



City of Oakland

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City
Clerk

Meeting Agenda - SUPPLEMENTAL

* 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 16, 2018

5:30 PM

City Council Chamber, 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; Vice Mayor Annie Campbell Washington, District 4; Noel Gallo, District 5; President Pro Tempore Abel J. Guillén, District 2; Dan Kalb, District 1; Rebecca Kaplan, At Large; Lynette McElhaney, District 3; Council President Larry Reid, District 7

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):

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF OCTOBER 2, 2018

[18-0952](#)

Attachments: [View Reports](#)

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

[18-0950](#)

Attachments: [View Report](#)
[87364 CMS](#)

7.2 Subject: Declaration Of 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

[18-0951](#)

Attachments: [View Report](#)
[87365 CMS](#)

***7.3 The Item Regarding The "Loan Term Extension For Madison Park Apartments"
Was Removed From This Agenda At The October 11, 2018 Rules And Legislation
Committee, And Rescheduled To Be Heard At The October 23, 2018 Community And
Economic Development Committee***

7.4 Subject: Mayor's Designation To The Oakland Police And Fire Retirement Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Approving The Mayor's Designation Of The
Director Of Finance Of The City Of Oakland To Serve In The Mayor's Place And Stead As
A Member Of The Oakland Police And Fire Retirement Board, Effective October 17, 2018
[18-0980](#)

Attachments: [View Report](#)
[87366 CMS](#)

7.5 Subject: Appointment To The Library Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Carolyn
H. Moskowitz As A Member Of The Library Advisory Commission
[18-0982](#)

Attachments: [View Report](#)
[87367 CMS](#)

***7.6 Pursuant To Charter Section 601, The Item Regarding "Appointment To The Parks
And Recreation Advisory Commission" Was Removed From This Agenda.***

7.7 Subject: Settlement Claim Of Gregory Nuti
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Claim Of Gregory Nuti, In The Amount Of Forty Four
Thousand Nine Hundred Twenty Six Dollars And 00/100 Cents (\$44,926.00) (Public
Works - Failed Storm Pipe)
[18-0974](#)

Attachments: [View Report](#)
[87368 CMS](#)

Legislative History

10/4/18 *Rules & Legislation
Committee

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

7.8 Subject: Settlement Agreement - Michaela A. Morales 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 Michaela A. Morales V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG15762482, In The Amount Of Ninety-Three Thousand, Seven Hundred Fifty Dollars And No Cents (\$93,750.00) As A Result Of A Trip And Fall Incident On August 7, 2013 (Department Of Transportation - Dangerous Condition)

[18-0975](#)

Attachments: [View Report](#)
[87369 CMS](#)

Legislative History

10/4/18	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
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7.9 Subject: Claim Of Simone And Micah Koga
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Simone And Micah Koga, In The Amount Of Forty One Thousand Three Hundred Fifty One Dollars And 97/100 Cents (\$41,351.97) (Public Works - Failed Storm Drain)

[18-0976](#)

Attachments: [View Report](#)
[87370 CMS](#)

Legislative History

10/4/18	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
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7.10 Subject: Claim Of Martin And Jennifer Clevinger
From: Office Of The City Attorney
Recommendation: Adopt Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Martin And Jennifer Clevinger, In The Amount Of Sixty Seven Thousand Eight Hundred Four Dollars And 49/100 Cents (\$67,804.49) (Public Works - Failed Storm Pipe)

[18-0977](#)

Attachments: [View Report](#)
[87371 CMS](#)

Legislative History

10/4/18	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
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S7.11 Subject: Major Encroachment Permit At 350 Hawthorne Avenue
From: Department Of Transportation
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Sutter Bay Hospitals, A California Nonprofit Benefit Corporation DBA Alta Bates Summit Medical Center, To Allow A New Emergency Drop Off Canopy Structure Above Grade At 350 Hawthorne Avenue To Encroach Into The Public Right-Of-Way On 34th Street, Major Encroachment Permit ENMJ18058
[18-0902](#)

Attachments: [View Report](#)
[87372 CMS](#)

Legislative History

9/20/18	*Rules & Legislation Committee	Scheduled to the *Public Works Committee
10/9/18	*Special Public Works Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

S7.12 Subject: Acceptance Of California Active Transportation Grants
From: Department Of Transportation
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator Or Her Designee To Accept And Appropriate Ten Million Five Hundred Seventy-Eight Thousand Dollars (\$10,578,000.00) In Active Transportation Program Funds Assigned To The California Transportation Commission For The 14th Street Safe Routes In The City Project, And; Commit Matching Funds Of Up To Three Million Four Hundred Fifty-Four Thousand Dollars (\$3,454,000.00);
And
[18-0893](#)

Attachments: [View Report](#)
[87373 CMS](#)

Legislative History

9/13/18	*Rules & Legislation Committee	Scheduled to the *Public Works Committee
9/27/18	*Rules & Legislation Committee	Scheduled to the *Public Works Committee
10/9/18	*Special Public Works Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

2) A Resolution Authorizing The City Administrator Or Her Designee To Accept And Appropriate Five Million Eight Hundred Fifty Thousand Dollars (\$5,850,000.00) In Active Transportation Program Funds Assigned To The California Transportation Commission For The Fruitvale Alive Gap Closure Project, And; Commit Matching Funds Of Up To Two Million Four Hundred Forty-One Thousand Dollars (\$2,441,000.00)

[18-0894](#)

Attachments: [View Report](#)
[87374 CMS](#)

Legislative History

9/13/18	*Rules & Legislation Committee	Scheduled to the *Public Works Committee
9/27/18	*Rules & Legislation Committee	Scheduled to the *Public Works Committee
10/9/18	*Special Public Works Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

S7.13 Subject: Sheriff Work Alternative Program

From: Oakland Public Works

Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To: 1) Execute An Agreement With Alameda County For The City's Participation In The Sheriff's Office Work Alternative Program (SWAP) Through The Oakland Public Works Department (OPW) For A Term Of Five (5) Years, With Three (3) Two (2) Year Options To Extend Without Returning To Council, And 2) Add Individuals Participating In The Swap To The City's Self-Administered And Excess Workers' Compensation Programs

[18-0863](#)

Attachments: [View Report](#)
[87375 CMS](#)

Legislative History

9/13/18	*Rules & Legislation Committee	Scheduled to the *Public Works Committee
9/27/18	*Rules & Legislation Committee	Scheduled to the *Public Works Committee
10/9/18	*Special Public Works Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

S7.14 Subject: Capital Improvement Program Prioritization Process Update
From: Oakland Public Works
Recommendation: Adopt A Resolution To Approve The Updated Capital Improvement Program Prioritization Process, Adopt The Weighting System And Authorize The City Administrator To Implement The Process Beginning Budget Cycle FY2019-21
[18-0857](#)

Attachments: [View Report](#)
[View Supplemental Report 9-21-2018](#)
[87376 CMS](#)

Legislative History

9/13/18	*Rules & Legislation Committee	Scheduled to the *Public Works Committee
9/27/18	*Rules & Legislation Committee	Scheduled to the *Public Works Committee
10/9/18	*Special Public Works Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

S7.15 Subject: Transformative Climate Communities Program Grant
From: Planning And Building Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Their Designee To Apply For, Accept, And Execute All Related Documents For Grant Funds In An Amount Of Twenty-Three Million Dollars (\$23,000,000) To Thirty-Three Million Dollars (\$33,000,000), Depending On The Grant Amount, From The State's Transformative Climate Communities (TCC) Program, Administered By The California Strategic Growth Council (SGC) And Department Of Conservation, For Projects Within Or Contiguous To The East Oakland Neighborhoods Initiative Project Area
[18-0908](#)

Attachments: [View Report](#)
[87377 CMS](#)

Legislative History

9/20/18	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
10/9/18	*Community & Economic Development Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

There were 4 speakers on this item

S7.16 Subject: Resolution For State Grant Application Friends Of Peralta Hacienda
From: Oakland Parks And Recreation Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Apply For, Accept And Appropriate Grant Funds In The Amount Of \$160,000 From The State Of California Department Of Parks And Recreation Habitat Conservation Fund Program To Expand Youth Wildlife Activities; And 2) Enter Into A Grant Agreement With Peralta Hacienda Historical Park In The Amount Of \$160,000 For Use Of The Grant Funds To Provide Expanded Youth Wildlife Activities For The Four-Year Grant Term.

[18-0907](#)

Attachments: [View Report](#)
[87378 CMS](#)

Legislative History

9/20/18	*Rules & Legislation Committee	Scheduled to the *Life Enrichment Committee
10/9/18	*Life Enrichment Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

S7.17 Subject: Safe Parking Program For The Unsheltered
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: Enter Into A Grant Agreement With A Fiscal Sponsor On Behalf Of The Interfaith Council Of Alameda County In An Amount Not To Exceed \$300,000 To Provide A Safe Parking Program For Persons Living In Vehicles For A Grant Term Commencing On November 1, 2018 And Ending October 31, 2019; And If Additional Funds Become Available Amend The Grant Agreement To Increase The Grant Amount For The Provision Of Additional Safe Parking Sites Within The Grant Term

[18-0910](#)

Attachments: [View Report](#)
[87379 CMS](#)

Legislative History

9/20/18	*Rules & Legislation Committee	Scheduled to the *Life Enrichment Committee
9/27/18	*Rules & Legislation Committee <i>Staff read a Title Change Into Record</i>	Scheduled to the *Life Enrichment Committee
10/9/18	*Life Enrichment Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

**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:**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: 2018-2019 Winter Shelter Strategy
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Take The
Following Actions To Provide Emergency Year-Round And Winter Shelter From October
15, 2018 Through June 30, 2019: 1) Accept Up To \$130,000 From Alameda County And
Accept And Appropriate Up To \$30,000 From The City Of Emeryville; And 2) Enter Into A
Grant Agreement With The Society Of Saint Vincent De Paul In An Amount Not To Exceed
\$210,758 To Operate A Year-Round Emergency Shelter; And 3) Amend The Grant
Agreements With St. Mary's Center To Increase The Grant Amount By An Amount Up To
\$30,000, And East Oakland Community Project To Increase The Grant Amount By An
Amount Up To \$30,000 To Provide Winter Shelter; And 4) Accept And Appropriate Any
Additional Year-Round Or Winter Shelter Funds From Alameda County, The City Of
Emeryville, And Private Grants And/Or Donations, And Amend The Grant Agreements
Above To Increase The Grant Amounts, Without Returning To Council
[18-0960](#)

Attachments: [View Report](#)
[87380 CMS](#)

Legislative History

10/4/18	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
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There was a Title Change read into the record.

- 12** Subject: Resolution Opposing Proposition 6
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Of The Oakland City Council In Opposition Of
Proposition 6: Voter Approval For Future Gas And Vehicle Taxes And 2017 Tax Repeal
Initiative
[18-0949](#)

Attachments: [View Report](#)
[87381 CMS](#)

Legislative History

10/4/18 *Rules & Legislation Scheduled to the Special Concurrent
Committee Meeting of the Oakland Redevelopment
Successor Agency/City Council
*Councilmember Kalb and President Pro Tem Guillen request to be added as
coauthors.*

- 13** Subject: Ordinance Repealing In Its Entirety Ordinance No. 10342
From: Office Of The City Attorney And Councilmember McElhaney
Recommendation: Adopt An Ordinance Repealing Ordinance No. 10342 C.M.S. Entitled
Loitering About Property Owned By The Housing Authority Of The City (Oakland Municipal
Code Title 9, Chapter 9.08, Section 9.08.250), Which Makes It An Infraction To Loiter On
Oakland Housing Authority Property Without Lawful Business And Fail To Leave Upon
The Request Of A Peace Officer
[18-0978](#)

Attachments: [View Report](#)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON October 30, 2018.

Legislative History

10/4/18 *Rules & Legislation Scheduled to the * Concurrent Meeting of
Committee the Oakland Redevelopment Successor
Agency and the City Council
Councilmember McElhaney request to be added as a coauthor.

S14 Subject: Seismic Retrofit Of 23rd Avenue Bridge Over UPRR (1001681)
From: Department Of Transportation
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Up To Ten Million Twenty-Five Thousand Dollars (\$10,025,000.00) In Federal Highway Administration And State Proposition 1B Funds For The Seismic Retrofit Of 23rd Avenue Bridge Project (Project No. 1001681); And

[18-0903](#)

Attachments: [View Report](#)
[87382 CMS](#)

Legislative History

9/20/18	*Rules & Legislation Committee	Scheduled to the *Public Works Committee
10/9/18	*Special Public Works Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

The Committee requested that staff return to the Public Works committee with a plan for relocating the homeless encampment currently at this site before construction of the bridge begins.

There was 1 Speaker on this item.

2) A Resolution Authorizing The City Administrator To Award A Construction Contract To Proven Management, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Plans And Specifications, For The Seismic Retrofit Of 23rd Avenue Bridge (Project No. 1001681) In The Amount Of Six Million Three Hundred Fifty-Eight Thousand Seven Hundred Seventy-Seven Dollars (\$6,358,777.00); And

[18-0904](#)

Attachments: [View Report](#)
[87383 CMS](#)

Legislative History

9/20/18	*Rules & Legislation Committee	Scheduled to the *Public Works Committee
10/9/18	*Special Public Works Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

The Committee requested that staff return to the Public Works committee with a plan for relocating the homeless encampment currently at this site before construction of the bridge begins.

There was 1 Speaker on this item.

3) A Resolution Waiving Further Request For Proposal/Qualification Competitive Selection Process Requirements And Authorizing The City Administrator, Or Designee, To Amend The Professional Services Contract With URS Corporation For Bridge Seismic Retrofit Projects By Increasing The Scope Of Work And The Contract Amount By Four Hundred Twenty Thousand Six Hundred Dollars (\$420,600.00) For A Total Contract Amount Not-To-Exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) [18-0905](#)

Attachments: [View Report](#)
 [87384 CMS](#)

Legislative History

9/20/18	*Rules & Legislation Committee	Scheduled to the *Public Works Committee
10/9/18	*Special Public Works Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

The Committee requested that staff return to the Public Works committee with a plan for relocating the homeless encampment currently at this site before construction of the bridge begins.

There was 1 Speaker on this item.

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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