



# 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, April 01, 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: Victims Support Month  
From: Councilmember Lynette Gibson McElhaney  
Recommendation: Adopt A Resolution Proclaiming April As Victims Support Month In

# SUPPLEMENTAL

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

---

Tuesday, April 01, 2014

The City Of Oakland; Acknowledging The Significant Impact That Crimes Have Upon Victims And Their Families For Years After Those Crimes Have Occurred; And Recognizing And Honoring The Many Organizations In Oakland Which Provide Services, Support, And Counseling To Victims Of Crime And Their Families  
[\(13-0391\)](#)

4.2 Subject: Cesar Chavez Day  
From: Councilmember Noel Gallo  
Recommendation: Adopt A Resolution In Celebration Of Cesar Chavez Day Honoring Oakland Latinos And Latinas Who Through Their Leadership And Community Service Have Continued The Legacy Of Cesar Chavez  
[\(13-0398\)](#)

4.3 Subject: Voluntary 10% Cutback In Water Usage  
From: Council President Patricia Kernighan  
Recommendation: Receive An East Bay Municipal Utility District (EBMUD) Presentation On Voluntary 10% Cutback In Water Usage  
[\(13-0387\)](#)

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF MARCH 18, 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-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  
[\(13-0424\)](#)

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  
[\(13-0425\)](#)

7.3-CC Subject: Oakland Youth Advisory Commission Appointments  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Appointing Rebecca Dharmapa, Takai

# SUPPLEMENTAL

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

---

Tuesday, April 01, 2014

Ginwright, Mahlik Smith, Jamila Coleman, Eleanor Good As Members Of The Oakland  
Youth Advisory Commission  
(13-0426)

7.4 Subject: Citizen's Police Review Board Appointment - Sokhom Mao  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of  
Sokhom Mao To The Citizen's Police Review Board  
(13-0452)

7.5-CC Subject: Settlement Agreement - Dulcey Bower v. City Of Oakland  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Dulcey Bower v. City Of Oakland, Alameda  
County Superior Court Case No. RG12-634283, City Attorney File Number 28770, In  
The Amount Of \$3,250,000.00 (Public Works Agency - Dangerous Condition/Bicycle  
Accident)  
(13-0442)

**This item was heard in Closed Session on March 18, 2014. Councilmember Gallo made a motion, seconded by Councilmember Gibson McElhaney, to authorize the settlement in the amount of \$3,250,000. The motion passed with a vote of 7 Ayes, 1 Absent - Brooks.**

7.6-CC Subject: Settlement Agreement - Marilyn Johnson v. City Of Oakland, Et Al.  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Marilyn Johnson v. City Of Oakland, Et Al.,  
Alameda County Superior Court Case No. RG11-604205, City Attorney's File No. 28468  
In The Amount Of Thirty-Six Thousand Dollars And No Cents (\$36,000.00) As A Result  
Of A Trip And Fall Accident (Public Works Agency - Trip And Fall)  
(13-0443)

7.7-CC Subject: Settlement Agreement - Brandon Chuman v. City of Oakland  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Brandon Chuman v. City Of Oakland, Et Al.,  
Contra Costa Superior Court Case No. MSC13-02186, City Attorney's File No. 29543, In  
The Amount Of Thirty Thousand Dollars (\$30,000.00) (Oakland Police Department -  
Police Dog Bite)  
(13-0444)

**This item was heard in Closed Session on March 18, 2014. Councilmember Gallo made a motion, seconded by Vice Mayor Reid, to authorize the settlement in the amount of \$30,000. The motion passed with a vote of 7 Ayes, 1 Absent - Brooks.**

# SUPPLEMENTAL

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

---

Tuesday, April 01, 2014

7.8-CC Subject: Walk To Work Day In Oakland  
From: Councilmember Dan Kalb  
Recommendation: Adopt A Resolution Proclaiming Thursday, April 3, 2014 As Walk To  
Work Day In The City Of Oakland  
(13-0447)

7.9-CC Subject: Brain Health Registry Day  
From: Councilmember Dan Kalb  
Recommendation: Adopt A Resolution To Declare April 8th Brain Health Registry Day  
In The City Of Oakland  
(13-0449)

7.10-CC Subject: Ordinance Expanding Park Areas Permitting Dogs  
From: Department Of Parks And Recreation  
Recommendation: Adopt An Ordinance Amending Section 6.04.080 Of The Oakland  
Municipal Code, Dogs At Large In Parks, To Designate Additional Areas As Permitted  
On-Leash And Off-Leash Areas  
(13-0280)

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

**INTRODUCTION (First Reading) WAS PASSED ON MARCH 18, 2014; 7  
AYES, 1 EXCUSED - BROOKS.**

**The March 18, 2014 City Council approved passage of the ordinance as  
amended to designate Oak Park as an on-leash park.**

7.11-CC Subject: Amendments To Debt Service Regulations  
From: Department Of Housing And Community Development  
Recommendation: Adopt An Ordinance Amending The Rent Adjustment Ordinance  
(O.M.C. Sections 8.22.020 And 8.22.070) To Eliminate Debt Service As A Justification  
For A Rent Increase  
(13-0342-3)

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

**INTRODUCTION (First Reading) WAS PASSED ON MARCH 18, 2014; 7  
AYES, 1 EXCUSED - BROOKS.**

7.12-CC Subject: AB 1999: Economic Development & Historic Preservation Tax Credit Act  
From: Vice Mayor Reid And Councilmembers Schaaf And Gibson McElhaney  
Recommendation: Adopt A Resolution In Support Of Assembly Bill 1999 (Atkins), The  
California Economic Development And Historic Preservation Tax Credit Act  
(13-0400)

# SUPPLEMENTAL

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

---

Tuesday, April 01, 2014

**The March 20, 2014 Rules & Legislation Committee approved  
recommendations with a vote of 4 Ayes.**

7.13 Subject: Compliance Director Professional Services Contract Amendments  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute  
A Professional Services Contract With Warshaw & Associates Inc. To Provide  
Compliance Director Services Regarding The Negotiated Settlement Agreement In  
Delphine Allen V. City Of Oakland For One Year, In An Amount Not To Exceed One  
Hundred Sixty Five Thousand Dollars (\$165,000), And Waiving The Competitive  
Advertising And Request For Proposals/Qualifications Process  
(13-0440)

**This item was placed on the agenda by the March 20, 2014 Rules &  
Legislation Committee.**

S-7.14-CC Subject: Fiscal Year 2014-2015 LLAD Assessment Process  
From: Office Of The City Administrator  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution  
Initiating The FY 2014-15 Assessment Process For The City Of Oakland Landscaping  
And Lighting Assessment District And Authorizing The City Administrator To Order A  
Preliminary Engineers' Report Pursuant To The California Streets And Highways Code  
(13-0405)

**The March 25, 2014 Finance & Management Committee approved  
recommendations with a vote of 4 Ayes.**

S-7.15-CC Subject: Measure C - Oakland Hotel Tax Audit And Status Report  
From: Office Of The City Administrator  
Recommendation: Receive An Informational Report Regarding Measure C - Oakland  
Hotel Tax Audit And Program Status Report  
(13-0362)

**The March 25, 2014 Finance & Management Committee received and  
forwarded this report with a vote of 4 Ayes.**

S-7.16-CC Subject: Measure DD Series 2009B Fund Report Audit Of Financial Statements  
From: Office Of The City Administrator  
Recommendation: Receive An Informational Report Regarding Measure DD Series  
2009B Fund Report On Audit Of Financial Statements For The Period Of July 22, 2009  
Through June 30, 2012  
(13-0363)

**The March 25, 2014 Finance & Management Committee received and  
forwarded this report with a vote of 4 Ayes.**

S-7.17-CC Subject: ORSA Audit Report For Fiscal Year 2012-2013  
From: Office of the City Administrator

# SUPPLEMENTAL

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

---

Tuesday, April 01, 2014

Recommendation: Receive The Oakland Redevelopment Successor Agency (ORSA)  
Audit Report For Fiscal Year (FY) 2012-2013  
(13-0380)

**The March 25, 2014 Finance & Management Committee received and forwarded this report with a vote of 4 Ayes.**

S-7.18-CC Subject: Comprehensive Annual Financial Report And Management Letter  
From: Office Of The City Administrator  
Recommendation: Receive An Informational Report Regarding The Comprehensive  
Annual Financial Report And Management Letter For Fiscal Year 2012-2013  
(13-0333)

**The March 25, 2014 Finance & Management Committee received and forwarded this report with a vote of 4 Ayes.**

S-7.19-CC Subject: Authorizing Execution Of Funding Agreements With CalTrans  
From: Public Works Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Assistant  
City Administrator, Deputy City Administrator, Public Works Director, And/Or Assistant  
Public Works Director To Execute Funding Agreements With The California Department  
Of Transportation For Transportation Infrastructure And/Or Planning Grants  
(13-0410)

**The March 25, 2014 Public Works Committee approved recommendations with a vote of 4 Ayes.**

S-7.20-CC Subject: Measure DD Fund Report And Reallocation  
From: Public Works Agency  
Recommendation: Receive An Informational Update On Measure DD, The Oakland  
Trust For Clean Water And Safe Parks, And Adopt A Resolution To 1) Approve The  
Reallocation Of Measure DD Bond Series 2009B Proceeds, And 2) Authorize The City  
Administrator, Or The City Administrator's Designee, To Make Final Adjustments To  
The Allocations Of Measure DD Series 2009B Bond Proceeds As The City Administrator  
Deems Necessary For The Timely Completion Of Measure DD Projects  
(13-0355)

**The March 25, 2014 Public Works Committee approved recommendations with a vote of 4 Ayes.**

S-7.21-CC Subject: ENA Extension For Recycling Project  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate  
And Execute A Second Amendment To The City's Exclusive Negotiating Agreement  
(ENA) With California Waste Solutions, Inc. And Cass, Inc., Regarding A Proposed  
Recycling Project On Up To Approximately 20 Acres In The North Gateway Area Of The  
Former Oakland Army Base Extending The ENA To December 15, 2014  
(13-0406)

# SUPPLEMENTAL

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

---

Tuesday, April 01, 2014

**The March 25, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.**

S-7.22-CC 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 INTRODUCTION (First Reading) OF THIS ORDINANCE.**

**FINAL PASSAGE (Second Reading) WILL OCCUR ON APRIL 22, 2014.**

**The March 25, 2014 Public Safety Committee approved recommendations with a vote of 4 Ayes.**

S-7.23-CC Subject: Project Safe Neighborhoods Grant Funds  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee, On Behalf Of The City Of Oakland (City), To Accept And Appropriate Grant Funds In The Amount Of Five Hundred Thousand Dollars (\$500,000) From The U.S. Department Of Justice (DOJ), Office Of Justice Programs, Bureau Of Justice Assistance (BJA), To Fund Project Safe Neighborhoods (PSN), A Ceasefire Strategy By The Oakland Police Department (OPD)  
(13-0402)

**The March 25, 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: Amending Density Bonus Ordinance  
From: Department Of Planning And Building  
Recommendation: Conduct A Public Hearing And Upon Conclusion 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)

# SUPPLEMENTAL

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

---

Tuesday, April 01, 2014

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

**FINAL PASSAGE (Second Reading) WILL OCCUR ON APRIL 22, 2014.**

**The March 25, 2014 Community & Economic Development Committee approved recommendations with a vote of 3 Ayes, 1 Absent - Kernighan.**

- 9.2      Subject:    Extend Interim Controls On Crematoriums  
             From:        Department Of Planning And Building  
             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 13196 C.M.S. Requiring A Major  
                         Conditional Use Permit To Establish A Crematorium Within The City Of Oakland, To  
                         Take Effect Immediately Upon Introduction And Adoption (Extends The One Hundred  
                         And Eighty (180) Day Emergency Ordinance Adopted October 15, 2013)  
                         (13-0445)

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

**This item was placed on the agenda by the March 20, 2014 Rules & Legislation Committee.**

**ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:**

10            THIS NUMBER INTENTIONALLY NOT USED

- S-11        Subject:    Support For Assembly Bill No. 2310 Re City Attorney Eviction Authority  
             From:        Office Of The City Attorney  
             Recommendation: Adopt A Resolution To Support California Assembly Bill No. 2310  
                         Immediately Reinstating Section 3485 To The California Civil Code Which Authorizes  
                         City Attorneys To File An Action For Unlawful Detainer To Abate A Nuisance Caused By  
                         Illegal Conduct Involving Weapons Or Ammunition On Real Property  
                         (13-0448)

**The March 27, 2014 Rules & Legislation Committee approved recommendations with a vote of 3 Ayes, 1 Excused - Schaaf.**

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

- S-12        Subject:    Regulating Unattended Donation Boxes  
             From:        Department Of Planning And Building



# SUPPLEMENTAL

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

Tuesday, April 01, 2014

---

Recommendation: Receive An Informational Report And Request For Direction On The Process Of Developing Regulations On Unattended Donation Boxes (UDBs) In The City Of Oakland  
(13-0407)

**The March 25, 2014 Community & Economic Development Committee received and forwarded this report with a vote of 4 Ayes.**

**The Committee also approved a motion with a vote of 4 Ayes to implement more stringent policies regarding Unattended Donation Boxes, or in the alternative, decide on an outright ban altogether.**

## 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) 238-6406

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 238-3254

(TTD)

**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.**

# SUPPLEMENTAL

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

---

Tuesday, April 01, 2014

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