



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

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

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Wednesday, November 5, 2014

5:30 PM

City Council Chamber, 3rd Floor

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### 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 5:40 p.m.*

### 2 ROLL CALL / CITY COUNCIL

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

*The Roll Call was modified to note Councilmember Gibson McElhaney present at 5:45 p.m.*

*The Roll Call was modified to note Councilmember Brooks absent at 7:08 p.m.*

*The Roll Call was modified to note Councilmember Gallo absent at 8:55 p.m.*

*The Roll Call was modified to note Vice Mayor Reid absent at 9:07 p.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 8 Open Forum speakers.*

### 4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

*Vice Mayor Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Danny Oliver, Michael Davis, Jr., Azel Gratsy, Sr., and Perla Avina. Mayor Quan requested association with the tribute for Perla Avina.*

*Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Ethel Faye McCleod Day.*

- 4.1 Subject: Precautions At Airport To Prevent Ebola Outbreak  
From: Vice Mayor Larry Reid  
Recommendation: Receive An Informational Report Or Plan From The Director Of The Port Of Oakland/Oakland Airport Regarding The Recent Ebola Outbreak As It Pertains To What Precautions Are Being Taken At The Oakland International Airport For Screening Passengers Who Arrive In Oakland

**Attachments:** [View Report](#)

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

**Aye:** 7 - Brooks, Gibson McElhaneey, Kalb, Kaplan, Reid, Schaaf, and Kernighan

**Absent:** 1 - Gallo

- 4.2 Subject: Honoring The Unity Council  
From: Councilmember Noel Gallo  
Recommendation: Adopt A Resolution Honoring The Unity Council For 50 Years Of Service And Community Impact In The City Of Oakland

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[85228 CMS.pdf](#)

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

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

- 4.3 Subject: National Native American Heritage Month  
From: Councilmember Noel Gallo  
Recommendation: Adopt A Resolution Recognizing The Month Of November 2014 As "National Native American Heritage Month" Celebrating The Heritage And Culture Of Native Americans And The Contributions Of Native Americans To The United States

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[85229 CMS.pdf](#)

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

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

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

## 6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS

(Requests To: Reschedule Items From Consent To Non-Consent To The Next Council Agenda, Speak On Consent Calendar, Register Votes, Change Order Of Items, Reconsiderations, Pull Items Held In Committee):

## 7 CONSENT CALENDAR (CC) ITEMS:

### *Approval of the Consent Agenda*

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

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

**Absent:** 1 - Reid

- 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

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[85230 CMS.pdf](#)

**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

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[85231 CMS.pdf](#)

**This City Resolution was Adopted.**

- 7.3 Subject: Community Policing Advisory Board Appointments - Leonard & Bulls  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Cathy Leonard And Derrick C. Bulls As Members Of The Community Policing Advisory Board

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[85232 CMS.pdf](#)

**This City Resolution was Adopted.**

- 7.4 Subject: Settlement Of Claim Of Mary J. Smith  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Invoices Presented By Belfor Property Restoration For The Claim Of Mary J. Smith, City Attorney's Claim No. C29408, In The Amount Of Twenty-Five Thousand Nine Hundred Ninety-Five Dollars And Sixteen Cents (\$25,995.16) (Public Works Department- Sewer-Overflow)

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[85233 CMS.pdf](#)

**This City Resolution was Adopted.**

- 7.5 Subject: Settlement Of Claim Of Paul Traver  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Paul Traver, City Attorney's Claim No. C30094, In The Amount Of Twenty- Three Thousand Four Hundred Dollars And No Cents (\$23,400.00), Payable To Paul Traver (Oakland Police Department - Vehicle Collision)

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[85234 CMS.pdf](#)

**This City Resolution was Adopted.**

- 7.6 Subject: Settlement Of Andre Traylor v. City Of Oakland, Stephen Choi  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Andre Traylor v. City Of Oakland, Stephen Choi, Alameda County Superior Court Case No. RG13-698346, In The Amount Of Eighteen Thousand Six Hundred Twenty-Five Dollars And No Cents (\$18,625.00) As A Result Of Motor Vehicle Accident On Or About November 6, 2012 (Oakland Police Department - Motor Vehicle Collision)

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[85235 CMS.pdf](#)

**This City Resolution was Adopted.**

- 7.7 Subject: Settlement Of Claim Of Liberty Mutual As Subrogee For Valerie Dzubur  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Liberty Mutual Insurance Company In The Amount Of Six Thousand Seven Hundred Twenty-Four Dollars And One Cent (\$6,724.01), Payable To Liberty Mutual Insurance Company As Subrogee For Valerie Dzubur (Fire Services Agency - Auto Collision)

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**This City Resolution was Adopted.**

- 7.8 Subject: Settlement Of Claim Of Liberty Mutual Ins. Co. As Subrogee For Kelly Koehn  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Liberty Mutual Insurance Company, City Attorney's Claim No. C30125, In The Amount Of Six Thousand Two Hundred Sixty-Nine Dollars And Thirty-Three Cents (\$6,269.33) Payable To Liberty Mutual Insurance Company As Subrogee For Kelly Koehn (Oakland Police Department - Auto Collision)

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[85237 CMS.pdf](#)

**This City Resolution was Adopted.**

- 7.9 Subject: Settlement Of Claim Of Kevin Flynn  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Kevin Flynn, City Attorney's Claim No. C30159, In The Amount Of Seven Thousand Five Hundred Sixty-One Dollars And Twenty-Five Cents (\$7,561.25), Payable To Kevin Flynn (Oakland Fire Department - Automobile Collision)

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**This City Resolution was Adopted.**

- 7.10** Subject: Settlement Agreement Of Nancy Lee, 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 Nancy Lee, Monica Lee, And Samantha Lee v. City Of Oakland, Alameda County Superior Court Case No. RG12641451, City Attorney's File No. 28903, In The Amount Of Two Million Dollars (\$2,000,000.00) (Public Works Department - Dangerous Condition)

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[85239 CMS.pdf](#)

**This City Resolution was Adopted.**

- 7.11** 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

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**This Ordinance was Approved On Introduction and Scheduled for Final Passage. to the Meeting of the Oakland City Council to be heard 11/18/2014**

- 7.12** Subject: PayLock, Inc. Contract Extension  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Third Amendment To The Agreement Between The City Of Oakland ("City") And IPT LLC ("Paylock"), Extending At No Cost To The City The Term Of The Agreement For A Period Not To Exceed 6 Months, Starting October 15, 2014 And Terminating April 14, 2015 To Provide Self-Release Smartboot Vehicle Immobilization Program Services; And Waiving The Request For Proposal/Qualifications Process

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[85240 CMS.pdf](#)

**This City Resolution was Adopted.**

- 7.13** Subject: Awarding A Contract To Staples Advantage  
From: Finance Department  
Recommendation: Adopt A Resolution Awarding A Contract To Staples Advantage, A Corporation, To Furnish General Office Supplies, In An Annual Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), And Give Something Back, A Corporation, To Furnish Copy Paper And Toner Cartridges, In An Annual Amount Not To Exceed Three Hundred Ninety-Nine Thousand Dollars (\$400,000.00), For The Period Of October 1, 2014 To September 30, 2017 For An Aggregate Contract Amount Of Two Million, Two Hundred Forty-Seven Thousand Dollars (\$2,247,000.00), In Accordance With Specification No. 13-615-00-01/Request For Quotation (RFQ) No. 4917 And The General Conditions Therfor On File In Purchasing According To Its Bid Filed With The City On January 27,2014

**Attachments:** [View Report.pdf](#)  
[85241 CMS.pdf](#)

**This City Resolution was Adopted.**

- 7.14** Subject: Additional Audit Related Services  
From: Finance Department  
Recommendation: Adopt A City Resolution Amending City Council Resolution No. 82682 C.M.S, Which Authorized A Contract With Macias Gini & O'connell LLP ("MGO") To Provide Audit Services To Increase The Contract For The City Audit Services For An Additional Amount Not-To-Exceed \$75,193. The Additional Services Requested Are To Cover Governmental Accounting Standards Board (GASB) 67 Testing, Planning And Implementing GASB 68, And Agreed-Upon Procedures Testing The City Procurement Policies And Procedures For Fiscal Year Ending June 30, 2014 And A Waiver For Advertising And Request For Proposals For These Additional Audit Related Services.

**Attachments:** [View Report.pdf](#)  
[85242 CMS.pdf](#)

**This City Resolution was Adopted.**

**7.15** Subject: Extension Of Auditing Service Contract  
From: Finance Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution By The City Council Of The City Of Oakland Authorizing The City Administrator To Execute A One (1) Year Extension With Macias Gini & O'connell, LLP ("MGO") To Provide Audit Services For Fiscal Year Ending June 30, 2015 In An Amount Not To Exceed \$674,560 And Waiving The Competitive Request For Proposals Process; And

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**This City Resolution was Adopted.**

2) A Resolution Authorizing The Agency Administrator To Waive The Competitive Requesting For Proposals Process And Execute A One (1) Year Contract Extension With Macias Gini & O'connell, LLP ("MGO") To Provide For Audit Services For Fiscal Year Ending June 30, 2015 In An Amount Not To Exceed \$25,000

**Attachments:** [2014-011 ORSA.pdf](#)

**This ORSA Resolution was Adopted.**

**7.16** Subject: 4901 Telegraph Ave. Major Encroachment Permit  
From: Planning And Building Department  
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Vocam Telegraph, LLC, A California Limited Liability Company, To Allow Encroachment Of An Existing Building's Overhanging Bay Windows, Eaves And Access Stairs Adjacent To 4901 Telegraph Avenue

**Attachments:** [View Report.pdf](#)  
[85244 CMS.pdf](#)

**This City Resolution was Adopted.**

**7.17** Subject: Repair Stair Paths At Locarno Way (Project No. C470710)  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Construction Contract With Mosto Construction To Repair Stair Paths At Locarno Way (Project No. C470710), In Accordance With The Project Plans And Specifications And With Contractor's Bid In The Amount Of One Hundred Eighty-Seven Thousand One Hundred Ten Dollars (\$187,110.00)

**Attachments:** [View Report.pdf](#)  
[85245 CMS.pdf](#)

**This City Resolution was Adopted.**



- 7.18 Subject: Appropriation Of Funds For HSIP-6  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee, To Accept And Appropriate One Million One Hundred Eighty Nine Thousand And Five Hundred Dollars (\$1,189,500.00) In Highway Safety Improvement Program Cycle 6 (Hsip-6) Grant Funds For Transportation Safety Improvements At Selected Locations Along Grand Avenue From Park View Terrace To Euclid Avenue; And Madison Street From 7th Street To 9th Street, And 8th Street From Jackson Street To Oak Street

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[85246 CMS.pdf](#)

**This City Resolution was Adopted.**

- 7.19 Subject: Highway Safety Improvement Program (HSIP) Cycle 4  
From: Oakland Public Works Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Award A Construction Contract To W. Bradley Electric, Inc. For Highway Safety Improvement Program Cycle 4 (HSIP4): Traffic Signal Modifications On Hegenberger Road (Edes Avenue To International Boulevard), Project No. C452410, In Accordance With Project Plans, Specifications, State Requirements And With Contractor's Bid In The Amount Of Five Hundred Ten Thousand Eight Hundred Fifty-Four Dollars (\$510,854.00); And

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[85247 CMS.pdf](#)

**This City Resolution was Adopted.**

2) A Resolution Authorizing The City Administrator To Award A Construction Contract To Ray's Electric For Highway Safety Improvement Program Cycle 4 (HSIP4): Traffic Signal On Bancroft Avenue At 94th Avenue, Project No. C444110, In Accordance With Project Plans, Specifications, State Requirements And With Contractor's Bid In The Amount Of Three Hundred Forty-Eight Thousand One Hundred Fifty-Five Dollars (\$348,155.00); And

**Attachments:** [85248 CMS.pdf](#)

**This City Resolution was Adopted.**

3) A Resolution Authorizing The City Administrator To Award A Construction Contract To Bay Area Lightworks For Highway Safety Improvement Program Cycle 4 (HSIP4): Traffic Signal On San Pablo Avenue (West Grand Avenue To West Street), Project No. C444010, In Accordance With Project Plans, Specifications, State Requirements And With Contractor's Bid In The Amount Of Five Hundred Four Thousand Nine Dollars And Seventy-Five Cents (\$504,009.75)

**Attachments:** [85249 CMS.pdf](#)

**This City Resolution was Adopted.**

**7.20** Subject: Safe Routes To School (SR2S) Cycle 10  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award A Construction Contract To Beliveau Engineering Contractors, Inc. For Safe Routes To School Cycle 10 (SR2S10) Project (Project No. C471910) In Accordance With Project Plans, Specifications, State Requirements And With Contractor's Bid In The Amount Of One Hundred Forty-Three Thousand One Hundred Sixty-Eight Dollars (\$143,168.00)

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[85250 CMS.pdf](#)

**This City Resolution was Adopted.**

**7.21** Subject: West Oakland Jobs Resource Center Fiscal Agent  
From: Economic and Workforce Development Department  
Recommendation: Adopt A Resolution Authorizing An Amendment To The Contract With Urban Strategies Council To Act As The Fiscal Agent For The West Oakland Job Resource Center To Increase The Contract Amount From \$50,000 To \$105,000, And To Extend The Termination Date From November 20, 2014 To June 30, 2015 And Waiving The Advertising, Competitive Bid, And Request For Proposals/ Qualifications Process

**Attachments:** [View Report.pdf](#)  
[85251 CMS.pdf](#)

**This City Resolution was Adopted.**

- 7.22** Subject: Approving Four (4) Mills Act Contracts  
From: Planning And Building Department  
Recommendation: Adopt A Resolution, As Recommended By The Landmarks Preservation Advisory Board, Approving Four (4) Mills Act Contracts Between The City Of Oakland And The Properties At 851 Trestle Glen Road (Estimated \$11,865/Year Property Tax Reduction), 80-82/88-90 9th Street (Estimated \$1275/Year Property Tax Reduction), 619 15th Street (Estimated \$949/Year Property Tax Reduction), And 918 18th Street (Estimated \$3078/Year Property Tax Reduction) Pursuant To Ordinance 12987 C.M.S., To Provide Property Tax Reductions In Exchange For Owners' Agreement To Repair And Maintain Historic Properties In Accordance With Submitted Work Programs

**Attachments:** [View Report.pdf](#)  
[85252 CMS.pdf](#)

**This City Resolution was Adopted.**

- 7.23** 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

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**Councilmember Brooks moved, seconded by President Pro Tempore Kaplan, to Continued this item to the Meeting of the Oakland City Council to be heard 11/18/2014.**

- 7.24** 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]

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**Councilmember Brooks moved, seconded by President Pro Tempore Kaplan, to Continued this item to the Meeting of the Oakland City Council to be heard 11/18/2014.**

- 7.25** 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]

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**Councilmember Brooks moved, seconded by President Pro Tempore Kaplan, to  
Continued this item to the Meeting of the Oakland City Council to be heard  
11/18/2014.**

- 7.26** Subject: Inclement Weather Response System Strategy  
From: Human Services Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator: 1) To  
Accept And Appropriate An Estimated Amount Of \$15,000 From The City Of  
Emeryville For Winter Shelter And Warming Centers; 2) To Enter Into Grant  
Agreements For The Provision Of Emergency Winter Shelter Beds In An Aggregate  
Amount Of \$53,000 With St. Mary's Center And East Oakland Community Project; 3)  
To Enter Into Grant Agreements For The Provision Of Warming Centers In An  
Aggregate Amount Of \$54,000 With Dignity Housing West And Bay Area Community  
Services; And 4) To Allocate Up To \$15,115 In Existing Funds And Accept,  
Appropriate And Allocate Any Additional Funds From Other Sources To Amend The  
Grant Agreements For Additional Shelter Beds And/Or Warming Center  
Accommodations, And Purchase Miscellaneous Supplies For The Operation Of The  
Winter Shelters For The Period Beginning November 15, 2014 Through April 15, 2015  
Without Returning To Council

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[85253 CMS.pdf](#)

**This City Resolution was Adopted.**

- 7.27** Subject: ShotSpotter Contract Extension and System Expansion  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into An Agreement With SST, Inc. To: 1) Expand The ShotSpotter Coverage Area (Phase III), In An Amount Not To Exceed \$146,600.00; 2) Extend Coverage For The Period Of October 21, 2014 To April 18, 2015 (Phase I), In A Pro-Rated Amount Not To Exceed \$41,425.00, With An Option To Renew For Two Additional One-Year Terms At A Cost Of \$84,000.00 Annually, For A Total Contract Amount Not To Exceed \$356,025.00; And 3) Waiving The Competitive Request For Proposal / Qualifications (RFP/Q) Process, The Advertising And Bidding Requirements, And Local And Small Local Business (L/SLB) Enterprise Program Provisions For The Contracts With SST, Inc.

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**This City Resolution was Adopted.**

- 7.28** Subject: Contract To Provide Fire Fighter Physical Exams  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Enter Into An Agreement With Emeryville Occupational Medical Center To Provide Annual Physical Examinations Of Sworn Oakland Fire Department Employees For The Period Of November 13, 2014 Through November 12, 2016 With An Optional Two year Extension, In An Amount Not-To-Exceed Six Hundred Thousand Dollars (\$600,000) For The Initial Two Year Term And Not-To-Exceed Six Hundred Thousand Dollars (\$600,000) For The Two-Year Extension For A Total Contract Amount Not To Exceed One Million Two Hundred Thousand Dollars (\$1,200,000) For The Period Of November 13, 2014 Through November 12, 2018

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**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 Gallo, that the report of 4 final decisions was Approve as Submitted. The motion carried by the following vote:**

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

**Absent:** 1 - Brooks

**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:**

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 7:19 p.m.*

*Nine individuals spoke on this item.*

*President Pro Tempore made a motion, seconded by Councilmember Kalb to close the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, President Kernighan, and 2 Absent - Brooks, Schaaf.*

- 9.1** 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

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

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**This Ordinance was Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council to be heard 11/18/2014 with the following amendments: 1. Remove Animal products and livestock production from the definition of community gardens; 2. Make an exception for bees and apiaries; and 3. Allow those areas that currently have approval for community gardens to continue to operate under the old definition of community garden which allows animals.**

- 9.2** 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

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

**ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:**

**10 THIS NUMBER INTENTIONALLY NOT USED**



- 11 Subject: Accountability & Transparency In High-Stakes Negotiations Act  
From: Councilmember Libby Schaaf And The Office Of The City Attorney  
Recommendation: Adopt The Accountability And Transparency In High Stakes Negotiations Policy Resolution Amending Rule 25 Of The Council's Rules Of Procedure, Resolution No. 82580 C.M.S. And Resolution No. 84758 C.M.S., To Require City Councilmembers Appointed To Serve On Boards, Commissions, Agencies, Joint Powers Authorities, ("Representatives") To: (1) Notify The City Council As Soon As High-Stakes Negotiations Commence; (2) Provide Real-Time Reports On High-Stakes Negotiations And Annual Reports On General Business; And (3) Participate In Training Regarding Their Duties And Obligations Of Representation Within 30 Days Of Appointment

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A motion was made by Schaaf, seconded by Kaplan, that this matter be Adopted as Amended with the following additions: 1. City Council delegates and alternates shall: (i) within 30 days of appointment to represent the City on such bodies, participate in training provided by the City Administrator or designee on the duties and obligations of representation; (ii) provide the City Council and/or the appropriate Council Committee with an annual report or briefing on general business regarding the issues, activities and agenda of the body on which the representative serves; (iii) work with the City Administrator, or his or her designee, to notify the City Council via an Information Memorandum, Information Report to the subject matter committee, or Closed Session Briefing when appropriate under the Brown Act and Sunshine Ordinance, as soon as high-stakes negotiations or transactions commence; (iv) provide the City Council real-time reports on high-stakes negotiations or transactions; and 2. Raise the threshold limit to one million dollars. The motion carried by the following vote:

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

**Absent:** 3 - Brooks, Gallo, and Reid

- 12 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.

Attachments: [View Report.pdf](#)

*There were 28 speakers on this item.*

This Ordinance was Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council to be heard 11/18/2014 with the following amendments to be included: 1. Direct the Ordinance be brought back for re-examination when the City considers adoption of impact fees in 2015 to assess the cumulative impact and fair distribution of all development requirements and fees; 2. Add the following: "Whereas, Developers and/or owners shall be encouraged to integrate art from the earliest possible stages of development planning to assure design elements which respond to the unique physical attributes and geographic location of the development project;" 3. Revised section 15.70.070, Artist Verification, to read as follows: "Public art installed on the development site shall be designed by independent artists, or artists working in conjunction with arts or community organizations, that are verified by the City to either hold a valid Oakland business license or be an Oakland-based 501(c)(3) tax designated organization in good standing. Developers and/or owners installing art created by an artist not previously verified by the City shall pay a verification fee to the City in accordance with the Master Fee Schedule;" and 4. Revise the following: "AFFORDABLE HOUSING is defined in Chapter 17.107 of the Oakland Planning Code."

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

**Absent:** 2 - Brooks, and Reid

- 13 Subject: Tenant Protection Ordinance  
From: Councilmember Dan Kalb  
Recommendation: Adopt An Ordinance Prohibiting Various Harassing Behaviors By Landlords Against Tenants And Providing Civil Remedies For Violations [TITLE CHANGE]

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[13265 CMS.pdf](#)

*There were 15 speakers on this item.*

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

**Abstained:** 1 - Kernighan

**Aye:** 5 - Gallo, Gibson McElhaney, Kalb, Kaplan, and Schaaf

**Absent:** 2 - Brooks, and Reid

- 14 Subject: FY 2013-2014 4th Quarter Revenue & Expenditure Report  
From: Finance Department  
Recommendation: Adopt A Resolution Accepting The Unaudited FY 2013-2014 Fourth Quarter Revenue And Expenditure Results And Year-End Summaries For Four Selected Funds: General Purpose Fund (GPF, 1010), Landscape & Lighting Assessment District Fund (2310), Equipment Fund (4100) And Facilities Fund (4400); And Overtime Analysis For The General Purpose Fund (1010) And All Funds; And Authorizing The City Administrator To Adjust The General Purpose Fund Expenditure Appropriations In The Amount Of \$0.50 Million Over Budget By Departments Listed In Exhibit A Attached Herein

**Attachments:** [View Report.pdf](#)  
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[85257 CMS.pdf](#)

**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

## 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 Danny Oliver, Michael Davis, Jr., Azel  
Gratsy, Sr., Perla Avina and Ethel Faye McCleod Day at 8:58 p.m.*

Americans With Disabilities Act

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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.**