



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, July 01, 2014

5:45 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: Honoring Outgoing And Welcoming Incoming OUSD Superintendent
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Honoring Incoming Superintendent Of Schools Antwan Wilson And Outgoing Superintendent Dr. Gary Yee
(13-0681)
 - 4.2 Subject: Honoring California Youth Outreach (CYO)
From: Councilmember Noel Gallo

Recommendation: Adopt A Resolution Acknowledging California Youth Outreach (CYO) For Their Services To Oakland Youth And Their Commitment To The Betterment Of The City Of Oakland
[\(13-0663\)](#)

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF June 17, 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
[\(13-0676\)](#)

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
[\(13-0677\)](#)

7.3-CC Subject: Community Policing Advisory Board Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Don Link And Reappointment Of Renia Webb As Members Of The Community Policing Advisory Board
[\(13-0659\)](#)

7.4-CC Subject: WPAD Advisory Board Appointment - Greenberg
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Susan Greenberg Piper As A Member Of The Wildfire Prevention And Assessment District Advisory Board
[\(13-0660\)](#)

7.5-CC Subject: Violence Prevention & Public Safety Oversight Committee Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Reappointing Peter Barnett, Joanne Brown, And Mara Velez As Members Of The Violence Prevention And Public Safety Oversight Committee
[\(13-0661\)](#)

7.6-CC Subject: Consolidation Of The City Of Oakland General Municipal Election

From: Office Of The City Clerk
Recommendation: Adopt An Ordinance Requesting Consolidation Of The City Of
Oakland General Municipal Election With The Statewide General Election To Be Held In
The City Of Oakland On Tuesday, November 4, 2014
(13-0637)

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

**INTRODUCTION (First Reading) WAS PASSED ON JUNE 17, 2014
WITH A VOTE OF 8 AYES.**

7.7-CC Subject: Adjust Salary Rates To Comply With California Minimum Wage
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance
No. 12187 C.M.S. ("Salary Ordinance") To Adjust The Salary Rates For All
Classifications For Which The Lowest Step Would Be Below The California Minimum
Wage Of Nine Dollars (\$9.00) Per Hour, Effective July 1, 2014; And Deleting Obsolete
Classifications From The Salary Scheduled That Have Starting Rates Lower Than The
Required Minimum Wage; And Authorizing, Without Return To Council, A Similar
Amendment To The Salary Schedule Any Time A Change In The Legally Mandated
Minimum Wage Is Raised And There Are Pay Rates For City Of Oakland Classifications
That Require Adjustment To Be Compliant With The New Law Or Laws
(13-0652)

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

**INTRODUCTION (First Reading) WAS PASSED ON JUNE 17, 2014
WITH A VOTE OF 7 AYES; 1 ABSENT-BROOKS.**

7.8-CC Subject: Adoption Of MOU Between IAFF Local 55 And The City Of Oakland
From: Office Of The City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving Memorandum Of Understanding Between The City Of
Oakland And The International Association Of Firefighters (IAFF), Local 55,
Representing Employees In Representation Unit FQ1, For The Period Of July 1,2014
Through October 31, 2017; And
(13-0682)

2) An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S.
("Salary Ordinance") To Adjust The Salaries Of Employees In The Job Classifications
Represented By The International Association Of Firefighters, Local 55 And Providing
The Same Salary Adjustments For Unrepresented Sworn Classifications
(13-0682-1)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON JULY 15, 2014.

This item was scheduled to this agenda by the June 19, 2014 Rules & Legislation Committee.

7.9-CC Subject: Association Of Bay Area Governments (ABAG) Appointments
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Appointing The Following Representatives To Positions On The Executive Board Of The Association Of Bay Area Governments For Two-Year Terms Commencing July 1, 2014 And Ending June 30, 2016: Re-Appoint Mayor Jean Quan And Councilmember Desley Brooks, And Appoint Councilmember Dan Kalb As Members Of The Executive Board, And Appoint Council President Patricia Kernighan As An Alternate Member
(13-0688)

7.10-CC Subject: Monthly Increase To OMERS Retirees & Beneficiaries
From: Finance Department
Recommendation: Adopt An Ordinance Amending Section 14.8 Of Ordinance No. 713 C.M.S. To Provide Increases In Monthly Payments To Oakland Municipal Employees' Retirement System Retirees
(13-0662)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON JULY 15, 2014.

The June 24, 2014 Finance & Management Committee approved recommendations with a Vote of 3 Ayes, 1 Excused Brooks

7.11-CC Subject: Agenda Systems Upgrade - Citizen Participation And Improvements
From: Office Of The City Clerk
Recommendation: Adopt A Resolution Waiving Advertising, Competitive Bidding, Competitive Selection Request For Proposals/Qualifications (RFP/Q) Requirements And The City's L/SLB Program And Authorizing The City Administrator To Negotiate And Execute A Contract With Granicus, Inc. To Perform Software And Hardware Updates To The City's Agenda Management And Web Hosted Streaming Video Systems, And Add A Citizen's Participation Web Application, For One-Time Cost Not To Exceed Thirty-Two Thousand Dollars (\$32,000.00), And To Enter Into A Managed Services Contract With Granicus Inc. For Subscriptions To Web Hosted Services For Agenda Management, Streaming Video, And Public Participation In An Amount Not To Exceed Sixty-Nine Thousand One Hundred Eighty-Six Dollars (\$69,186.00) Each Year For Three Years, With Two One-Year Options To Extend The Term Of The Contract
(13-0664)

The June 24, 2014 Finance & Management Committee approved recommendations as amended with a Vote of 3 Ayes, 1 Excused Brooks

The Committee approved recommendations as amended to include the addition of "including provisions of all needed APIs" so that the first "Further Resolved" paragraph reads as follows: "FURTHER RESOLVED, That the City Administrator or designee is hereby authorized to execute and deliver any and all agreements, including provisions of all needed APIs, and is hereby authorized to approve any subsequent amendments to or extensions of said Agreement with the exception of those related to an increase in the contract price or the allocation of additional funds provided that such amendments or extensions shall be filed with the City Clerk's office; and be it"

7.12-CC Subject: Contract Extension With Forensic Logic For Crime Analysis Software
From: Oakland Police Department
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator To Enter Into A Two-Year Contract Extension With Forensic Logic, Inc., For The Period Of July 1, 2014 Through June 30, 2016, In An Amount Not To Exceed One Hundred Fourteen Thousand Six Hundred Five Dollars (\$114,605), For A Total Contract Amount Not To Exceed Three Hundred Nine Thousand Six Hundred Five Dollars (\$309,605), For Their Law Enforcement Analysis Portal (LEAP) Crime Analysis Software Application, Licensing, Technical Support, And Consulting Services; And 2) Waiving The Competitive Request For Proposals/Qualifications (RFP/Q) Process, The Advertising And Bidding Requirements, And Local And Small Business Enterprise Programs (L/SLB) Provisions For The Proposed Contract With Forensic Logic, Inc.
(13-0638)

The June 24, 2014 Public Safety Committee approved recommendations with a Vote of 4 Ayes

7.13-CC Subject: Ordinance Amending Oakland Municipal Code 9.24 "Gambling"
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code (OMC) Chapter 9.24 "Gambling" To Clarify Prohibited Gambling Activities And To Delete Outdated Provisions Related To Pinball Machines
(13-0641)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON JULY 15, 2014.

The June 24, 2014 Public Safety Committee approved recommendations with a Vote of 4 Ayes,

7.14-CC Subject: Grant Funds For Alcohol Control Enforcement Program
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Ninety Thousand Dollars (\$90,000) From The State Of California, Department Of Alcoholic Beverage Control (ABC), Grant Assistance Program (GAP), For The

Federal Fiscal Year 2014-2015 Implementation Of The Alcohol Control Enforcement
Program Within The Police Department
(13-0642)

**The June 24, 2014 Finance & Management Committee approved
reccomentations with a Vote of 4 Ayes**

7.15-CC Subject: Banning Automated Purchasing Machines
From: Councilmember Lynette Gibson McElhaney
Recommendation: Adopt An Ordinance Of The City Of Oakland, California, Amending
Title 8 Of The Oakland Municipal Code To Add Chapter 8.21 Prohibiting Automated
Purchasing Machines Which Buy Back Personal Electronic Devices Or Electronic
Equipment
(13-0666)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON JULY 15, 2014.

**The June 24, 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: Revisions To Local Amendments To State Building Code
From: President Pro Tempore Rebecca Kaplan
Recommendation: Adopt An Ordinance To Amend And Restate Ordinance No. 13200
C.M.S., Adopted November 19, 2013, To Revise The Local Amendments To The 2013
Editions Of The California Building Standards Code (Title 24, California Code Of
Regulations) And Amendments To Oakland Municipal Code Chapter 15.04 To
Incorporate Modified Requirements For Seismic Retrofitting When There Is A Change
Of Occupancy In Existing Buildings And Other Modifications
(13-0329)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON JULY 15, 2014.

**The June 24, 2014 Community & Economic Development Committee
approved recommendations with a vote of 4 Ayes.**

9.2 Subject: Reasonable Accommodations Ordinance
 From: Planning And Building Department
 Recommendation: Adopt An Ordinance, As Recommended By The City Planning
 Commission, Amending The Oakland Planning Code To Create Chapter 17.131,
 Reasonable Accommodations Policy And Procedures
 (13-0599)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON JULY 15, 2014.

**The June 10, 2014 Community & Economic Development Committee
meeting approved recommendations with a vote of 4 Ayes.**

9.3 Subject: Amend Planning Code Regarding Emergency Shelters
 From: Planning And Building Department
 Recommendation: Adopt An Ordinance, As Recommended By The City Planning
 Commission, Amending The Oakland Planning Code To (1) Permit Emergency Shelters
 By-Right In Limited Segments Of The Following Residential, Commercial, Civic And
 Industrial Zones: Residential Mixed Use, Urban Residential, Neighborhood Center,
 Community Commercial, Broadway Retail Frontage District Interim Combining Zone,
 Medical Center, Housing And Business Mix, And The CIX-1, CIX-2, IG, And IO
 Industrial Zones, And (2) Modify The Definitions For Transitional And Supportive
 Housing, To Comply With California State Law
 (13-0602)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON JULY 15, 2014.

**The June 10, 2014 Community & Economic Development Committee
meeting approved recommendations with a vote of 4 Ayes.**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: Domain Awareness Center (DAC) Privacy And Data Retention
 From: Office Of The City Administrator
 Recommendation: Receive An Informational Report On The Domain Awareness Center
 (DAC) Ad Hoc Advisory Committee On Privacy And Data Retention
 (13-0665)

12 Subject: Broadway Valdez District Specific Plan
 From: Office Of The City Administrator
 Recommendation: Adopt An Ordinance, As Recommended By The City Planning
 Commission, Amending The (A) Oakland Planning Code To Create The D-BV

Broadway Valdez District Commercial Zone Regulations And Make Conforming Changes To Other Planning Code Sections, As Well As Adopting Zoning And Height Area Maps; And (B) Oakland Master Fee Schedule (Ordinance No. 13184 C.M.S., As Amended) To Establish A Parking In-Lieu Fee And Open Space In-Lieu Fee
[\(13-0593-1\)](#)

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

INTRODUCTION (First Reading) WAS PASSED ON JUNE 17, 2014 WITH A VOTE OF 7 AYES; 1 EXCUSED-BROOKS.

- 13 Subject: Amendments To Use One-Time Or Real Estate Transfer Tax Revenues
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Ordinance No. 13170 C.M.S. Which Sets Forth The Council's General Purpose Fund (GPF) Financial Policies To Amend The Requirements For Authorization To Use One-Time Or Excess Real Estate Transfer Tax Revenues For Purposes Other Than Established Through This Ordinance, To Allow Authorization Of Such Uses By Resolution Approved By A Super Majority Vote Of The City Council [TITLE CHANGE]
[\(13-0689\)](#)

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

INTRODUCTION (First Reading) WAS PASSED ON JUNE 17, 2014 WITH A VOTE OF 7 AYES; 1 EXCUSED-BROOKS.

- 14 Subject: Resolution Authorizing The Use Of One Time Funds And RETT
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The Use Of One-Time Revenues And Excess Real Estate Transfer Tax Revenues For Purposes Other Than Those Denoted In Section C And Section D Of Ordinance No. 13170 C.M.S., As Amended, Based On A Finding Of Necessity, And Describing Prospective Steps To Be Taken To Return To The Prescribed Uses Of One-Time Revenues And Excess Real Estate Transfer Tax Revenues
[\(13-0705\)](#)

- 15 Subject: Fiscal Year 2014-2015 Midcycle Budget Amendments
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Amending The City Of Oakland's Fiscal Year 2013-2015 Biennial Budget, Which Was Adopted Pursuant To Resolution No. 84466 C.M.S. On June 27, 2013 And Amended By Resolution No. 84897 C.M.S. On March 18, 2014; To: (1) Increase The Fiscal Year 2014-2015 Revenue Projection In The General Purpose Fund (GPF) By \$29,877,358; (2) Appropriate Additional Fiscal Year 2014-2015 GPF Expenditures In An Amount Not To Exceed \$29,877,358; And (3) Increase Fiscal Year 2014-2015 Appropriations In Other (Non- GPF) Funds By \$24,466,381 [TITLE CHANGE]
[\(13-0540-1\)](#)

- 16 Subject: Improving Public Engagement In The Budget Process
 From: Office Of The City Administrator
 Recommendation: Receive A Report From The City's Budget Advisory Committee
 ("BAC") On Recommendations To Improve Public Engagement In The Budget Process
 (13-0640)

The June 24, 2014 Finance & Management Committee received and forwarded recommendations with a Vote of 3 Ayes 1 excused Brooks

The Committee directed staff to continue to implement the Budget Advisory Committee's recommendations and requested that this item be heard before adoption of the Midcycle Budget Amendments so that an allocation of \$75,000 to conduct a survey in the fall regarding citizen budget priorities can be considered in the Midcycle Budget

- 17 Subject: Street Rehabilitation At 17th Street And At Jackson Street
 From: Oakland Public Works Department
 Recommendation: Adopt 1) Resolution Authorizing The City Administrator, Or His
 Designee To Award A Construction Contract To Gallagher & Burk, Inc., The Lowest
 Responsive, Responsible Bidder, In Accordance With Plans And Specifications For
 Street Rehabilitation At 17th Street Between Castro Street And Lakeside Drive, And At
 Jackson Street Between 11th St And Lakeside Drive (Project No. C464540) And With
 Contractor's Bid In The Amount Of Seven Hundred Ninety-One Thousand Seven
 Hundred Dollars (\$791,700.00), And 2) Waiving Advertising And Bidding Requirements
 And Authorizing The City Administrator Or His Designee To Award Up To One Hundred
 Sixty Thousand Dollars (\$160,000.00) To The Contract For Resurfacing Work On
 Jackson Street, For A Total Contract Authorization Of Nine Hundred Fifty-One Thousand
 Seven Hundred Dollars (\$951,700.00)
 (13-0645)

The June 24, 2014 Public Works Committee approved recommendations with a Vote of 3 Ayes 1 Absent, Gallo

The Committee also directed staff to provide a Supplemental Report which would include the following: 1) Short description regarding the scope of the project and work to be done; 2) A link or information on how the public can access project plans; and 3) Contact information where the public can direct questions.

- 18 Subject: Creation Of An Independent Redistricting Commission
 From: Councilmembers Libby Schaaf And Dan Kalb
 Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting
 To The Voters At The November 4, 2014 Statewide General Election, A Proposed
 Ordinance To Amend The City Charter To Create The City Of Oakland Independent
 Redistricting Commission; Consolidating The Election With The Statewide General
 Election; And Directing The City Clerk To Take Any And All Actions Necessary Under
 Law To Prepare For And Conduct The Election

(13-0643)

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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Office of the City Clerk - Agenda Management Unit

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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**