pablo corridor.**

The motion carried by the following vote:

Abstained: 1 - Brooks

Aye: 7 - Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

S22 Subject: Telegraph Avenue Complete Streets Plan
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The Removal Of Travel Lanes And
The Installation Of Bicycle Lanes On Telegraph Avenue From 19th Street To 41st
Street, Making Associated Traffic Safety And Operational Improvements, And
Committing To Future Study Of A Continuous Bikeway For The Area From 41st Street
To 57th Street
[14-0212](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report](#)
[View Supplemental Report.pdf](#)
[85323 CMS.pdf](#)

There were 30 speakers on this item.

A motion was made by Kaplan, seconded by Gibson McElhaney, that this matter be Adopted as Amended to amend the second to last further resolved to read as follows: "FURTHER RESOLVED: That the City Council authorizes a continuous, dedicated bikeway for the area from 41st Street to 57th Street, including the reconfiguration of the Telegraph Avenue / Shattuck Avenue intersection, and directs staff to study and conduct extensive community outreach on how best to implement the bikeway and reconfiguration to become a complete street and to seek all potential funding sources to support technical design assistance and a focused community outreach program on this matter; and be it". The motion carried by the following vote:

Aye: 7 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, and Schaaf

Absent: 1 - Kernighan

S23 Subject: Soft Story Seismic Retrofit Program Update
From: Councilmember Dan Kalb And The Office Of The Mayor
Recommendation: Receive An Informational Report On The Progress Of Soft Story
Seismic Retrofit Program
[14-0262](#)

Attachments: [View Report.pdf](#)

A motion was made by Schaaf, seconded by Kalb, that this matter be Received and Filed and directed staff to bring a follow up report to the Public Works Committee in January 2015. The motion carried by the following vote:

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

S24 Subject: Real Property Acquisition And Disposition
From: Economic & Workforce Development Dept. & City Attorney
Recommendation: Adopt An Ordinance Updating And Revising The City's Real
Property Acquisition And Disposition Laws, And Codifying Such Laws Into The
Oakland Municipal Code
[14-0162](#)

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

A motion was made by Kalb, seconded by Gibson McElhaney, that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 12/16/2014. The following amendments were made:

1) **2.42.040 Compliance with State Laws:** The City shall comply with all state laws, the extent applicable, governing the sale of real property, including the Surplus Lands Act (California Government Code Sections 54220, et seq.). Prior to soliciting bids from other entities for surplus land, the City shall send written offers to sell or lease surplus land for the purpose of developing housing where at least 25% of the units are affordable to persons of low or moderate income to housing sponsors, including nonprofit housing providers. The City shall offer such housing providers first priority for 90 days to negotiate for the purchase or lease of the property for the development of affordable housing.

2) **2.42.050 Process for selling City real property: D. Administrative authority.** Notwithstanding the above, the City Administrator or his or her designee is delegated the full and complete authority to sell City real property in any of the following circumstances:

1. The sale is required by an agency of the state or federal government;
2. The real property has a fair market value of \$50,000 or less; or
3. The real property was formerly owned by the Redevelopment Agency of the City of Oakland (the "Redevelopment Agency") or the Oakland Redevelopment Successor Agency ("ORSA"), and the Redevelopment Agency or ORSA governing body delegated the authority to sell the real property to the administrative staff of the respective agency by resolution.

4) The City Administrator or his or her designee is authorized to negotiate and execute all documents necessary for the sale of such real property and take other actions necessary to complete such sale. No further City Council action is required for such sales.

The motion carried by the following vote:

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

S25 Subject: Establish Policy To Lease, Rather Than Sell, City Property
From: Offices Of The City Administrator And City Attorney, And Councilmember
Gibson McElhaney
Recommendation: Adopt A Resolution Establishing A General Policy To Lease,
Rather Than Sell, City Property
[14-0175](#)

Attachments: [View Report.pdf](#)
[85324 CMS.pdf](#)

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

Abstained: 1 - Brooks

Aye: 6 - Gallo, Gibson McElhaney, Kalb, Reid, Schaaf, and Kernighan

Absent: 1 - Kaplan

S26 Subject: Oakland Army Base Amendments
From: Office Of The City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) Ordinance Authorizing The City Administrator To Negotiate And Execute A Third
Amendment To The Army Base Gateway Redevelopment Project Lease Disposition
And Development Agreement ("LDDA") With Prologis CCIG Oakland Global, LLC
("Developer") Substantially In Conformance With The Attached Term Sheet, Without
Returning To The City Council, To: (1) Divide The Central Gateway Between
Developer Affiliates Prologis, L.P. ("Prologis") And CCIG Oakland Global, LLC
("CCIG"); (2) Exclude From The Central Gateway Ground Lease An Approximately
14.63 Acre Parcel Known As MH-1; (3) Change The Central Gateway Lessee To
Prologis; (4) Negotiate And Execute A New Ground Lease With CCIG For The MH-1
Parcel; (5) Provide The Option To Lease The East Gateway Parcels, CE1 And CE2,
In Separate Phases; And (6) Amend The Leases As Necessary To Reflect The Term
Sheet ; And

[14-0235](#)

Attachments: [View Report.pdf](#)
[View Supplemental Report.pdf](#)
[View Supplemental Report.pdf](#)
[13283 CMS.pdf](#)

**A motion was made by Reid, seconded by Gibson McElhaney, that this matter be
Approved On Introduction and Scheduled for Final Passage to the Meeting of the
Oakland City Council, to be heard 12/16/2014. The motion carried by the following
vote:**

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

2) Resolution Authorizing The City Administrator To Negotiate And Execute, Without Returning To The City Council, A Rail Access Agreement And Related Agreements With The Port Of Oakland For A Term Up To 66 Years, To Enable Shared Rail Access For The City's Development At The Former Oakland Army Base; And [14-0236](#)

Attachments: [85325 CMS.pdf](#)

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

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

2) An Ordinance Authorizing The City Administrator To Negotiate And Execute, Without Returning To The City Council, An Amendment To The Lease Between The City And Port Of Oakland For Berth 9 Dated June 28,2013 To Extend The Term Up To March 2020, Expand The Use And Lease Premises, And Include Additional Related Amendments; And [14-0237](#)

Attachments: [13284 CMS.pdf](#)

A motion was made by Reid, seconded by Gibson McElhaney, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 12/16/2014. The motion carried by the following vote:

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

3) An Ordinance Authorizing The City Administrator To Negotiate And Execute, Without Returning To The City Council, An Agreement And Related Lease And Sublease With CCIG Oakland Global, LLC And/Or Caltrans, Regarding Caltrans': (1) Move From The West Gateway At The Former Oakland Army Base To City-Owned Land At The Base Commonly Known As Mh-1; And (2) Sublease From The City Of Berth 9 At The Port Of Oakland; And [14-0238](#)

Attachments: [13285 CMS.pdf](#)

A motion was made by Reid, seconded by Gallo, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 12/16/2014. The motion carried by the following vote:

Aye: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

4) An Ordinance, Authorizing The City Administrator To Negotiate And Execute, Without Returning To The City Council, An Amendment To The Memorandum Of Agreement With East Bay Municipal Utility District And CCIG Oakland Global, LLC, Substantially In Conformance With The Attached Term Sheet, Relating To Property Rights, Timing And Construction Of Engineers Road In The Former Oakland Army Base

[14-0239](#)

Attachments: [13286 CMS.pdf](#)

A motion was made by Reid, seconded by Gallo, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 12/16/2014. The motion carried by the following vote:

Aye: 8 - Brooks, Gallo, Gibson McElhane, Kalb, Kaplan, Reid, Schaaf, and Kernighan

S27 Subject: State Legislative Activities & Proposed 2015 State Legislative Priorities
From: Council President Patricia Kernighan
Recommendation: Receive A Report On 2014 State Legislative Activities And Accomplishments, And Take Possible Action On Proposed 2014-15 State Legislative Priorities [TITLE CHANGE]

[14-0129](#)

Attachments: [View Report.pdf](#)

[View Supplemental Report.pdf](#)

This Informational Report was Continued.to the Meeting of the Oakland City Council to be heard 1/6/2015

S28 Subject: Granicus Boards And Commissions
From: Office Of The Mayor
Recommendation: Adopt A Resolution Waiving Advertising, Bidding And Request For Proposals/Qualifications ("RFP/Q") Competitive Selection Requirements And Authorizing The City Administrator Or Designee To Execute A Contract Amendment With Granicus, Inc. To Host A Web-Based Application To Manage Boards And Commissions Activities In An Annual Amount Not To Exceed Sixteen Thousand Eight Hundred Dollars (\$16,800) For A Period Of 3 Years, For An Additional Total Contract Amount Of Fifty Thousand Four Hundred Dollars (\$50,400), With Two One Year Options To Extend The Term Of The Contract

[14-0315](#)

Attachments: [View Report.pdf](#)

This City Resolution was Withdrawn with No New Date.

CONTINUATION OF OPEN FORUM

ADJOURNMENT OF COUNCIL SESSION

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

*There being no further business, and upon the motion duly made, the Council
adjourned the meeting in memory of David Robert Ruenzel, Michael Brown, Eric
Garner, Tamir Rice, Arnold White, and Regina E. Enabulele at 1:51 a.m.*

Americans With Disabilities Act

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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.**

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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.**