



SUPPLEMENTAL

City of Oakland

Meeting Agenda

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

*** Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council**

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

City of Oakland Website: <http://www.oaklandnet.com>

Tuesday, October 07, 2014

5:30 PM

City Council Chambers, 3rd Floor

DEFINITION OF TERMS:

CONSENT ITEM: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee. These items are heard on the 5:30 P.M. portion of the agenda.

NON-CONSENT ITEM: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee. These items are heard on the 6:30 P.M. portion of the agenda.

ACTION ITEM: any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

INFORMATIONAL ITEM: an item of the agenda consisting only of an informational report that does not require or permit Council action.

1 PLEDGE OF ALLEGIANCE

2 ROLL CALL / CITY COUNCIL

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

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

4 ACTIONS ON SPECIAL ORDERS OF THE DAY
(Ceremonial Presentations, Reports/Presentations From The Mayor, Council Acknowledgements/Announcements):

S-4.1 Subject: United Nations Flag Parade And Flag Day Resolution
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Designating October 18-25, 2014 As United

SUPPLEMENTAL

* Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council

Tuesday, October 07, 2014

Nations Peace Week And October 18, 2014 As United Nations Flag Parade And Flag
Raising Day At The United Nations Pole In Jack London Square
(14-0073)

**This item was placed on the agenda by the October 2, 2014 Rules and
Legislation Committee.**

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

S-4.2 Subject: 25th Anniversary Of The Loma Prieta Earthquake
From: Office Of The Mayor
Recommendation: Adopt A Resolution Recognizing The 25th Anniversary Of The
Loma Prieta Earthquake
(14-0077)

**This item was placed on the agenda by the October 2, 2014 Rules and
Legislation Committee.**

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

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETINGS OF JULY 29,
JULY 30, AUGUST 13, SEPTEMBER 22 AND SEPTEMBER 23, 2014

6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS
(Requests To: Reschedule Items From Consent To Non-Consent To The Next Council
Agenda, Speak On Consent Calendar, Register Votes, Change Order Of Items,
Reconsiderations, Pull Items Held In Committee):

7. CONSENT CALENDAR (CC) ITEMS:

7.1 Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's
Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health
Crisis With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired
Immunodeficiency Syndrome ("AIDS") Epidemic
(14-0052)

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
(14-0053)

7.3 Subject: Nuisance Eviction Ordinance Amendments

SUPPLEMENTAL

* Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council

Tuesday, October 07, 2014

From: Office Of The City Attorney
Recommendation: Adopt An Ordinance Amending Nuisance Eviction Ordinance (O.M.C. Section 8.23) To: 1) Include Prostitution Related Crimes, Gambling And Illegal Possession Of Ammunition As Grounds To Require A Landlord To Bring An Eviction Action Against A Nuisance Tenant, 2) To Revise Definitions Relating To Drug Nuisance And Weapons, And 3) Authorize The City Attorney, In Addition To The City Administrator, To Issue Notices To Owners To Bring Nuisance Eviction Actions
(13-0748)

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

INTRODUCTION (First Reading) WAS PASSED ON SEPTEMBER 23, 2014; 8 AYES.

7.4 Subject: Sale Of Champion Street Site
From: Economic Workforce Development Department
Recommendation: Adopt An Ordinance Authorizing The City Administrator To: 1) Negotiate And Execute A Disposition And Development Agreement For The Sale Of 3455and 3461 Champion Street ("Properties") To Jack Stewart Or A / Legal Entity Affiliated With Jack Stewart And Approved By City Administrator For Development Of A Restaurant On The Following Terms: (1) Purchase Price Not Less Than Three Hundred Eighty Two Thousand Five Hundred Dollars (\$382,500); (2) Credit To Buyer For Fuel Tank Removal Not To Exceed Ten Thousand Dollars (\$10,000); (3) Reservation Of An Easement To The City For A Fiber Optics Hub And Related Uses; 2) Direct Two Hundred Thousand Dollars (\$200,000) Of The Net Sales Proceeds Towards Funding The City's Asset Portfolio Management Plan; And 3) Allocate Seventy Five Thousand Dollars (\$75,000) In Community V Development Block Grant (CDBG) Funds To Developer Exclusively For Facade And Exterior Improvements Of The Properties
(14-0013)

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

INTRODUCTION (First Reading) WAS PASSED ON SEPTEMBER 23, 2014; 8 AYES.

7.5 Subject: Ordinance Amending Section 12 Of Ordinance 12301 C.M.S.
From: Councilmember Dan Kalb
Recommendation: Adopt An Ordinance Amending Section 12 Of Ordinance 12301 C.M.S. (That Established The Rockridge Business Improvement District, Granted Approval Of The Management Plan For The District, Approved The Assessment District Boundary Description, And Approved The Proposed Assessment To The Affected Businesses), Thereby Modifying The Requirement That The Advisory Board Give Notice Of The Right To Seek Disestablishment Of The District To Once Every Five Years Starting From The Effective Date Of This Ordinance.

SUPPLEMENTAL

* Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council

Tuesday, October 07, 2014

(14-0009)

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

INTRODUCTION (First Reading) WAS PASSED ON SEPTEMBER 23, 2014; 6 AYES; 2 ABSENT - BROOKS, REID.

7.6 Subject: Amendments To The Oakland Campaign Reform Act
From: Council President Patricia Kernighan
Recommendation: Adopt An Ordinance Amending The Oakland Campaign Reform Act, Oakland Municipal Code Chapter 3.12, To Prohibit The Use Or Transfer Of Funds From Ballot Measure Committees Controlled By Candidates For City Office Or City Officeholders To Support The Candidate's Or Officeholder's Election To City Office
(13-0633)

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

INTRODUCTION (First Reading) WAS PASSED ON SEPTEMBER 23, 2014; 8 AYES.

7.7 Subject: Budget Advisory Committee Appointments
From: Office of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Zarek A. Woodfork And Reappointments Of Mary Thomas And Kim Mccoy Wade To The Budget Advisory Committee
(14-0054)

7.8 Subject: Settlement Agreement- Michael Cortez And Ricardo Toscano
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Michael Cortez And Ricardo Toscano Vs. City Of Oakland And Ricky Persons, Alameda County Superior Court Case No. Rg13678090, City Attorney's File No. 29603, In The Amount Of Six Hundred And Fifty Five Thousand Dollars (\$655,000.00) (Public Works Agency - Employment Discrimination)
(14-0055)

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

7.9 Subject: Settlement Agreement- Joanne Warwick V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle Plaintiff's Claim For Attorneys' Fees And Costs In The Case Of Joanne Warwick V. City Of Oakland, Et Al, Northern District Of California Case No. C13-0536 Nc, City Attorney's File No. 29139, In The Amount Of Fifteen Thousand

SUPPLEMENTAL

* Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council

Tuesday, October 07, 2014

Dollars (\$15,000.00) (Oakland Police Department - Excessive Force/Civil Rights)
(14-0056)

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

7.10 Subject: Settlement Agreement- Cecilio Felix 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 Cecilio Felix V.City Of Oakland, Et Al, Alameda County Superior Court Case No. Rg11-586564, In The Amount Of Seventy-Five Thousand Dollars And No Cents (\$75,000.00) As A Result Of A Vehicle Verses Pedestrian Accident On Or About June 25, 2010 (Public Works Department)
(14-0057)

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

7.11 Subject: Settlement Agreement- John Dalton 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 John Dalton V. City Of Oakland, United States District Court, Northern District Of California No. C13-0497 EDL, City Attorney's File No. 29316 In The Amount Of Ninety-Five Thousand Dollars (\$95,000.00) (Public Works Department/Office Of Parks And Recreation - American Disabilities Act (ADA) Access
(14-0058)

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

7.12 Subject: Settlement Agreement- Donna White 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 Donna White V. City Of Oakland, United States District Court, Northern District Of California No. C11-03846 NC, City Attorney's File No. 28414 In The Amount Of Three Hundred Forty eight Thousand Dollars (\$348,000.00) (Public Works Department/Office Of Parks And Recreation - American Disabilities Act (ADA) Access)
(14-0059)

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

7.13 Subject: Settlement Agreement- George Balsbaugh 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 George Balsbaugh V. City Of Oakland, Et Al.,

SUPPLEMENTAL

* Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council

Tuesday, October 07, 2014

Alameda County Superior Court Case No. Rg12629027, City Attorney's File No. 28719,
For A Sum Not To Exceed Four Hundred Thousand Dollars And No Cents
(\$400,000.00) (Public Works-Personal Injury Lawsuit)
(14-0060)

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

7.14 Subject: Violence Prevention And Public Safety Oversight Committee Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Lirio Zepeda And Reappointing
Qa'id Aqueel Tauheed As Members Of The Violence Prevention And Public Safety
Oversight Committee
(14-0061)

7.15 Subject: Cannabis Regulatory Commission Appointment - Sean Patrick Donahoe
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Sean Patrick Donahoe As A
Member Of The Cannabis Regulatory Commission
(14-0062)

S-7.16 Subject: Maddie's Fund Donation of \$256,000 to Oakland Animal Services
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or
Designee, On Behalf Of The City Of Oakland, To Accept A Donation In The Amount Of
\$256,000 From Maddie's Fund And Appropriate Said Funds To The Oakland Police
Department Animal Services Section To Help Fund Spay And Neuter Programs, Quality
Of Life Projects For Animals, And For The Purchase Of Supplies And Equipment For
The Volunteer Program And The Oakland Animal Shelter
(14-0037)

**The September 30, 2014 Public Safety Committee approved
recommendations as amended with a vote of 4 Ayes to include the
following addition: FURTHER RESOLVED: That the \$256,000 from
Maddie's Fund, accepted by the City of Oakland, shall be used exclusively
for the enrichment and quality of life of the animals housed in the Oakland
Animal Shelter, and that these funds shall not be allocated or expended
until after an Animal Shelter Director is hired through the current
recruitment process, so that he or she may help decide how to best allocate
these funds in a manner that indeed improves the welfare and quality of
life of the shelter animals, unless compliance with this provision violates a
funding deadline.**

S-7.17 Subject: MOU Between Alameda County Health Care Services Agency & OPD
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or
Designee, To Enter Into An Intergovernmental Memorandum Of Understanding (MOU)

SUPPLEMENTAL

* Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council

Tuesday, October 07, 2014

Between The Alameda County Health Care Services Agency, Behavioral Health Care Services (BHCS) And The Oakland Police Department (OPD) To Implement A Six Month Pilot Program Called The Mobile Evaluation Team (M.E.T.)
(14-0040)

The September 30, 2014 Public Safety Committee approved recommendations with a vote of 4 Ayes.

S-7.18 Subject: State Grant For Peralta Hacienda Activities
From: Oakland Parks And Recreation
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Apply For, Accept And Appropriate Grant Funds From The State Of California Department Of Parks And Recreation Habitat Conservation Fund Program For Youth Wildlife Activities At Peralta Hacienda Historical Park In The Amount Of Eighty Thousand Dollars (\$80,000) For The Four Year Grant Term With A Required Dollar For Dollar Match Of Eighty Thousand Dollars (\$80,000) To Be Matched By The Friends Of Peralta Hacienda Historical Park Annual Operating Funds
(14-0038)

This item was placed on the agenda by the October 2, 2014 Rules and Legislation Committee.

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

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

**9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING
REQUIREMENTS:**

9.1 Subject: Sale Of 51st Street And Lawton Ave Site
From: Economic Workforce Development Department
Recommendation: Conduct A Public Hearing And Adopt An Ordinance Authorizing The Interim City Administrator To Negotiate And Execute A Purchase And Sales Agreement To Sell Portions Of City-Owned Surplus Real Property Located On 51st Street At (APN 013-1141-046-02) And (APN 013-1141-047-04) To Urban Infill Development, LLC, For Not Less Than Four Thousand Eight Hundred Twenty One Dollars (\$4,821)
(14-0015)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON OCTOBER 21, 2014.

SUPPLEMENTAL

* **Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council**

Tuesday, October 07, 2014

**The September 30, 2014 Finance & Management Committee approved
recommendations with a vote of 4 Ayes.**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 10 THIS NUMBER INTENTIONALLY NOT USED
- 11 Subject: Ratifying Actions 2014 Summer Recess
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Ratifying Action Taken By The Mayor During
The Oakland City Council 2014 Annual Recess In Conformance With The Council's
Rules Of Procedure Codified In Resolution No. 82580 C.M.S., Passed March 9, 2010
(14-0042)
- 12 Subject: Sears Lease Disposition and Development Agreement
From: Economic Workforce Development Department
Recommendation: Adopt An Oakland Redevelopment Successor Agency Resolution
Authorizing An Amendment To A Lease Disposition And Development Agreement
("LDDA") With Sears Development Company For An Automotive Service Project
Located At 2000-2016 Telegraph Avenue And 490 Thomas L. Berkeley Way To: (1)
Approve The Assignment Of The LDDA To W/L Broadway Telegraph Owner VII, LLC,
Or An Affiliated Entity, Or An Affiliate Of Lane Partners, LLC And/Or Walton Street
Capital, LLC; (2) Extend Development Deadlines For The Project; (3) Reduce A
Contingent Payment Obligation To The Owner From \$1,600,000 To \$1,575,000; And (4)
Require The Payment Of \$100,000 To The Successor Agency As Consideration For The
Assignment And Extension
(14-0028)

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)**

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SUPPLEMENTAL

* Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council

Tuesday, October 07, 2014

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

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