



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

* Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, CA 94612

Tuesday, April 22, 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.

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.

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: West Nile Virus Awareness Week
From: Council President Patricia Kernighan
Recommendation: Receive A Brief Presentation By The Alameda County Mosquito Abatement District Regarding West Nile Virus Awareness Week In Alameda County
([13-0337](#))
 - 4.2 Subject: Oakland Veg Week
From: Councilmember Libby Schaaf

Recommendation: Adopt A Resolution Declaring The Week Of April 21-27, 2014 As
"Oakland Veg Week" In The City Of Oakland

[\(13-0472\)](#)

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF APRIL 1, 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

[\(13-0473\)](#)

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

[\(13-0474\)](#)

7.3 Subject: Bike Pedestrian Anti-Harassment Ordinance

From: Councilmember Libby Schaaf

Recommendation: Adopt An Ordinance Adding Chapter 12.61 To Article 12 ("Streets,
Sidewalks, And Public Places") Of The Oakland Municipal Code To Prohibit
Endangerment Of Vulnerable Roadway And Sidewalk Users (Pedestrians And
Bicyclists)

[\(13-0372\)](#)

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

**INTRODUCTION (First Reading) WAS PASSED ON APRIL 1, 2014; 8
AYES.**

7.4 Subject: Amending Density Bonus Ordinance

From: Department Of Planning And Building

Recommendation: Adopt An Ordinance, As Recommended By The City Planning
Commission, Amending The Oakland Planning Code To Update Chapter 17.107 Density
Bonus And Incentive Procedure

[\(13-0403\)](#)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second

Reading) OF THIS ORDINANCE.

**INTRODUCTION (First Reading) WAS PASSED ON APRIL 1, 2014; 8
AYES.**

- 7.5 Subject: Oakland Redevelopment Successor Agency Annual Reports
From: Office Of The City Administrator
Recommendation: Receive An Informational Report Presenting The Oakland Redevelopment Successor Agency (Agency) Fiscal Year 2012-2013 Annual Reports On Blight, Loans, Property, And Time Limits In Accordance With The Reporting Requirements Of The California Community Redevelopment Law

[\(13-0409\)](#)

The March 25, 2014 Community & Economic Development Committee received and forwarded this report with a vote of 3 Ayes, 1 Absent - Kernighan.

- 7.6 Subject: PFRS Investment Portfolio Report
From: Office Of The City Administrator
Recommendation: Receive An Informational Report On The Oakland Police And Fire Retirement System (PFRS) Investment Portfolio As Of December 31, 2013

[\(13-0411\)](#)

The April 8, 2014 Finance & Management Committee received and forwarded this report with a vote of 3 Ayes, 1 Excused - Brooks.

- 7.7 Subject: Parking Garages Technical Budget Adjustment
From: Revenue Division
Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Increase Operating Revenues In The Multipurpose Reserve Fund (Fund 1750) One Million Nine Hundred Eighty-Six Dollars (\$1,986,000); (2) Authorize An Appropriation Of One Million Nine Hundred Eighty-Six Dollars (\$1,986,000) From The Multipurpose Reserve Fund (Fund 1750), For Contract Expenses For The Management Of The City Center Garage And The University Of California Office Of The President Garage; And (3) Establish Spending Authority In An Amount Not To Exceed Two Hundred Forty Thousand Dollars (\$240,000) (\$80,000 Per Year For 3 Years), To Fulfill Contractual Fiscal Responsibilities For The Scheidt & Bachmann USA Inc., Agreement From October 1, 2013 Through September 30, 2016, For The Maintenance And Service Of The Parking Access And Revenue Control System

[\(13-0453\)](#)

The April 8, 2014 Finance & Management Committee approved recommendations as amended to revise the resolution title to include "In Fiscal Year 2013-2014" after Item 1 and 2 with a vote of 3 Ayes, 1 Excused - Brooks.

- 7.8 Subject: Resolution Approving Installation Of Stop Signs
From: Public Works Agency
Recommendation: Adopt A Resolution Approving The Installation Of Stop Signs Pursuant To California Vehicle Code Sections 21351 And 21355 And Oakland

Municipal Code Sections 10.12.010 And 10.12.110 On The Following Streets: 1.) Lowell Street, Southbound Approach, At 53rd Street; 2.) Lowell Street, Both Approaches, At 62nd Street; 3.) East 31st Street, Both Approaches, At Stuart Street; 4.) 9th Street, Eastbound Approach, At Alice Street; 5.) 10th Street, Westbound Approach, At Alice Street

[\(13-0431\)](#)

The April 8, 2014 Public Works Committee approved recommendations with a vote of 4 Ayes.

7.9 Subject: Memorandum Of Agreement For 3706 San Pablo Avenue
From: Department Of Planning And Building
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Agreement With The City Of Emeryville For The Development Of A Property At 3706 San Pablo Avenue Located Within Both Jurisdictions

[\(13-0436\)](#)

The April 8, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

7.10 Subject: Reaffirm Tax Credit Guarantees For Fox Theater Project
From: Office Of Neighborhood Investment
Recommendation: Adopt An Oakland Redevelopment Successor Agency Resolution Ratifying The Oakland Redevelopment Successor Agency Assumption, Reaffirmation And Ratification Of Guarantees And Indemnities Required For Tax Credit Financing For The Fox Theater Project Including: A Guarantee By Agency In Favor Of The Tax Credit Investment Entities Relating To The Historic Tax Credits And New Markets Tax Credits In Event The Tax Credits Are Not Awarded Or Are Recaptured By The Internal Revenue Service As A Result Of Non-Compliance With IRS Tax Credit Requirements By For Or Its Affiliated Entities

[\(13-0438\)](#)

The April 8, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

7.11 Subject: Renewal Of Oakland/Berkeley Recycling Market Development Zone
From: Department Of Economic And Workforce Development
Recommendation: Adopt A Resolution Approving Renewal Of The Oakland/Berkeley Recycling Market Development Zone

[\(13-0446\)](#)

The April 8, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

7.12 Subject: State Housing Funding Request
From: Department Of Housing And Community Development
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Up To \$2 Million In Funds From The California Department Of Housing And Community Development Under The Local Housing Trust Fund Matching Grant Program, Housing And Emergency Shelter Trust Fund Act Of

2006 (Proposition 1C) Affordable Housing Innovation Fund, And Allocating Up To \$2 Million For The Affordable Rental And Ownership Housing Development Program
(13-0450)

The April 8, 2014 Community & Economic Development Committee approved recommendations as amended with a vote of 4 Ayes.

The Committee approved recommendations as amended to include the following addition: "Further Resolved: That a letter from the entire Oakland City Council, signed by the Council President, be sent to the California Department of Housing and Community Development in support of the City of Oakland's grant application for the Local Housing Trust Fund Program."

- 7.13 Subject: Treasure Island Easement Relocation
From: Office Of Neighborhood Investment
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute An Easement Relocation Agreement With The U.S. Government And Treasure Island Development Authority ("TIDA") For Relocation Of Electrical Lines, Equipment, Facilities And Any Associated Or Related Equipment Or Facilities
(13-0454)

The April 8, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

- 7.14 Subject: Behavioral Health Care Services (BHCS) For Homeless Services
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Understanding Providing City Of Oakland Grant Funds In An Estimated Amount Not To Exceed \$200,000 Per Year To Alameda County Behavioral Health Care Services (BHCS) Agency For The Period Of July 1, 2014 Through June 30, 2015, With A Two Year Renewal Option, If Funds Are Available, For Provision Of Homeless Services At Several Permanent Supportive Housing Sites
(13-0384)

The April 8, 2014 Life Enrichment Committee approved recommendations with a vote of 3 Ayes, 1 Excused - Brooks.

The Committee also requested that future reports include more information about the quality of service and options for funding housing for sexually exploited minors.

- 7.15 Subject: 2014 Summer Food Services Program
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator: 1) To Apply For And Accept The Summer Food Service Program (SFSP) Grant From The California Department Of Education, Nutrition Services Division In An Estimated Amount Of \$387,900 Included In The FY 2013-2014 Adopted Budget; And 2) To Negotiate And Execute A Professional Service Agreement Between The City And The San Lorenzo Unified School District In An Amount Not To Exceed \$285,750 To Provide

Food Services For The 2014 Summer Food Service Program For Children
(13-0432)

**The April 8, 2014 Life Enrichment Committee approved recommendations
with a vote of 3 Ayes, 1 Excused - Brooks.**

7.16 Subject: Oakland Paratransit For The Elderly & Disabled Program
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To
Negotiate And Execute A Reimbursement Agreement In The Amount Of \$180,000 With
Wheelcare Express, Inc. To Provide Paratransit Services Through June 30, 2014
(13-0433)

**The April 8, 2014 Life Enrichment Committee approved recommendations
with a vote of 3 Ayes, 1 Excused - Brooks.**

7.17 Subject: Fiscal Year 2013-2014 Cultural Services Grants Amendments
From: Department Of Economic Workforce Development
Recommendation: Adopt A Resolution Amending Resolution No. 84707 C.M.S., Which
Authorized Fiscal Year 2013-14 Cultural Services Grants, To Approve Grants To Fiscal
Agents For Two Grantees And Reallocate Funds From Two Grantees To The Three Next
Ranked Applicants
(13-0434)

**The April 8, 2014 Life Enrichment Committee approved recommendations
with a vote of 3 Ayes, 1 Excused - Brooks.**

7.18 Subject: ARFF PROS Training
From: Oakland Fire Department
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator Or His
Designee To Enter Into An Agreement With Aircraft Rescue Fire Fighter (ARFF) Pros
To Provide 40 Hours Of State Certified Aircraft Rescue Firefighter Training (Fire
Control 5) Annually From May 2014 Through May 2016, With Two-One Year Options
To Extend In An Amount Not To Exceed \$13,000 Each Year For A Total Contract
Amount Of Fifty-Two Thousand Dollars (\$52,000) Over A Four Year Period Without
Return To Council; And 2) Waiving The Competitive Request For
Proposal/Qualifications (RFP/Q) Process, The Advertising And Bidding Requirements,
And The Local And Small Business Enterprise Program (L/SLB) Provisions For The
Proposed Agreement With ARFF
(13-0427)

**The April 8, 2014 Public Safety Committee approved recommendations
with a vote of 3 Ayes, 1 Absent - Gibson McElhaney.**

7.19 Subject: All Star Fire Equipment Purchase Agreement
From: Oakland Fire Department
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator To Enter
Into A Purchase Agreement With All Star Fire Equipment For The Purchase Of
Firefighter Protective Clothing (Turnouts) For The Period May 31, 2014 Through June 1,
2017 In An Amount Not To Exceed Six Hundred Thousand Dollars (\$600,000), With An
Optional Two Year Extension For A Total Amount Not To Exceed One Million Dollars

(\$1,000,000) Over The Possible Five Year Term, And 2) Waiving The Competitive Bidding Requirements

(13-0430)

The April 8, 2014 Public Safety Committee approved recommendations with a vote of 3 Ayes, 1 Absent - Gibson McElhaney.

- 7.20 Subject: Professional Services Contract For Public Safety Radios
From: Department Of Information Technology
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Negotiate And Enter Into A Professional Services Contract With Harris Public Safety Communications In An Amount Not-To-Exceed Five Hundred Thousand Dollars (\$500,000) For A One Year Agreement, With An Option To Renew For An Additional Year, For A Total Not-To-Exceed Amount Of One Million (\$1,000,000) For Maintenance And Professional Services Over A Two-Year Period, And 2) Enter Into A Purchasing Contract With Harris Public Safety Communications For Supply Of Radio Parts, And Materials For The City's 800 MHz Radio Equipment In An Amount Not-To-Exceed Five Hundred Thousand Dollars (\$500,000) For A One Year Agreement, With An Option To Renew For An Additional Year, For A Total Not-To-Exceed Amount Of One Million (\$1,000,000) Over A Two-Year Period, And 3) Waive The City's Advertising, Competitive Bid And Request For Proposal (RFP) Process For Equipment, Products And Professional Services For The Above Described Contracts
(13-0429)

The April 8, 2014 Public Safety Committee approved recommendations 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:**

- 9.1 Subject: Brooklyn Basin Non-Affiliate Transfer
From: Department Of Planning And Building
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Consenting To The Transfer And Assignment Of The Development Agreement For The Oak To Ninth (Brooklyn Basin) Project From Oakland Harbor Partners, LLC, To Zarsion-OHP I, LLC, Pursuant To The Development Agreement And Planning Code Section 17.138.080
(13-0435)

The April 8, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

- 9.2 Subject: Interim Moratorium On Unattended Donation Boxes
From: Department Of Planning And Building

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Interim Ordinance, Adopted As An Urgency Measure Pursuant To California Government Code Section 65858, Establishing A Temporary Moratorium On The Establishment, Installation, Placement, Construction And/Or Expansion Of Unattended Donation Boxes, To Take Effect Immediately Upon Adoption

[\(13-0488\)](#)

**PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858
(URGENCY MEASURES) THIS ITEM MAY BE INTRODUCED AND
ADOPTED AT THE SAME MEETING, REQUIRING 7 VOTES, AND
WILL TAKE EFFECT IMMEDIATELY UPON ADOPTION.**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: StopWaste Presentation On Household Hazardous Waste Services
From: Councilmember Dan Kalb
Recommendation: Receive A Report And Recommendations On The Alameda County Waste Management Authority's (StopWaste) Household Hazardous Waste (HHW) Services In Oakland & Alameda County And Councilmember Kalb's Recommendation On Proposed County-Wide Household Hazardous Waste Annual Fee Ordinance
[\(13-0458\)](#)

This item was placed on the agenda by the April 3, 2014 Rules & Legislation Committee.

12 Subject: Kaboom Playgrounds For Burkhalter & Concordia Parks
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Waiving Advertising And Bidding Requirements For The Purchase Of Playground Equipment From Kaboom!, Inc. To Be Used For The Tot Lot Improvements At Burkhalter And Concordia Parks In Oakland, And Accepting In-Kind Services From Kaboom!, Inc. To Construct These Improvements Valued Up To Eighty-Five Thousand Dollars And Two Hundred Fifty Thousand Dollars, Respectively
[\(13-0491\)](#)

This item was placed on the agenda by the April 10, 2014 Rules & Legislation Committee.

13 Subject: Amendments To Rent Adjustment Program Regulations
From: Department Of Housing And Community Development
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Amending The Rent Adjustment Regulations To Provide For Extended Capital Improvement Amortization Periods For Rent Increases Greater Than Ten Percent, Passing Through Seventy Percent Of Capital Improvement Costs, Interest On Capital Improvement Overcharges, Administrative Penalties For Such Overcharges, And Removing The Requirement That Only One Year Of Capital Improvement Increases Can Be Passed Through At One Time [TITLE CHANGE]; And

[\(13-0341\)](#)

2) An Ordinance Amending The Rent Adjustment Ordinance (O.M.C. Chapter 8.22) To Limit Rent Increases To Ten Percent In Any One Year And Thirty Percent In Five Years And To Require Special Noticing For Capital Improvement Rent Increases [TITLE CHANGE]
(13-0341-1)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON MAY 6, 2014.

At the March 18, 2014 City Council meeting, Councilmember Schaaf moved, seconded by Vice Mayor Reid, the proposed amendments to the Rent Adjustment Ordinance and its Regulations set forth below and directed Staff to prepare the appropriate amendment language, legislation, and reports:

I. Maximum 10% Annual Cap on All Rent Increases**

a. Five (5) years is basic (default) amortization, unless it needs to be extended by whatever number of years necessary to maintain 10% maximum rent increase on a unit by unit basis. Since pass-thru amount for general Capital Improvement is same for each unit in building, each unit may have a different amortization period (e.g., lower rent units would have a longer payoff period).

b. To prevent a 'piling-up' loophole, no combination of increases can exceed 30% within a 5-year period.

* **In event the CPI rent adjustment exceeds 10%, then the CPI rent adjustment may be given as rent increase but no other pass through are allowed or is necessary to meet the Constitutional and fair return requirements.

II. Enhanced Noticing Requirements for all Capital Improvements

a. After work is completed (as presently), Landlord will prepare and submit (1) Notice of Rent Increase (2) RAP Notice - includes important information about your rights and how to challenge the increase (3) Summary of Capital Improvements Proposed for Pass-Thru, with improvements and costs listed by category, date improvements were completed and paid for, start and end date of rent increase and removal from tenants' rent.

b. The set of 3 documents will be filed with the Rent Program, and served in advance of rent increase on each tenant affected by the capital improvement.

c. Failure of Landlord to provide the required set of documents invalidates the proposed Capital Improvement rent increase for affected

units.

d. Landlord(s) who fail to drop off the Capital Improvement increase from rent at the expiration date will be subject to the penalty specified in Section 1.22850(B).

e. The new Capital Improvement procedures will apply to all capital improvements, whether a single unit or an entire building.

f. Landlords may still file a petition for a Capital Improvement Increase in lieu of the Enhanced Notice Requirement.

III. Debt Service

a. Item 12.2(B)(1-2) will be adopted to eliminate debt service.

IV. IV. Effective Date

a. The new Capital Improvement procedure would not be effective until 90 days following final adoption of the Ordinance.

Council also approved a 70% Capital Improvements Pass-Thru to tenants and approved a requirement that all refunds of rent be paid back with interest. The motion passed with a vote of 7 Ayes, 1 Excused - Brooks.

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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(TTD)

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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.**

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