



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, January 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):

4.1 Subject: Celebrating The Life Of Elsie Giani
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Celebrating The Life And Honoring The

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Memory Of Elsie Giani [TITLE CHANGE]
(13-0227)

- 4.2 Subject: Honoring Blueskies For Children
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Recognizing Blueskies For Children For Their 30 Years Of Service And Their Commitment To Providing A High-Quality Child Care Center To Improve The Development Of Oakland's Children And Their Working Families
(13-0248)
- 4.3 Subject: National Slavery And Human Trafficking Prevention Month
From: Councilmember Lynette Gibson McElhaney
Recommendation: Adopt A Resolution Proclaiming January As National Slavery And Human Trafficking Prevention Month In The City Of Oakland And Urging All Oakland Residents To Actively Engage In The Elimination Of Slavery And Human Trafficking In The City
(13-0252)
- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETINGS OF DECEMBER 2, 2013, DECEMBER 3, 2013 AND DECEMBER 10, 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
(13-0254)
- 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
(13-0255)
- 7.3 Subject: Settlement Agreement - Robert Ovetz v. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney

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To Compromise And Settle The Case Of Ovetz v. City Of Oakland, Et Al., Northern District Of California Case No. C12-6180, City Attorney's File No. 29115, In The Amount Of Forty-Eight Thousand Five Hundred Dollars (\$48,500.00) (Oakland Police Department - Excess Force/Civil Rights)
(13-0257)

- 7.4 Subject: Settlement Agreement - Sabeghi v. OPD Officer Frank Uu
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Kayvan Sabeghi v. Oakland Police Officer Frank Uu, United States District Court Case No. C12-06057 JCS In The Amount Of \$645,000.00 As A Result Of A Confrontation With Police At 17th And Broadway (Oakland Police Department - Excess Force/Civil Rights)
(13-0258)

- 7.5 Subject: Oakland Army Base Contractor Laydown Uses And Campus Lease
From: Office Of Neighborhood Investment
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Negotiate And Execute An Up To Forty-Eight (48) Month Sublease With Turner/Goodfellow Top Grade/Flatiron, A Joint Venture Of Turner Construction Company, Goodfellow Top Grade Construction, And Flatiron West, Inc., Or A Related Entity, For Contractor Laydown And Contractor Campus Uses On Approximately 5-Acres Of Port-Owned Land At The Former Oakland Army Base, Without Returning To The City Council
(13-0195-1)

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

INTRODUCTION (First Reading) WAS PASSED ON DECEMBER 10, 2013; 7 AYES, 1 ABSTENTION - BROOKS.

- 7.6 Subject: OMC Fire Code Amendments
From: Oakland Fire Department
Recommendation: Adopt An Ordinance Repealing Current Oakland Municipal Code Chapter 15.12, Fire Code, Making Findings To Substantiate Modifications To California Building Codes And Standards Due To Local Climatic, Geological Or Topographical Conditions, And Adopting And Making Local Amendments To The 2013 Edition Of The California Model Building Code, California Code Of Regulation Title 24, Part 9, Including, But Not Limited To, National Fire Protection Association And Other Referenced Standards As Adopted By The California State Fire Marshal, And Recodifying Said Code At Oakland Municipal Code Chapter 15.12 As The Oakland Fire Code
(13-0184)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second

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Reading) OF THIS ORDINANCE.

**INTRODUCTION (First Reading) WAS PASSED ON DECEMBER 10,
2013; 8 AYES.**

- 7.7 Subject: Circus Regulations To Raise Humane Standards
From: Councilmember Libby Schaaf
Recommendation: Adopt An Ordinance Amending Chapter 9.52 Of The Oakland
Municipal Code To Provide Additional Requirements For Special Event Permits To
Operate Circuses Performing In The City Of Oakland
(13-0179)

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

**INTRODUCTION (First Reading) WAS PASSED ON DECEMBER 10,
2013; 7 AYES, 1 ABSENT - REID.**

- 7.8 Subject: Spending Authority For ACS Parking Citation Management
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Of The City Council Of The City Of Oakland
Clarifying That The Contract Amount For The Existing Contract With ACS State And
Local Solutions Inc., For Parking Citation Administration And Revenue Collection
Services, Is Nine Hundred Thousand Dollars (\$900,000) Plus 30% Of The Fees
Contractor Collects From Motorists, And Authorizing An Appropriation Upon Receipt
Of Collection Fee Revenues In An Annual Amount Not To Exceed Two Million, Eight
Hundred Thousand Dollars (\$2,800,000), As Required And Equal To The Thirty Percent
(30%) Special Collection Fee On All Assigned Citations, Which Is Imposed By The
Contractor In Addition To The Motorist's Outstanding Citation [TITLE CHANGE]
(13-0220)

**The December 17, 2013 Finance & Management Committee approved
recommendations as amended with a vote of 4 Ayes.**

**The Committee approved recommendations as amended to revise the title
as follows: "Resolution Of The City Council Of The Oakland Clarifying
That The Contract Amount For The Existing Contract With ACS State
And Local Solutions Inc. For Parking Citation Administration And
Revenue Collection Services, Is \$900,000 Plus 30% Of The Fees Contractor
Collects From Motorists, And Authorizing An Appropriation Upon
Receipt Of Collection Fee Revenues In An Annual Amount Not To Exceed
Two Million Eight Hundred Thousand Dollars (\$2,800,000), As Required
And Equal To The Thirty Percent (30%) Special Collection Fee On All
Assigned Citations, Which Is Imposed By The Contractor In Addition To
The Motorist's Outstanding Citation"**

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7.9 Subject: Proposed Parking Scofflaw Program Report
From: Office Of The City Administrator
Recommendation: Receive An Informational Report Regarding The Proposed Parking Scofflaw Program
(13-0221)

The December 17, 2013 Finance & Management Committee received and forwarded the report with a vote of 4 Ayes.

7.10 Subject: RCC's Analysis Of EBRCS P25 Radio Systems
From: Department Of Information And Technology
Recommendation: Receive (A) An Informational Report On RCC's Side-By-Side Analysis Of Oakland And East Bay Regional Communications System (EBRCS) P25 Radio Systems; And (B) Authorize The City Administrator To Enter Into Negotiations With EBRCS And Return To Council In 90-120 Days With Proposed Negotiations Terms And A Funding And Transition Plan
(13-0226)

The December 17, 2013 Finance & Management Committee approved recommendations as amended with a vote of 4 Ayes.

**The Committee approved staff recommendations as amended as follows:
“Authorize the City Administrator to enter into negotiations with EBRCS and return to Council in 90-120 days with proposed negotiation terms and a funding and transition plan, and include a funding plan for the purchase and maintenance of radio units.”**

7.11 Subject: Encroachment At 1065 3rd Avenue
From: Department Of Planning And Building
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Oakland Unified School District To Allow A Roof Overhang For The Cooling Tower Of The Building Located At 1065 3rd Avenue To Encroach Into The Public Right-Of-Way Along The Building's Frontage On East 10th Street
(13-0232)

The December 17, 2013 Public Works Committee approved recommendations with a vote of 3 Ayes, 1 Absent - Reid.

7.12 Subject: Encroachment At 409 13th Street
From: Department Of Planning And Building
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Callsocket Holding Company, LLC To Allow A Sidewalk Cafe On A Raised Sidewalk With A 6-Inch Curb And A Fixed Railing, Seven Tables, Chairs, Awnings And Heaters To Encroach Into The Public Right-Of-Way At 409 13th Street
(13-0233)

The December 17, 2013 Public Works Committee approved

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recommendations with a vote of 3 Ayes, 1 Absent - Reid.

- 7.13 Subject: Encroachment to Native American Health Center
From: Department Of Planning And Building
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To The Native American Health Center, Inc. To Allow An Existing Basement To Encroach Below The Sidewalk Adjacent To International Boulevard
(13-0234)

**The December 17, 2013 Public Works Committee approved
recommendations with a vote of 3 Ayes, 1 Absent - Reid.**

- 7.14 Subject: Acceptance Of TFCA Bicycle Grants
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:
- 1) A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate One Hundred And Thirty-Nine Thousand Dollars (\$139,000.00) In Transportation Fund For Clean Air (TFCA) County Program Manager Funds To Construct The Adeline Street Bikeway Gap Closure Project And To Implement The CityRacks Bicycle Parking Program; And
(13-0222)
 - 2) A Resolution Authorizing The Installation Of Class II Bicycle Lanes On Adeline Street From 47th Street To 61st Street By Reducing Travel Lanes From Four (4) Through Lanes To Two (2) Through Lanes; And
(13-0222-1)
 - 3) A Resolution Authorizing The City Administrator To Waive The Advertising And Bidding Requirements For Award Of A Purchase Order To eLock Technologies, LLC, In An Amount Not-To-Exceed Fifteen Thousand Dollars (\$15,000) For The Purchase Of Four Electronic Bicycle Lockers
(13-0222-2)

**The December 17, 2013 Public Works Committee approved
recommendations with a vote of 4 Ayes.**

- 7.15 Subject: Railroad Crossing Improvements Construction Contract Award
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Execute A Construction Contract With Ray's Electric, The Lowest Responsive And Responsible Bidder, For The Construction Of The Railroad Grade Crossing Improvements At The Intersections Of Broadway/Embarcadero And Fruitvale Avenue Near San Leandro Street (Project I Nos. C459010, C458910) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Three-Hundred Thirty-Seven Thousand, Seven Hundred Ninety Dollars, And

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Twenty-Five Cents (\$337,790.25) And Reject All Other Bids
(13-0224)

**The December 17, 2013 Public Works Committee approved
recommendations with a vote of 4 Ayes.**

7.16 Subject: Annual Rent Adjustment Report
From: Department Of Housing And Community Development
Recommendation: Receive The Annual Report Of The Rent Adjustment Program For
Fiscal Year 2012-2013
(13-0235)

**The December 17, 2013 Community & Economic Development Committee
received and forwarded the report with a vote of 4 Ayes.**

7.17 Subject: Housing-Related Parks Program Grant
From: Department Of Housing And Community Development
Recommendation: Adopt A Resolution Authorizing The City To Apply For, Accept
And Appropriate Grant Funds From The California Department Of Housing And
Community Development Under The Housing Related Parks Program In An Amount
Not To Exceed \$2,250,000 For Improvements To Bishop Begin Plaza, Curt Flood Sports
Field, And The Fremont Pool
(13-0237)

**The December 17, 2013 Community & Economic Development Committee
approved recommendations with a vote of 4 Ayes.**

7.18 Subject: Amend ENA With Strada Investment Group
From: Office Of Neighborhood Investment
Recommendation: Adopt A Resolution Amending Resolution No. 84514 C.M.S. To
Extend The Negotiating Period Under An Exclusive Negotiating Agreement With Strada
Investment Group For Development Of The City Center T-5/6 Site Bounded By 11th
Street, Clay Street, And 12th Street, To 18 Months With A Six Month Administrative
Extension
(13-0236)

**The December 17, 2013 Community & Economic Development Committee
approved recommendations with a vote of 4 Ayes.**

7.19 Subject: Former Oakland Army Base Street Reservations And Easements
From: Office Of Neighborhood Investment
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Acknowledging And Confirming The City's Reservation, Acceptance
And Establishment Of Parcels A, B, C And D At Gateway Industrial Park As Public
Streets And Public Rights-Of-Way Within The City Of Oakland ; And
(13-0238)

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2) An Ordinance Authorizing The City Administrator To Negotiate And Execute Public Utility Easements And Utility Easements With Comcast, East Bay Municipal Utility District, U.S. Department Of The Navy, San Francisco Public Utilities Commission (Or Related Entity), Port Of Oakland, CalTrans And To-Be-Determined Telecommunications Providers To Facilitate The Army Base Public Infrastructure Project On The Former Oakland Army Base

(13-0238-1)

**ACTION ON THESE ITEMS WILL RESULT IN INTRODUCTION
(First Reading) OF THE ORDINANCES.**

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

**The December 17, 2013 Community & Economic Development Committee
approved recommendations with a vote of 4 Ayes.**

7.20

Subject: Service Contract Award For New Models Of Library Service
From: Oakland Public Library

Recommendation: Adopt A Resolution Awarding A Professional Services Contract In The Amount Not To Exceed \$150,000 (One Hundred Fifty Thousand Dollars) To Group 4 Architecture Research & Planning To Assist With The Development Of New Models Of Service For The Oakland Public Library

(13-0225)

**The December 17, 2013 Life Enrichment Committee approved
recommendations with a vote of 4 Ayes.**

**The Committee also directed staff to conduct outreach to the community
about library days/hours and also include a component that educates more
people about library services.**

7.21

Subject: MOU With DOJ DNA Laboratory For Continued Use Of CODIS
From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, On Behalf Of The City Of Oakland (City) Police Department (OPD) Criminalistics Division Combined DNA Index System (CODIS) Administrator, To Enter Into A Memorandum Of Understanding (MOU) With The California Department Of Justice (DOJ) Deoxyribonucleic Acid (DNA) Laboratory For The Continued Use Of CODIS And Its Administration Within The State Of California

(13-0223)

**The December 17, 2013 Public Safety Committee approved
recommendations with a vote of 4 Ayes.**

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From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution In Support Of The Nationwide Secure Our Smartphones Initiative, Best Known As The S.O.S. Initiative, And Requesting State Legislation Mandating A Kill Switch Requirement For New Smartphones Sold In California [TITLE CHANGE]
(13-0199)

The December 12, 2013 Rules & Legislation 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:

9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

9.1 Subject: Montclair BID Annual Levy
From: Department Of Economic And Workforce Development
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Confirming The Annual Report Of The Montclair Business Improvement District Advisory Board And Levying The Annual Assessment For The Montclair Business Improvement District For Fiscal Year 2014/15
(13-0135-1)

This item was Continued from the December 10, 2013 City Council meeting.

9.2 Subject: Rockridge BID Annual Levy
From: Department Of Economic & Workforce Development
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Confirming The Annual Report Of The Rockridge Business Improvement District Advisory Board And Levying The Annual Assessment For The Rockridge Business Improvement District For Fiscal Year 2014/15
(13-0136-1)

This item was Continued from the December 10, 2013 City Council meeting.

9.3 Subject: Annual CAPER
From: Department Of Housing And Community Development
Recommendation: Conduct A Public Hearing And Review The Consolidated Annual Performance And Evaluation Report (CAPER) Submitted To The U.S. Department Of Housing And Urban Development (HUD) For Fiscal Year 2012-2013, And Upon Conclusion Adopt A A Resolution Amending Resolution No. 84344 C.M.S., Accepting And Appropriating Funds Totaling \$12,299,836 For The Home, Emergency Solutions

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Grant, Housing Opportunities For Persons With Aids, And Community Development Block Grant (CDBG) Programs, To Allocate \$536,162 Of Additional CDBG Funds As Follows: (A) \$195,000 For City Of Oakland Housing Assistance Center Services, (B) \$25,000 For Hello Housing's Administration Of A Community Buying Program, (C) \$25,000 For Urban Strategies Council's Data Analysis To Assist With International Boulevard Corridor Community Development Efforts, (D) \$30,000 For City Staff Support With International Boulevard Corridor Community Development Efforts, And (E) \$261,162 For CDBG Administration
(13-0228)

The December 17, 2013 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: Ordinance to Dissolve CFD No. 2013-1
From: City Administrator's Office
Recommendation: Adopt An Ordinance Dissolving City Of Oakland Community Facilities District No. 2013-1 (Wildfire Prevention District)
(13-0250)

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

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

This item was placed on the agenda by the December 12, 2013 Rules & Legislation Committee.

12 Subject: Grant Funds For Travel Expenses For Oakland Youth
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Authorizing A Grant In The Amount Of \$600 From Councilmember Gallo's Priority Project Funds To Oakland Community Organizations (OCO) To Cover Travel Expenses For A Youth Group To Travel To Central California As Part Of A National Campaign For Immigration Reform
(13-0253)

This item was placed on the agenda by the December 19, 2013 Rules & Legislation Committee.

13 Subject: Accelerated Hiring Program For Oakland Police Department
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing An Appropriation Of Undesignated

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Funds From The General Purpose Fund Balance In The Amount Of One Hundred Seventy Seven Thousand Dollars (\$177,000) To Fund An External Oakland Police Department (OPD) Academy To Be Held At The Alameda County Sheriff's Office Police Academy Starting March 3, 2014, And Authorizing The City Administrator To Enter Into An Agreement With The Alameda County Sheriff's Office To Conduct The Academy
(13-0267)

This item was placed on the agenda by the December 19, 2013 Rules & Legislation Committee.

14 Subject: Latham Square Plaza Redesign
From: Public Works Agency
Recommendation: Adopt A Resolution Approving A Permanently Expanded And Redesigned Latham Square Plaza; That The 1500 Block Of Telegraph Avenue Be Redesigned To Reduce The Travel Lanes From Three To Two, With One Travel Lane Northbound And One Travel Lane Southbound
(13-0230-1)

This item was placed on the agenda by the December 19, 2013 Rules & Legislation Committee.

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**