



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, June 18, 2013

5:30 PM

City Council Chambers, 3rd Floor

DEFINITION OF TERMS:

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

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

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

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

1 Pledge of Allegiance

2 Roll Call / City Council

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

3 Open Forum / Citizens Comments
(Time Available: 15 minutes)

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

4.1 Subject: Honoring Jim Ryugo On His Retirement
From: Council President Patricia Kernighan

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Recommendation: Adopt A Resolution Honoring Jim Ryugo On His Retirement
(12-0543)

4.2 Subject: Honoring Emiliano Zapata Street Academy
From: Councilmember Noel Gallo
Recommendation: Adopt Resolution Honoring The Oakland Emiliano Zapata Street
Academy On The Occasion Of Their 40th Anniversary
(12-0591)

4.3 Subject: National Small Business Week
From: Councilmember Gallo
Recommendation: Adopt A Resolution In Recognition Of June 17-21 As National Small
Business Week
(12-0604)

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF MAY 23, 2013
AND JUNE 4, 2013

6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS
(Requests to: Reschedule items from consent to Non-Consent to the next Council
Agenda, Speak on Consent Calendar, Register Votes, Change order of Items,
Reconsiderations, Pull Items held in Committee):

7. CONSENT CALENDAR (CC) ITEMS:

7.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's
Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health
Crisis With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired
Immunodeficiency Syndrome ("AIDS") Epidemic
(12-0589)

7.2-CC Subject: Medical Cannabis Health Emergency
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A
Local Public Health Emergency With Respect To Safe, Affordable Access To Medical
Cannabis In The City Of Oakland
(12-0590)

7.3-CC Subject: Amending Article 10 Of Oakland Municipal Code-Parking Regulations
From: Oakland Police Department
Recommendation: Adopt An Ordinance Amending Title 10 Of The Oakland Municipal
Code To (1) Supplement And Clarify Terms Affecting Parking In Limited-Time Parking
Zones And (2) Amend The Parking And Meter Holidays To Conform With Currently
Observed Holidays
(12-0517)

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

INTRODUCTION (First Reading) WAS PASSED ON JUNE 4, 2013; 8 AYES.

7.4-CC Subject: Measure M: FY 2013-2014 Tax Adjustment
From: City Administrator's Office
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing A Fiscal Year 2013-2014 Increase To A Special Tax Imposed For Emergency Medical Services, In Accordance With The Consumer Price Index, And Pursuant To The Emergency Medical Services Retention Act Of 1997 (Measure M) ([12-0514](#))

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

INTRODUCTION (First Reading) WAS PASSED ON JUNE 4, 2013; 8 AYES.

7.5-CC Subject: Measure N: FY 2013-2014 Tax Adjustment
From: Office Of The City Administrator
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing A Fiscal Year 2013-14 Increase To A Special Tax Imposed For Paramedic Emergency Services, In Accordance With The Consumer Price Index, And Pursuant To The Paramedic Services Act Of 1997 (Measure N) ([12-0516](#))

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

INTRODUCTION (First Reading) WAS PASSED ON JUNE 4, 2013; 8 AYES.

7.6-CC Subject: Measure Q: FY 2013-2014 Tax Adjustment
From: City Administrator's Office
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing A Fiscal Year 2013-14 Increase To A Special Tax Imposed For Library Services, In Accordance With The Consumer Price Index, And Pursuant To The Library Services Retention And Enhancement Act Of 2004 (Measure Q) ([12-0520](#))

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

INTRODUCTION (First Reading) WAS PASSED ON JUNE 4, 2013; 8

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AYES.

7.7-CC Subject: Measure Y: FY 2013-2014 Tax Adjustment
From: City Administrator's Office
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing A Fiscal Year 2013-14 Increase To A Special Tax Imposed For Violence Prevention And Public Safety Services, In Accordance With The Consumer Price Index, And Pursuant To The Violence Prevention And Public Safety Act Of 2004 (Measure Y)
(12-0522)

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

INTRODUCTION (First Reading) WAS PASSED ON JUNE 4, 2013; 8 AYES.

7.8-CC Subject: Central Estuary Area Plan
From: Department Of Planning And Building
Recommendation: Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To Create The Central Estuary District Zoning Regulations And Make Conforming Changes To Other Planning Code Sections And The Oakland Zoning Map
(12-0532)

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

INTRODUCTION (First Reading) WAS PASSED ON JUNE 4, 2013; 8 AYES.

7.9-CC Subject: Amending The Oakland Municipal Code For Debarment Actions
From: Councilmember Desley Brooks
Recommendation: Adopt An Ordinance Amending Oakland's Contractor Debarment Ordinance Codified At Oakland Municipal Code Chapter 2.12 (Enacted By Ordinance No. 12926 C.M.S.), To, In Addition To The City Administrator, Authorize The City Council: 1) Consider Information And Evidence Concerning The Existence Of Grounds For Debarment, And 2) Determine Whether To Proceed With A Debarment Action, And Establishing A Standard For The Commencement Of Debarment Actions
(12-0444)

At the June 4, 2013 Meeting of the City Council, Councilmember Brooks made a motion, seconded by President Pro Tempore Kaplan, to approve recommendations as amended and further amended the ordinance with the following:

- 1. Under Section 2.12.030, Section D will be deleted;**
- 2. Under Section 2.12.040, for Section B, Council adopted the amendment**

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forwarded by the Finance Committee, and added the following language:
"...action when evidence supporting a ground or grounds for debarment as
set forth in Section 2.12.060 exists. After such decision, the City
Administrator shall issue a notice of proposed debarment...";
3. Under Section 2.12.060, For Section A, Council rejected amendment
supplied by City Attorney on the dais and adopted the amendment
forwarded by the Finance Committee; and
4. Under Section 2.12.240, first paragraph, Council adopted the
amendments provided by the City Attorney on the dais.

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

**INTRODUCTION (First Reading) WAS PASSED ON JUNE 4, 2013; 8
AYES.**

7.10-CC Subject: Opposing AB 1273: Use Of San Francisco Piers As Arena For Warriors
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution In Opposition To AB 1273 (Ting) Authorizing
The Port Of San Francisco To Approve A Mixed-Use Development On Piers 30-32 That
Includes A Multipurpose Venue For Events And Public Assembly
(12-0571)

**The June 6, 2013 Rules & Legislation Committee approved
recommendations with a vote of 3 Ayes, 1 Absent - Reid.**

7.11-CC Subject: Settlement Agreement - Sharon Tatmon
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Sharon Tatmon v. City Of Oakland, et al., Alameda
County Superior Court, Case No. RG11574069, City Attorney's File No. 28284, In The
Amount Of Fifteen Thousand Dollars And No Cents (\$15,000.00) (Public Works Agency
- Trip And Fall)
(12-0598)

**This item was placed on the agenda by the June 6, 2013 Rules &
Legislation Committee.**

7.12-CC Subject: East Bay Economic Development Alliance Executive Committee
Appointments
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Appointing Councilmember Lynette Gibson
McElhaney To The Executive Committee Of The East Bay Economic Development
Alliance For A Term Beginning July 1, 2013 And Ending June 30, 2014, And Appointing
Council President Pro Tem Rebecca Kaplan As Alternate Member Of The Executive

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Committee Of The East Bay Economic Development Alliance For A Term Beginning
July 1, 2013 And Ending June 30, 2014
(12-0599)

**This item was placed on the agenda by the June 6, 2013 Rules &
Legislation Committee.**

7.13-CC Subject: Settlement Agreement - Nellie Jones
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Nellie Jones, Et Al. V. City Of Oakland, Et Al.,
United States District Court Case No. C11-03470 YGR, City Attorney's File No. 28275,
In The Amount Of Two Hundred Twenty Five Thousand Dollars And No Cents
(\$225,000.00) (Oakland Police Department - Civil Rights/Wrongful Death)
(12-0605)

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

S-7.14-CC Subject: Measure C - Hotel Tax Independent Auditor's Report
From: Office Of The City Administrator
Recommendation: Receive An Informational Report Presenting The Measure C - Hotel
Tax Independent Auditor's Report And Budgetary Comparison Schedule And Program
Status Report For The Year Ended June 30, 2012
(12-0513)

**The June 11, 2013 Finance & Management Committee received and
forwarded this report with a vote of 4 Ayes.**

The Committee directed staff to:

- 1. Bring a future report to the Life Enrichment Committee to discuss
previous and future allocations of Measure C revenue for Cultural Arts
programs; and**
- 2. Bring future report regarding streamlining grant application and
acceptance process.**

S-7.15-CC Subject: Investment Policy For Fiscal Year 2013-2014
From: Office Of The City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Adopting The City Of Oakland Investment Policy For Fiscal Year
2013-2014; And
(12-0574)

2) A Resolution Adopting The Oakland Redevelopment Successor Agency's Investment
Policy For Fiscal Year 2013-2014
(12-0574-1)

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The June 11, 2013 Finance & Management Committee approved recommendations with a vote of 4 Ayes.

S-7.16-CC Subject: FY 2012-2013 Third Quarter Revenue And Expenditure Report
From: Office Of The City Administrator
Recommendation: Receive the Fiscal Year 2012-2013 Third Quarter Revenue and Expenditure Report
(12-0559)

The June 11, 2013 Finance & Management Committee received and forwarded this report with a vote of 4 Ayes.

The Committee directed staff to:

- 1. Provide a supplemental report which covers all expenditures through the third quarter; and**
- 2. Bring a future report which addresses why billboard revenue was below expected and how to avoid this in the future.**

S-7.17 Subject: Recognizing New General Purpose Fund Revenue
From: Office Of The City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Amending The City Of Oakland's FY 2011-13 Biennial Budget, Which Was Adopted Pursuant To Resolution No. 83444 C.M.S. On June 30, 2011 And Amended By Resolution 83943 C.M.S. On June 28, 2012, To Recognize New Revenue Based On The FY 2012-13 Third Quarter Revenue And Expenditure Report, Resulting In A General Purpose Fund Revenue Increase From \$409,346,763 To \$431,290,617; And
(12-0583)

2) A Resolution Authorizing The City Administrator Or Her Designee To Appropriate Four Million Four Hundred Thousand Dollars (\$4,400,000) For The Overtime The Oakland Police Department Is Projected To Spend Over The FY 2012-13 Police Department General Purpose Fund Budget, From Undesignated General Purpose Fund Balance; And
(12-0583-1)

3) A Resolution Authorizing The City Administrator Or Her Designee To Appropriate Seven Million Dollars To A Reserve For Pending Litigation And Settlements From Undesignated General Purpose Fund Balance; And
(12-0583-2)

The Committee directed staff to provide supplemental report regarding the actual amount of OPD overtime and where and how the overtime was used.

4) A Resolution Authorizing The City Administrator Or Her Designee To Appropriate Four Million Eight Hundred Fourteen Thousand Six Hundred Ten Dollars (\$4,814,610) From Undesignated General Purpose Fund Balance To Compliance Director

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Compensation And Staff Costs, Remedial Action Plan Costs, And Strategic Policy
Partners Recommendation Costs; And
(12-0583-3)

**The June 11, 2013 Finance & Management Committee approved
recommendations with a vote of 3 Ayes, 1 Abstain - Brooks.**

S-7.18-CC Subject: Infrastructure Report: Sidewalks
From: Public Works Agency
Recommendation: Receive An Informational Report On The State Of The City's
Sidewalk Repair Program As A Follow-Up To The April 23, 2013, "2012 Infrastructure
Report Card"
(12-0576)

**The June 11, 2013 Public Works Committee received and forwarded this
report with a vote of 4 Ayes.**

S-7.19 Subject: Partial Abandonment And Renaming Of Apgar Street
From: Department Of Planning And Building
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Of Findings Supporting The Vacation Without Cost To The Abutting
Property Owner Horizon Services Of A Portion Of The Public Right-Of-Way Of Apgar
Street From Its Intersection At Telegraph Avenue To Its Termination At The MacArthur
Transit Village Project Boundary; And
(12-0578)

2) An Ordinance Vacating Without Cost To The Abutting Property Owner Horizon
Services A Portion Of The Public Right-Of-Way Of Apgar Street From Its Intersection At
Telegraph Avenue To Its Termination At The Macarthur Transit Village Project
Boundary; And
(12-0578-1)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON JULY 2, 2013.

3) A Resolution Renaming Apgar Street As Apgar Lane Between Telegraph Avenue And
The Boundary Of The MacArthur Transit Village Project; And
(12-0578-2)

4) A Resolution Prohibiting Vehicle Parking And Standing At All Times And Approving
Removal By Towing In Apgar Lane (Formerly Apgar Street) Between Its Intersection At
Telegraph Avenue And Its Termination At The MacArthur Transit Village Project
Boundary; And
(12-0578-3)

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5) A Resolution Approving The Installation Of Official Traffic Control Stop Signs For Apgar Lane At Its Intersection At Telegraph Avenue For The MacArthur Transit Village Project

(12-0578-4)

The June 11, 2013 Public Works Committee approved recommendations with a vote of 4 Ayes.

S-7.20-CC Subject: MOU With East Bay Sanitary Sewer Collection Agencies
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Enter Into A Memorandum Of Understanding With East Bay Sanitary Sewer Collection Agencies For Cost Sharing Of Regional Consultant Services In An Annual Amount Not To Exceed Fifty Thousand Dollars (\$50,000.00)

(12-0579)

The June 11, 2013 Public Works Committee approved recommendations with a vote of 4 Ayes.

S-7.21-CC Subject: Raiders Ticket Surcharged Budget Changes And Transfer
From: Office Of Parks And Recreation
Recommendation: Adopt A Resolution Increasing Estimated Revenue And Offsetting Expenditures From The 2012 Raiders Ticket Surcharge To Reflect Actual Revenues Collected And Authorizing A Transfer Of \$160,678.65 Which Is The Actual Revenue Collect From The Non-Departmental Citywide Activities Budget To The Office Of Parks And Recreation Budget To Benefit Citywide Youth Activities

(12-0534)

The Life Enrichment Committee approved recommendations with the vote of 4 Ayes.

The Committee directed staff to provide a Matrix with fund and district allocations.

S-7.22-CC Subject: CSEC Awareness And Prevention (Commercial Sexual Exploitation Of Children)
From: Councilmember Lynnette Gibson McElhaney
Recommendation: Adopt A Resolution Urging The City Council And Mayor In Partnership With Oakland Unified School District, Local Law Enforcement, The Department Of Human Services, And Community-Based Organizations That Work With Children, Youth And Families To Prioritize The Development And Institutionalization Of A Comprehensive Prevention Model To Eliminate The Commercial Sexual Exploitation Of Children In Oakland

(12-0586)

The Life Enrichment Committee approved recommendations as amended with the vote of 4 Ayes.

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**The Committee approved recommendations to a revised resolution which was passed out on the dais with the following amendments:
Be It Further Resolved, in the interim, The City Administrator encourages all city employees whom have regular interaction with children to participate in CSEC intervention training. Such staff could include but not be limited to the following: Oakland Police Officers, OPR recreation center staff, Measure Y Outreach Staff, etc.**

S-7.23-CC Subject: Contract For Body Armor Vests
From: Office of The City Administrator
Recommendation: A Resolution Awarding A Contract To Bricker-Mincolla Uniform Company, A Small Local Business, In An Amount Not To Exceed Three Hundred Four Thousand, Seven Hundred Sixty-Four Dollars (\$304,764.00) Per Year For An Aggregated Amount Not To Exceed \$609,528.00 For The Contract Period Of July 1, 2013 To June 30, 2015, To Provide Soft Body Armor Vests, To The City Of Oakland In Accordance With Specification No. 13-680-08/Request For Quote (RFQ) No. 4444 And The General Conditions Therefore On File In Purchasing According To Its Bid Filed With The City On February 25, 2013
(12-0555)

The June 11, 2013 Public Safety Committee approved recommendations with a vote of 4 Ayes.

S-7.24-CC Subject: 2012 Report On Recovered And Traced Guns In Oakland
From: Councilmember Libby Schaaf
Recommendation: Receive An Information Report On Guns Recovered And Traced Within The City Of Oakland During 2012
(12-0437)

The June 11, 2013 Public Safety Committee received and forwarded this report with a vote of 4 Ayes.

8 Oral Report Of Final Decisions Made During Closed Session & Disclosure Of Non-Confidential Closed Session Discussions

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

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

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9.1 Subject: ~~Army Base Rezoning And Development Agreement~~
From: ~~Department Of Planning And Building~~
Recommendation: ~~Conduct A Public Hearing And Upon Conclusion Adopt The~~
Following Pieces Of Legislation:

~~1) An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To Create The Gateway Industrial District (D-GI) Zone, And Make Conforming Changes To Other Planning Code Sections And The Oakland Zoning Map To Apply The D-GI Zone To Approximately 160 Acres In The Gateway Development Area Of The Former Oakland Army Base; And~~

~~(12-0533)~~

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON JULY 2, 2013.

~~2) An Ordinance, As Recommended By The City Planning Commission, Authorizing The City Administrator To Execute A Development Agreement Between The City Of Oakland And Prologis CCIG Oakland Global, LLC, A Delaware Limited Liability Company, For The Development On Approximately 160 Acres In The Gateway Development Area Of The Former Oakland Army Base To Be In A Form And Content Substantially In Conformance With The Attached Documents~~

~~(12-0533-1)~~

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON JULY 2, 2013.

~~3) A Resolution, As Recommended By The City Planning Commission, Adopting Design Standards For The Gateway Industrial District (D-GI) Zone Located On Approximately 160 Acres In The Gateway Development Area Of The Former Oakland Army Base And Authorizing Staff To Make Minor Ongoing Revisions To The Adopted Design Standards Consistent With The D-GI Zone And Oakland Planning Code, But Major Revisions To Be Made By The City Planning Commission, Without Returning To The City Council~~

~~(12-0533-2)~~

This item was Continued from the June 4, 2013 Meeting of the Oakland City Council where Council directed staff to return with this item and address the following issues:

- 1. Delete "Fee Simple" language;**
- 2. Remove extraneous language or use alternative language for fees;**
- 3. Amend the "community benefits" section so that it is consistent with**

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- previous council action;
- 4. Define the scope of city administrator authority;
- 5. Explore the possibility of resolving the "conflicts" language; and
- 6. Environmental mitigations including:
 - a. Resolve boundary issues for trucks
 - b. Resolve issues of fees.

Pursuant to Rule 28(a) of Resolution 82580 C.M.S., this item was removed from this agenda and rescheduled to the July 2, 2013 City Council meeting.

9.2 Subject: Oak Knoll and Central City East Five Year Implementation Plan
From: Office Of The City Administrator
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) An Oakland Redevelopment Successor Agency Resolution Adopting The Five Year Implementation Plan, 2011-2016, For The Oak Knoll Redevelopment Project; And [\(12-0552\)](#)

2) An Oakland Redevelopment Successor Agency Resolution Adopting The Five Year Implementation Plan, 2013-2018, For The Central City East Redevelopment Project [\(12-0552-1\)](#)

The June 11, 2013 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

The Committee directed staff to determine whether the Affordable Housing requirement is still in effect after the end of Redevelopment.

9.3 Subject: Citywide Zoning Text Amendments
From: Department Of Planning And Building
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, Recommended By The Planning Commission, To Amend The Oakland Planning Code To: 1) Update References, Reduce Redundancy, And Clarify Language In Various Chapters Of The Planning Code; 2) Modify Truck Weight Classifications Language To Conform With Industry Standards; 3) Modify The Setback Requirement For The Portion Of Buildings Above 55 Feet In Height In The CBD-R Zone; 4) Add Design Review Requirement For Residential Facilities And Historic Properties In The CIX, IG, And IO Zones; 5) Eliminate The Increased Parking Requirement For Expansions Of Activities Across Zone Boundaries; And 6) Add Sidewalk Cafes As A Permitted Facility In The M- Industrial Zones
[\(12-0553\)](#)

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

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FINAL PASSAGE (Second Reading) WILL OCCUR ON JULY 2, 2013.

The June 11, 2013 Community & Economic Development Committee approved recommendations as amended with a vote of 4 Ayes.

The Committee approved amendment to add clarifying language to Section 17.130.060.

9.4 Subject: Amendment To The Fiscal Year 2012-13 Master Fee Schedule
From: Office Of The City Administrator
Recommendation: Conduct a Public Hearing And Upon Conclusion Adopt An Ordinance Amending Ordinance Number 13133 C.M.S. (The Fiscal Year 2012-2013 Master Fee Schedule, Or "MFS"), To Establish, Modify And Delete Fees And Penalties Assessed By The Office Of The City Administrator, The City Attorney's Office, The Finance And Management Agency, The Oakland Police Department, The Oakland Fire Department, The Oakland Public Library, The Office Of Parks And Recreation, The Department Of Human Services, The Public Works Agency, The Department Of Housing & Community Development And The Department Of Planning & Building
(12-0560)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON JULY 2, 2013.

The June 11, 2013 Finance & Management Committee approved recommendations with a vote of 3 Ayes, 1 Abstain - Brooks.

The Committee directed staff to:

- 1. Change ordinance(s) to require fire inspections of small business every two years; and**
- 2. Bring report in July to Committee regarding the following:**
 - a. Demand-based parking fees including providing incentives for long-term parking in garages, leaving short-term parking for street parking,**
 - b. How much the City subsidizes residential permit programs and examine why fees are set as they are,**
 - c. Increasing garage hours for growing night-life, and**
 - d. Whether working parking meters that are being replaced with kiosk or electronic meters can be used to fix broken meters in other parts of the city.**

9.5 Subject: Delinquent Business Taxes

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From: Office Of The City Administrator
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Business Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For Collection; Or
[\(12-0562\)](#)

2) A Resolution Continuing Hearing On Reports Of The City Administrator On The Delinquent Business Taxes And The Confirming Of The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code; Or
[\(12-0562-1\)](#)

3) A Resolution Overruling Protests And Accepting And Confirming Reports Of The City Administrator On The Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For Collection
[\(12-0562-2\)](#)

This item was placed on the agenda by the May 23, 2013 Rules & Legislation Committee.

9.6 Subject: Delinquent Mandatory Garbage Fees Monthly And Quarterly Accounts
From: Office Of The City Administrator
Recommendation: Conduct A Public Hearing On Delinquent Mandatory Garbage Fees For October/November/December 2012, Monthly Accounts And January/February/March 2013, Quarterly Accounts And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
[\(12-0563\)](#)

2) A Resolution Continuing Hearing Of The Reports Of The City Administrator On

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Delinquent Garbage Service Fees And The Recordation Of Liens With Administrative And Assessment Charges As Necessary-Pursuant To Chapter 8.28 Of The Oakland Municipal Code; Or
[\(12-0563-1\)](#)

3) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection
[\(12-0563-2\)](#)

This item was placed on the agenda by the May 23, 2013 Rules & Legislation Committee.

9.7 Subject: Assessment Of Liens For Delinquent Real Property Transfer Taxes
From: Office Of The City Administrator
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Confirming The Recordation Of Liens With ' Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
[\(12-0564\)](#)

2) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Real Property Transfer Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary-Pursuant To Chapter 4.20 Of The Oakland Municipal Code; Or
[\(12-0564-1\)](#)

3) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection
[\(12-0564-2\)](#)

This item was placed on the agenda by the May 23, 2013 Rules & Legislation Committee.

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

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10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: New Dog Play Area Appeal
From: Department Of Planning And Building
Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Upholding The Appeal (A12-062), Of The Decision Of The Oakland Planning Commission, And Granting Approval Of An Application For A Minor Conditional Use Permit For The Creation Of A New Dog Play Area At Lakeview Park (Planning Case File No. Cull-208); Or
[\(11-0624\)](#)

2) A Resolution Denying The Appeal (A12-062), Of The Decision Of The Oakland Planning Commission And Denying The Application For A Minor Conditional Use Permit For The Creation Of A New Dog Play Area At Lakeview Park (Planning Case File No. Cull-208)
[\(11-0624-1\)](#)

This item was heard by the December 4, 2012 City Council.

A motion was made by Vice Mayor Nadel, seconded by Councilmember Schaaf to adopt the resolution upholding the appeal of the Planning Commission's decision and grant the permit application for the New Dog Park Play Area. The motion failed with a vote of 4 Ayes, 3 Noes - Brooks, Kernighan, Reid, 1 Excused - Brunner.

A second motion was made by Councilmember Brooks, seconded by Councilmember Kernighan to deny the appeal and the application of a permit application for the New Dog Park Play Area. The motion failed with a vote of 3 Ayes, 4 Noes - De La Fuente, Kaplan, Nadel, Schaaf, 1 Excused - Brunner.

Due to a lack of 5 affirmative votes to pass either of the noticed options, this item was automatically rescheduled to the next regularly scheduled City Council meeting.

Pursuant to Oakland Planning Code Section 17.134.070(A), this item shall appear for a vote on each regular meeting of the City Council until a decision on a resolution upholding or denying the appeal is reached.

12 Subject: Modification of the Taxi Vehicle Permit (Medallion) Fee
From: Vice Mayor Reid and Councilmember De La Fuente
Recommendation: Adopt An Ordinance Amending Ordinance No. 13078 C.M.S., The Master Fee Schedule, As Amended, To Modify The Annual Fee Of The Taxi Vehicle Permit (Medallion) Assessed By The Office Of The City Administrator
[\(12-0216\)](#)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON JULY 2, 2013.

This item was Continued from the May 23, 2013 Special Meeting of the Oakland City Council.

13 Subject: Zero Waste Franchise Negotiations
 From: Public Works Agency
 Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter
 Into Negotiations With The Top-Ranked Proposers For The Zero Waste Services Request
 For Proposals
 (12-0525)

The May 28, 2013 Public Works Committee approved recommendations as amended with a vote of 3 Ayes, 1 Absent - Gallo.

The Committee directed staff to provide a supplemental report that includes the following:

- 1) Provide a list of criteria that will be used in staff negotiations;**
- 2) Explore alternatives to change the disposal contract for 10 years rather than 20 years;**
- 3) What opportunities are there to address illegal dumping;**
- 4) How can enforcement of illegal dumping intersect with contract provisions;**
- 5) How much control will be had over future price increases.**

The Committee also directed staff to amend the resolution to add the following language:

That the City Council authorizes the City Administrator to enter into contract negotiations with the top-ranked proposers in each of the three service groups identified in the RFP for Zero Waste Services "in order to comply with criteria established by council, (with criteria attached) and to provide the best value to the City and the community."

14 Subject: Eliminate Requirement of Council Approval for Creation of Standing
 Committees
 From: Oakland Public Library
 Recommendation: Adopt An Ordinance Amending City Of Oakland Ordinance No.
 11730 C.M.S. To Either 1) Eliminate The Requirement Of City Council Prior Approval
 For Create Of Standing Committees Of The Library Advisory Commission; Or 2) Alter
 The Requirement Of City Council Prior Approval For Creation Of More Than Two

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Standing Committees Of The Library Advisory Commission
(12-0558)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON JULY 2, 2013.

This item was placed on the agenda by the May 23, 2013 Rules & Legislation Committee.

- 15 Subject: Contract Award To Thomas Frazier, Compliance Director
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award A Contract To Thomas Frazier, The Compliance Director Appointed By The United States Federal District Court In Delphine Allen, Et Al. V. City Of Oakland, For The Period Of March 11, 2013 To March 10, 2014 In The Amount Of \$722,600.00 (Seven Hundred Twenty-Two Thousand Six Hundred Dollars) To Assist The City In Achieving Full Compliance With The Negotiated Settlement Agreement In The Case Of Delphine Allen, Et Al. V. City Of Oakland, Et Al., United States District Court Case No. C00-4599 TEH
(12-0597)

This item was placed on the agenda by the June 6, 2013 Rules & Legislation Committee.

- 16 Subject: On-Call Architectural Services Agreements
From: Public Works Agency
Recommendation: Adopt The following Pieces Of Legislation:
- 1) A Resolution Authorizing The City Administrator, Or Her Designee, To Enter Into A Series Of Professional Services Agreements In An Amount Not-To-Exceed One Hundred Fifty Thousand Dollars (\$150,000.00) Each With 1) Anne Phillips Architecture, 2) Architecture Dimensions, 3) Arcsine Architecture, 4) Devi Dutta Architecture, 5) Gyroscope, Inc. 6) Hibser Yamauchi Architects, Inc., 7) Oakley And Oakley, 8) Studio Perez, And 9) Vargas Greenan Architecture For Tier 1 On-Call Architectural Services For A Period Of Three Years; And
(12-0556)
 - 2) A Resolution Authorizing The City Administrator, Or Her Designee, To Enter Into A Series Of Professional Services Agreements In An Amount Not-To-Exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00) Each With 1) Byrens Kim Design Works, 2) Dougherty & Dougherty Architects, 3) Group 4 Architects, Research And Planning, Inc., 4) MVE Institutional, Inc., 5) Muller Caulfield Architects, 6) Murakami/Nelson Architectural Corporation, 7) Noll & Tam Architects, 8) RPR Architects, 9) Shah Kawasaki Architects For Tier II On-Call Architectural Services Over A Period Of Three

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Years
(12-0556-1)

At the December 18, 2012 Meeting of the Oakland City Council, a motion was made by Councilmember Brooks, seconded by Council President Reid to direct staff to do an "expedited RFP process," allowing all current bids to stand while expanding outreach and allowing new proposals to be submitted. Once the new proposals have submitted staff is directed to evaluate all proposals in the expanded pool and provide recommendations to Council. The motion passed with a vote of 8 Ayes.

This item was placed on the agenda by the June 6, 2013 Rules & Legislation Committee.

S-17 Subject: Semi-Annual Vacancy Report
From: Department Of Human Resources Management
Recommendation: Receive An Informational Report On Budgeted Vacant Positions And Hiring For The Period September 6, 2012 Through April 8, 2013
(12-0573)

The June 11, 2013 Finance & Management Committee received and forwarded this report with a vote of 4 Ayes.

The Committee directed staff to:

- 1. Provide a supplemental report on the status of current vacant positions, including OPD dispatcher and criminalist positions which have been vacant for over a year and were funded in previous budget cycle;**
- 2. Bring a future report which includes:**
 - a. Status column to show where in the process the recruitment is in and to show if it is vacant for salary savings,**
 - b. Examination of hiring process in effort to streamline and reduce length of time to hire, and**
 - c. Address whether vacancy rate landed on budget.**

S-18 Subject: Army Base Long-Range Property Management Plan
From: Office Of Neighborhood Investment
Recommendation: Adopt An Oakland Redevelopment Successor Agency (ORSA) Resolution Approving The Long-Range Property Management Plan For The Oakland Army Base, And Authorizing The Transfer Of Army Base Parcel E And The Quitclaim Of Any Other ORSA Interest In The Army Base To The City Of Oakland Pursuant To The Plan
(12-0577)

The June 11, 2013 Community & Economic Development Committee approved recommendations with a vote of 3 Ayes, 1 Absent - Gibson McElhaney.

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S-19 Subject: Oakland Army Base Real Estate Actions
 From: Office Of Neighborhood Investment
 Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Authorizing The City Administrator To Negotiate And Execute A Sixty-Six (66) Year Lease Or Easement With The Port Of Oakland For Rail Uses And Service On Approximately 8 Acres Of Port Land Adjacent To City-Owned Land On The Former Oakland Army Base; And

[\(12-0581\)](#)

The Committee approved amendment to add "or easement" to the title of the resolution.

2) An Ordinance Authorizing The City Administrator To Negotiate And Execute An Up To Sixty-Six (66) Year Sublease Or Easement With Prologis CCIG Oakland Global, LLC, Or Related Entities For Rail Uses And Service On Approximately 8 Acres Of Land Adjacent To City-Owned Land On The Former Oakland Army Base; And

[\(12-0581-1\)](#)

The Committee approved amendment to add "or easement" to the title of the resolution.

3) An Ordinance Authorizing The City Administrator To Negotiate And Execute An Up To Thirty (30) Month Lease With The Port Of Oakland For Truck Parking And Truck Services On Up To 11.7 Acres Of Land On The Port-Owned Portion Of The Former Oakland Army Base; And

[\(12-0581-2\)](#)

4) An Ordinance Authorizing The City Administrator To Negotiate And Execute An Up To Thirty (30) Month Sublease With Oakland Maritime Support Services (Or A Related Entity) For Truck Parking And Truck Services On Up To 11.7 Acres Of Land On The Port-Owned Portion Of The Former Oakland Army Base; And

[\(12-0581-3\)](#)

The Committee directed staff and City Attorney to analyze recent judgment against OMSS regarding working conditions, and wage and hour violations and update City Council at the June 21, 2013 Closed Session.

5) An Ordinance Authorizing The City Administrator To Negotiate And Enter Into A Lease Or License Agreement With California Capital & Investment Group, Inc., For Installation Of Air Quality Monitoring Facilities, Equipment And Utilities At Raimondi Park In West Oakland; And

[\(12-0581-4\)](#)

6) An Ordinance Authorizing The City Administrator To Negotiate And Execute An Amendment To The 2005 Purchase And Sale Agreement Between The Oakland Base Reuse Authority And The California Department Of Transportation For Approximately 6.5 Acres Of Property Adjacent To The Former Oakland Army Base; And

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(12-0581-5)

The Committee also directed the City Attorney to provide information on whether billboards in LDDA violates O.M.C. 1501, which prohibits billboards in certain areas.

7) An Ordinance Authorizing The City Administrator To Negotiate And Enter Into A Real Property Agreement With BNSF Railway Company To Relocate An Existing Rail Line Easement Near Engineers Road To Facilitate The Development Of The Former Oakland Army Base

(12-0581-6)

The June 11, 2013 Community & Economic Development Committee approved recommendations as amended with a vote of 4 Ayes.

S-20

Subject: Oakland Fund For Children And Youth Grant Awards 2013-2014
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute Grant Agreements Between The City Of Oakland And Various Non-Profit And Public Agencies To Provide Direct Services For Children And Youth For A Total Amount Not To Exceed \$10,762,224 For Fiscal Year 2013-2014 Renewable For Two One-Year Periods With Council Approval

(12-0554)

The June 11, 2013 Life Enrichment Committee approved recommendations as amended with a vote of 4 Ayes.

The Committee approved dual recommendations with the following amendments:

- 1. The Committee approved moving all items up to the full council with the exception of the \$62K for Youth Uprising. The committee suggests the funds be sent back to the POC and the POC provide fair and transparent process in awarding of funds for LGBTQ Youth;**
- 2. Pending an opinion from the City Attorney's office, if the Committee is unable to move the item as suggested above, the committee will approve the original staff recommendations; and**
- 3. The Committee also requests the POC to consider a strategy for LGBTQ youth so when Tru-Up occurs in 2012-2013, the committee can look at allocation of funds for specific youth.**

Continuation Of Open Forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting shall conclude no later than 12:00 a.m., unless extended by Majority Vote of the Council)

Americans With Disabilities Act

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City Clerk and
Clerk of the Council**