



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 15, 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 / CITIZEN 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 EYODC Delegates On Study Tour Of China
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Honoring And Recognizing 13 Delegates From

SUPPLEMENTAL

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

Tuesday, October 15, 2013

East Oakland Youth Development Center (EOYDC) Who Recently Completed A Study
Tour To Beijing And Shanghai, China, Sponsored By The China Us Exchange
Foundation
[\(13-0081\)](#)

4.2 Subject: Honoring AASK - Adopt A Special Kid On Their 40th Anniversary
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Recognizing AASK - Adopt A Special Kid On
The Occasion Of Their Fortieth (40th) Anniversary For Their Pioneering Work In
Helping To Place And Support Thousands Of Foster Children In Permanent Loving
Families And Proclaiming November 1, 2013 As AASK - Adopt A Special Kid Day In
Oakland
[\(13-0084\)](#)

4.3 Subject: National Hispanic Heritage Month
From: Council Member Noel Gallo
Recommendation: Adopt A Resolution Recognizing September 15th Through October
15th Of Every Year As National Hispanic Heritage Month
[\(13-0086\)](#)

S-4.4 Subject: United Nations Flag Parade And Flag Raising Day
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Designating October 19-27, 2013 As United
Nations Week And October 26, 2013 As United Nations Flag Parade And Flag Raising
Day At The United Nations Pole In Jack London Square
[\(13-0115\)](#)

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF OCTOBER 1,
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 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
[\(13-0082\)](#)

7.2 Subject: Medical Cannabis Health Emergency
From: Office Of The City Attorney

SUPPLEMENTAL

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

Tuesday, October 15, 2013

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
(13-0083)

7.3 Subject: Honoring Lincoln Child Center For 130 Years Of Service
From: Councilmember Lynette Gibson McElhaney
Recommendation: Adopt A Resolution Recognizing Lincoln Child Center For Serving Oakland Children And Families For The Last 130 Years
(13-0073)

7.4 Subject: Confirmation Of Citizen's Police Review Board Appointment - Yihdego
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Almaz Yihdego To The Citizen's Police Review Board
(13-0080)

7.5 Subject: Budget Advisory Committee Appointment - Collins-Puri
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Nikole Collins-Puri To The Budget Advisory Committee
(13-0105)

7.6 Subject: Establishing New Definitions And Penalties For Illegal Dumping
From: Office Of The City Attorney And Councilmember Gibson McElhaney
Recommendation: Adopt An Ordinance Enacting the Following: 1) A New Oakland Municipal Code Chapter 8.11 Pertaining To Illegal Dumping And Littering, Defining What Constitutes Illegal Dumping, And Setting Administrative, Civil And Criminal Penalties; 2) Amending And Restating Oakland Municipal Code Chapter 9.56 Pertaining To Seizure And Impoundment Of Vehicles Involved In Certain Nuisance Activities: Prostitution, Pandering, Pimping, And Illegal Dumping
(13-0041)

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

INTRODUCTION (First Reading) WAS PASSED ON OCTOBER 1, 2013; 7 AYES, 1 EXCUSED - REID.

S-7.7 Subject: Open Data Policy
From: Councilmember Schaaf
Recommendation: Adopt A Resolution Establishing An Open Data Policy For The City Of Oakland For Making Public Data Available In Machine Readable Formats Using Open Data Standards
(13-0057)

The October 8, 2013 Finance & Management Committee approved

SUPPLEMENTAL

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

Tuesday, October 15, 2013

recommendations with a vote of 3 Ayes, 1 Excused - Brooks.

S-7.8 Subject: Unrepresented Terms And Conditions Of Employment Report
From: Office Of The City Administrator
Recommendation: Receive The Annual Informational Report Detailing The Terms And
Conditions Of Employment For Unrepresented Employees And Executive Leave
Balances As Required By City Ordinance No. 12903 C.M.S.
(13-0065)

**The October 8, 2013 Finance & Management Committee received and
forwarded this report with a vote of 3 Ayes, 1 Excused - Brooks.**

S-7.9 Subject: Budget Implementation Tracking Report
From: Office Of The City Administrator
Recommendation: Receive A Monthly Budget Implementation Tracking Report
(13-0067)

**The October 8, 2013 Finance & Management Committee received and
forwarded this report as amended with a vote of 3 Ayes, 1 Excused -
Brooks.**

**The Committee amended Item 9 to be sent to Public Works Committee, not
the Finance & Management Committee.**

**The Committee also directed staff to identify new positions that were
created in this year's budget process in the November vacancy report and
provide their hiring status; and include information on vacancies within
the Human Resources Department.**

S-7.10 Subject: Grant Funds For Fruitvale Transit Village Phase II
From: Office Of Neighborhood Investment
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply
For, Accept And Appropriate Funds In A Total Amount Not To Exceed \$8 Million From
The California Department Of Housing And Community Development Under The
Transit Oriented Development Program For The Fruitvale Transit Village Phase II
Housing Project
(13-0066)

**The October 8, 2013 Community & Economic Development Committee
approved recommendations with a vote of 3 Ayes, 1 Excused - Reid.**

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:

SUPPLEMENTAL

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

Tuesday, October 15, 2013

9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING

REQUIREMENTS:

- 9.1 Subject: Emergency Ordinance Requiring Major Conditional Use Permit -
Crematoriums
From: Department Of Planning And Zoning
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An
Emergency Ordinance Pursuant To Charter Section 213, Extending By One Hundred
And Eighty (180) Days Emergency Ordinance Number 13158 C.M.S. Requiring A Major
Conditional Use Permit To Establish A Crematorium Within The City Oakland, To Take
Effect Immediately Upon Introduction And Adoption (Extends The One Hundred And
Eighty (180) Day Emergency Ordinance Adopted May 7, 2013)
(13-0075)

**PURSUANT TO CITY CHARTER SECTION 213 (EMERGENCY
ORDINANCE) THIS ITEM MAY BE INTRODUCED AND ADOPTED
AT THE SAME MEETING, REQUIRING 6 VOTES, UPON PASSAGE
ORDINANCE WILL BE DEEMED APPROVED**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 10 THIS NUMBER INTENTIONALLY NOT USED
- 11 Subject: Ratification Of 2013 Mayor's Recess Actions
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Ratifying Action Taken By The Mayor During
The Oakland City Council 2013 Annual Recess In Conformance With The Council's
Rules Of Procedure Codified In Resolution No. 82580 C.M.S., Passed March 9, 2010
(13-0062)
This item was Continued from the October 1, 2013 City Council meeting.
- 12 Subject: Approval Of Habitat Conservation Fund Application For Grant Funds
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply
For Grant Funds From The State Of California Department Of Parks And Recreation
Habitat Conservation Fund Program For \$80,000 In Funding For Youth Wildlife
Program Activities At Peralta Hacienda Historic Park, With A Required Match Of
\$80,000 To Be Provided From The Friends Of Peralta Hacienda Historical Park (Friends)
Community Development Block Grant Funds (CDBG) Allocation For Years 2013-2014,
And Authorizing Amendments To Friends' Operating Agreement To Add These Program
Activities, Funding And Matching Funds And Friends 2013-14 CDBG Allocation
[TITLE CHANGE]
(13-0077)
This item was Continued from the October 1, 2013 City Council meeting.
- 13 Subject: Authorizing Christopher Kee To Examine Sales & Use Tax Records

SUPPLEMENTAL

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

Tuesday, October 15, 2013

From: Office Of The City Administrator
Recommendation: Adopt A Resolution Of The City Council Of The City Of Oakland
Designating And Authorizing Christopher Kee, Attorney At Law, As A City
Representative Authorized To Examine Sales And Use Tax Records
(13-0092)

**This item was placed on the agenda by the October 3, 2013 Rules &
Legislation Committee.**

14 Subject: Allocation Of Funds For CPRB Intake Technicians
From: Councilmember Brooks and Gibson McElhaney
Recommendation: Receive A Report And Possible Action To Appropriately Allocate
The \$1.4 Million Previously Authorized By The Council To Fund The Citizen's Police
Review Board (CPRB) Positions
(13-0069)

**This item was placed on the agenda by the September 26, 2013 Rules &
Legislation Committee.**

15 Subject: Discussion Of Council Redistricting Options
From: Department Of Planning And Building
Recommendation: Receive A Report And Possible Action Reviewing Proposed
Redistricting Maps And Scheduling Future Council Hearings To Adopt Updated Council
District Boundaries
(13-0061)

**At the October 3, 2013 Rules & Legislation Committee, Councilmember
Schaaf made a motion, seconded by Council President Kernighan, to
recommend that discussion be focused on Map #17 and Map #18 as
provided by the National Demographic Corporation when before the full
City Council. The motion passed with a vote of 3 Ayes, 1 Excused - Reid.**

S-16 Subject: Payment For City Property In Wildfire Prevention District Ordinance
From: Councilmembers Dan Kalb And Libby Schaaf
Recommendation: Adopt An Ordinance Authorizing Payment For City Owned
Properties Within City Of Oakland Community Facilities District No. 2013-1 (Wildfire
Prevention District) In Fiscal Years 2014-2015 Through 2023-2024, In An Amount Not
To Exceed One Hundred Fifty Thousand Dollars (\$150,000) Per Fiscal Year, Subject To
Annual Appropriation
(13-0068)

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

**FINAL PASSAGE (Second Reading) WILL OCCUR ON NOVEMBER 5,
2013.**

SUPPLEMENTAL

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

Tuesday, October 15, 2013

The October 8, 2013 Finance & Management Committee approved recommendations with a vote of 3 Ayes, 1 Excused - Brooks.

S-17 Subject: Ordinance Supporting A Flexible Parking District Program
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Adopting Parking Principles For City Of Oakland Commercial Districts;
And

[\(13-0048\)](#)

2) An Ordinance Amending Title 10.36 (Parking Meter Zones) Of The Oakland Municipal Code To Establish Flexible Parking Zones, Amending Title 10.44.050 (Designation Of A Residential Parking Area) And, Amending Ordinance Number 13184 C.M.S. (The FY 2013-14 Master Fee Schedule, Or "MFS"), To Establish And Modify Fees Assessed For On-Street And Off-Street Parking By In Order To Facilitate A Flexible Parking Zone Program; And

[\(13-0048-1\)](#)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON NOVEMBER 5, 2013.

3) A Resolution Creating A Flexible Parking District For Montclair Village

[\(13-0048-2\)](#)

The October 8, 2013 Public Works Committee approved recommendations as amended with a vote of 3 Ayes, 1 Excused - Reid, to add the following:

“FURTHER RESOLVED, that the City Council directs the City Administrator to establish public noticing and participation guidelines for all meter-rate and time limit changes within the Flexible Parking District to ensure close collaboration with the Business Improvement District and to ensure the public is informed and has an opportunity to be heard when changes occur

FURTHER RESOLVED, that the City Council establishes a “Flexible Parking District On-Street Parking Meter Revenue Baseline” (Baseline) defined as the annual average revenue received from all parking meters within the Flexible Parking District during the three fiscal years immediately prior to the District's creation; and be it

FURTHER RESOLVED, that the City Council directs that the 50% of the incremental meter revenue, defined as meter revenue generated above the Baseline each year within the Flexible Parking District, if there is any,

SUPPLEMENTAL

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

Tuesday, October 15, 2013

set-aside annually in a City Fund used exclusively for public Right of Way physical improvements within the boundaries of the Flexible Parking District, and that such funds be spent in consultation with the Business Improvement District; and be it

FURTHER RESOLVED, that the City Council allows the definition “adjacent block” as described in Oakland Muni Code Section 10.44.050 to include “any residential block adjacent to city blocks within the Montclair Flexible Parking District,” for the establishment of a future Residential Permit Parking (RPP) in multiple residential blocks immediately adjacent to the Montclair Flexible Parking District.”

S-18 Subject: Amendments To Coliseum City ENA
From: Office Of Neighborhood Investment
Recommendation: Adopt A Resolution Amending Resolution Nos. 83746 And 84574 C.M.S. Authorizing An Exclusive Negotiating Agreement For The Coliseum City Project At The Oakland-Alameda County Coliseum Complex And Surrounding Areas With JRDV Urban International, HKS Sports And Entertainment, HKS Inc., And Forest City Real Estate Services LLC, And Affiliates To (1) Authorize A 12 Month Extension With A Six Month Administrative Extension Option, (2) Add Bay Investment Group, LLC, As A Party, And (3) Modify The Project Deliverables
(13-0076)

The October 8, 2013 Community & Economic Development Committee approved recommendations with a vote of 3 Ayes, 1 Excused - 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)

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk - Agenda Management Unit

Phone: (510) 238-3226

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 839-6451

(TTD)

SUPPLEMENTAL

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

Tuesday, October 15, 2013

**THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR OVER
THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO ENSURE THE
SAFETY OF THOSE ATTENDING MEETINGS.**

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

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