



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 - DRAFT 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

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

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 32 Open Forum speakers.

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](#)

[85258 CMS](#)

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

- 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](#)

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[85259 CMS](#)

**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 McElhane, Kalb, Kaplan, Reid, Schaaf, and Kernighan

- 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](#)

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[85260 CMS](#)

**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 McElhane, Kalb, Kaplan, Reid, Schaaf, and Kernighan

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF OCTOBER 21, 2014 AND NOVEMBER 5, 2014

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

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

Absent: 1 - Reid

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](#)

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[85261 CMS](#)

This City Resolution was Adopted.

- 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](#)

[85262 CMS](#)

This City Resolution was Adopted.

- 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](#)

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[85263 CMS](#)

This City Resolution was Adopted.

- 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](#)

[13266 CMS](#)

This Ordinance was Approved for Final Passage.

- 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](#)
[13267 CMS](#)

This Ordinance was Approved for Final Passage.

- 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](#)
[13268 CMS](#)

This Ordinance was Approved for Final Passage.

- 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](#)
[13269 CMS](#)

This Ordinance was Approved for Final Passage.

- 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 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](#)
[13270 CMS](#)

This Ordinance was Approved for Final Passage.

- 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](#)

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[View Supplemental Report.pdf](#)

This Ordinance was Continued to the Meeting of the Oakland City Council to be heard 12/9/2014

- 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](#)
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[85264 CMS](#)

This City Resolution was Adopted.

- 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](#)
[85265 CMS](#)

This City Resolution was Adopted.

- 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](#)
[85266 CMS](#)

This City Resolution was Adopted.

- 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](#)

[85267 CMS](#)

This City Resolution was Adopted.

- 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](#)

[85268 CMS](#)

This City Resolution was Adopted.

- 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](#)

This Ordinance was Approved On Introduction and Scheduled for Final Passage.to the Meeting of the Oakland City Council to be heard 12/9/2014

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](#)
[85269 CMS](#)

This City Resolution was Adopted.

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](#)
[85270 CMS](#)

This City Resolution was Adopted.

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](#)
[85271 CMS](#)

This City Resolution was Adopted.

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](#)

[85272 CMS](#)

This City Resolution was Adopted.

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](#)

[85273 CMS](#)

This City Resolution was Adopted.

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](#)
[85274 CMS](#)

This City Resolution was Adopted.

Approval of the Consent Agenda

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

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

Absent: 1 - Gibson McElhaney

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](#)
[85275 CMS](#)

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 Kaplan, that this matter be Approve as Submitted the oral report from the Office of the City Attorney of 3 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: 8 - Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and Kernighan

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

9 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

- 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](#)

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[85276 C.M.S](#)

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

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

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](#)
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A motion was made by Reid, seconded by Gibson McElhaney, that this matter be
Approved On Introduction As Amended and Scheduled for Final Passage to the
Meeting of the Oakland City Council, to be heard 12/9/2014.

The following amendments were adopted:

A.) Amendments To The Staff Resolution:

FURTHER RESOLVED, it is the intent of the Council to expedite will all urgency
the nexus studies that are a prerequisite for adopting Citywide Impact Fees for
affordable housing, transportation and infrastructure (which includes
improvements to existing parks), and to direct staff to strive to complete these
studies by October 2015, and bring related actions forward to a vote by
December 2015; and be it

FURTHER RESOLVED, that it is the intent of the City Council that future adopted
Citywide Impact Fees would apply to the Lake Merritt Station Area Plan Areas;
and be it

FURTHER RESOLVED, that, should environmental and traffic analyses warrant,
the City may require the installation of traffic calming measures as a condition of
project approval; and be it

B.) Amendments To The Lake Merritt Station Area Plan:

- 1) The City is committee to equitable development in Specific Plan Areas,
Priority Development Areas (PDAs) and large development projects that provides
housing for a range of economic levels to ensure the development of thriving,
vibrant, complete communities.
- 2) 2) Among other actions, the City will conduct a nexus study and an economic
feasibility study to evaluate impact fees for affordable housing, transportation
and capital improvements which will apply citywide, including in the Lake Merritt
Station Area Plan. It is the intent of the City to complete the required studies by
October 2015, and bring related actions forward to a public vote by December
2015.

**C.) Amendments To The Policies Of Section C Of The Lake Merritt BART Station
Area Plan:**

- 1) C-52 New public parking. Encourage new structured parking garages to be

wrapped at the ground level with active land uses that positively contribute to the pedestrian's experience on the sidewalk and provide useful services to the neighborhood.

- 2) C-54 Unbundled parking cost. Unbundle the cost of parking from housing cost as part of new residential development.
- 3) C-56 Parking management. Study pricing, marketing and other strategies to make the most efficient use of both existing high-demand and underutilized parking areas. Implement a marketing program to educate the public about available parking areas and varied costs.
- 4) NEW policy: Explore the creation of Parking Benefit Districts, for example in the Chinatown Commercial District.
- 5) C-57 Parking requirements. Reduce parking minimum requirements in the entire Planning Area, particularly for affordable housing units and conversion of historic buildings.
- 6) NEW policy: Enact-in-lieu fees that would allow further reductions in parking associated with new development in exchange for funding to support improvements in the Plan Area.

D.) Amendments To The Ordinance And Its Exhibits:

- 1) Exhibit A – Table 17.101G.04 Height, Density, Bulk and Tower Regulations – the number of “exceptions Allowed With Conditional Use Permit (CUP)” in Height Area LM-85 West of the Lake Merritt Channel shall be increased to: 3 buildings (175 feet) and 2 buildings (275 feet)
- 2) Exhibit B – For the Proposed Height Areas Map, the legend shall be amended so that the number of “Exceptions Allowed With Conditional Use Permit (CUP)” in Height Area LM-85 East of the Lake Merritt Channel shall be increased to : 3 buildings (175 feet) and 2 buildings (275 feet)

The motion carried by the following vote:

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

- 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](#)
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A motion was made by Reid, seconded by Schaaf, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 12/9/2014. The motion carried by the following vote:

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

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](#)
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This City Resolution was Withdrawn with No New Date.

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](#)

This City Resolution was Withdrawn with No New Date.

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](#)
[85277 CMS](#)

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

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

Absent: 1 - Gibson McElhaney

- 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](#)

A motion was made by Brooks, seconded by Gibson McElhaney, that this matter be Received and Filed. The motion carried by the following vote:

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

Absent: 1 - Schaaf

- 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](#)

A motion was made by Brooks, seconded by Gibson McElhaney, that this matter be Received and Filed. The motion carried by the following vote:

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

Absent: 1 - Schaaf

- 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](#)
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A motion was made by Brooks, seconded by Gibson McElhaney, that this matter be Received and Filed. The motion carried by the following vote:

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

Absent: 1 - Schaaf

- 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](#)
[85278 CMS](#)

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

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

Absent: 1 - Gibson McElhaney

- 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](#)
[85279 CMS](#)

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

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

Absent: 1 - Gibson McElhaney

- 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](#)

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A motion was made by Kalb, seconded by Kaplan, 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 12/9/2014.

The following amendments were adopted:

Section V.A.5. Exception for testimony. The prohibitions in Subsections VA(l) and A(4) do not prohibit a former Public Servant from testifying as a witness pursuant to a subpoena, provided that no compensation is received other than the fees regularly provided for by law or regulation for witnesses.

Section VI.D. Prohibition on City Officers and Board or Commission Members Contracting with the City. During his or her term of office, no City Officer shall enter, submit a bid for, negotiate for, or otherwise attempt to enter, any contracts or subcontracts with the City, other than compensation or employment stemming from their office held. During his or her term of office, no member of a City Board or Commission, as defined in this subsection shall enter, submit a bid for, negotiate for, or otherwise attempt to enter, any contracts or subcontracts with the City, other than compensation or employment stemming from their office held, where the amount of the contracts or the subcontracts exceeds \$10,000 in aggregate.

1. Definitions. For purposes of this Subsection VI(D), the following definitions shall apply:

a. "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, or other legal entity or

undertaking organized for economic gain.

b. "City Officer" shall mean the Mayor, City Council Members, City Administrator, City Attorney, City Auditor, City Controller, the head of any City department, and any person appointed as the chief executive officer under a City board or commission.

c. "City Board or Commission:" shall include the Children's Fund Planning & Oversight Commission, the Housing Authority, the Housing, Residential Rent & Relocation Board, the Planning Commission, the Port Commission, the Public Ethics Commission, the Police and Fire Retirement Board, and any other City board or commission with decision making authority beyond merely the making of recommendations.

d. "Contract" means any agreement other than a grant or an agreement for employment in exchange for payment or benefits.

e. "Subcontract" means a contract to perform any work for a primary contractor that has an agreement with the City.

2. Exceptions. This Subsection D shall not apply to the following contracts or subcontracts:

a. A contract or subcontract with a 501(c)(3) nonprofit organization;

b. A contract or subcontract with a business with which a City Officer or member of a City Board or Commission, as defined in this subsection, is affiliated unless the City Officer or Board or Commission member exercises management and control over the business. A member exercises management and control if he or she is:

i. An officer or director of a corporation;

ii. A majority shareholder of a closely held corporation;

iii. A shareholder with more than five percent beneficial interest in a publicly traded corporation;

iv. A general partner or limited partner with more than 20 percent beneficial interest in the partnership; or

v. A general partner regardless of percentage of beneficial interest and who occupies a position of, or exercises management or control of the business;

c. A contract or subcontract entered into before a member of a board or commission commenced his or her service;

d. An agreement to provide property, goods or services to the City and County at substantially below fair market value; or

e. A settlement agreement resolving a claim or other legal dispute.

3. Waiver. The Ethics Commission may waive the prohibitions in this Subsection VI(D) for any City Officer or member of a City Board or Commission, as defined in this subsection, who, by law, must be appointed to represent any profession, trade, business, union or association.

4. Limitation. Failure of a City Officer or member of a City Board or Commission, as defined in this subsection to comply with this Subsection VI(D) shall not be grounds for invalidating any contract with the City.

The motion carried by the following vote:

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

Absent: 1 - 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](#)
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[View Supplemental Report](#)

A motion was made by Schaaf, seconded by Kalb, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 12/9/2014. The motion carried by the following vote:

Aye: 5 - Gibson McElhane, Kalb, Kaplan, Schaaf, and Kernighan

Absent: 3 - Brooks, Gallo, and Reid

- 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](#)
[85280 CMS](#)

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

Aye: 6 - Brooks, Gibson McElhane, Kalb, Kaplan, Schaaf, and Kernighan

Absent: 2 - Gallo, and Reid

- 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](#)

[1 14-157a EBOTS](#)

A motion was made by Kaplan, seconded by Kernighan, that this matter be Continued to the *Public Works Committee, to be heard 12/2/2014. The motion carried by the following vote:

Abstained: 1 - Brooks

Aye: 5 - Gibson McElhaney, Kalb, Kaplan, Schaaf, and Kernighan

Absent: 2 - Gallo, and Reid

- 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](#)

[View Supplemental Report.pdf](#)

A motion was made by Kaplan, seconded by Kalb, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 12/9/2014. The motion carried by the following vote:

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

Absent: 1 - Reid

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

A motion was made by Kaplan, seconded by Brooks, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 12/9/2014. The motion carried by the following vote:

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

Absent: 1 - Reid

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](#)

A motion was made by Kaplan, seconded by Brooks, that this matter be Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 12/9/2014. The motion carried by the following vote:

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

Absent: 1 - Reid

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](#)

[85281 CMS](#)

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

Aye: 5 - Gibson McElhaney, Kalb, Kaplan, Schaaf, and Kernighan

Absent: 3 - Brooks, Gallo, and Reid

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](#)

This Ordinance was Withdrawn with No New Date.

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](#)
[85282 CMS](#)

A motion was made by Schaaf, 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

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](#)

Attachments: [85283 CMS](#)

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

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

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](#)

Attachments: [85284 CMS](#)

A motion was made by Schaaf, 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) 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](#)

Attachments: [85285 CMS](#)

A motion was made by Schaaf, 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

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](#)

Attachments: [85286 CMS.pdf](#)

A motion was made by Schaaf, seconded by Gallo, that this matter be Adopted as Amended to include the following: 1) RESOLVED: That the Oakland City Council directs staff to create a BRT Business Assistant & Sustainability Fund to provide direct monetary assistance in the form of loans and grants to businesses for the purpose of enhancing the viability of such businesses that have experienced adverse permanent impact from the BRT infrastructure changes. Merchants may use funds for infrastructure improvements such as sidewalk improvements, implementation of technical assistance recommendations, business operations, capital and/or tenant improvements. The Oakland City Council commits at least \$2,000,000 to this BRT Business Assistant & Sustainability Fund, to come from the \$1,000,000 General Purpose Fund dollars authorized in July 2014 and the \$1,000,000 in CDBG (or other sources which may be swapped for the CDBG monies), and shall not be dispersed until guidelines are in place; and 2) FURTHER RESOLVED: The Council asks the City Administrator to seek regional grant sources to address further capital improvements to the public right-of-way along the BRT corridor and to continue to seek additional flexible funding sources to provide local matching funds to those regional grant opportunities. The motion carried by the following vote:

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

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 at 2:19 a.m.*

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Committee meetings please contact the Office of the City Clerk. When possible,
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**MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL
AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE
CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM
8:30 A.M. TO 5:00 P.M.**