

City of Oakland

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

Meeting Minutes - DRAFT

Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, CA 94612

Tuesday, December 8, 2015

5:30 PM

City Council Chamber, 3rd Floor

- 1 PLEDGE OF ALLEGIANCE
- 2 **ROLL CALL / CITY COUNCIL**
- 3 **OPEN FORUM / CITIZEN COMMENTS (Time Available: 15 Minutes)**
- **ACTIONS ON SPECIAL ORDERS OF THE DAY** 4 (Ceremonial Presentations, Reports/Presentations From The Mayor, Council Acknowledgements/Announcements):
- 4.1 Subject: Recognizing World AIDS Day

Council President Lynette Gibson McElhaney From:

Recommendation: Adopt A Resolution Recognizing December 1, 2015 As "World AIDS Day" To Show Support For The Worldwide Fight Against HIV And AIDS

> A motion was made by Kaplan, seconded by Gibson McElhaney, that this matter be Adopted. The motion carried by the following vote:

4.2 Subject: Recognizing 'Collaborating Agencies Responding To Disasters' (CARD)

From: Councilmember Annie Campbell Washington

Recommendation: Adopt A Resolution In Recognition Of 'Collaborating Agencies Responding To Disasters' (CARD) And Outstanding Executive Director Ana-Marie Jones

A motion was made by Reid, seconded by Campbell Washington, that this matter be Adopted. The motion carried by the following vote:

4.3 Subject: Honoring Audree V. Jones-Taylor Upon Her Retirement

> From: President Pro Tempore Reid And Councilmember Campbell Washington

Recommendation: Adopt A Recognizing And Honoring Oakland Parks And

Recreation Director Audree V. Jones-Taylor For More Than 11 Years Of Dedicated Service To The Residents Of The City Of Oakland Upon Her Retirement

A motion was made by Reid, seconded by Campbell Washington, that this matter be Adopted. The motion carried by the following vote:

APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF NOVEMBER 17, 5 2015

A motion was made by Kaplan, seconded by Gallo, that this matter be Received

and Filed. The motion carried by the following vote:

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:

Approval of the Consent Agenda

A motion was made by Gallo, seconded by Reid, to approve the Consent Agenda. The motion carried by the following vote:

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

This City Resolution was Adopted.

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

This City Resolution was Adopted.

7.3 Subject: 2016 Legislative Calendar

From: Office Of The City Clerk

Recommendation: Adopt The 2016 Legislative Calendar For The City Council And

Council Committees Meeting, Report And Distribution Schedule

This Report and Recommendation was Approved as Submitted.

7.4 Subject: Workforce Investment Board Appointment

From: Council President Lynette Gibson McElhaney

Recommendation: Adopt A Resolution Nominating Councilmember Annie Campbell Washington To Be The City Council Representative On The Workforce Investment Board ("WIB")

This City Resolution was Adopted.

7.5 Subject: Amending Graffiti Abatement Grant

From: Vice Mayor Kaplan

Recommendation: Amend Resolution No. 85617, Which Authorized A Grant Of \$2,000 From Vice Mayor Rebecca Kaplan's Graffiti Abatement Mural And Green Wall

Funds To Community Rejuvenation Project For A Mural On The White Building At 327 15th Street, To Change The Name Of The Grantee To Saied Karamooz

This City Resolution was Adopted.

7.6 Subject: Approving MOU For Oakland Police Management Association

From: Office Of The City Administrator

Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide Cost Of Living Adjustments To The Salaries Of Certain Sworn Employees Pursuant To The Memorandum Of Understanding Between The City Of Oakland And The Oakland Police Management Association And The Unrepresented Assistant Chief Of Police, And The Unrepresented Salary Range Of The Classification Chief Of Police; The Cost Of Living Adjustments Shall Be As Follows: Increase Of 4% Effective July 1, 2015; Increase Of 4% Effective May 1, 2017, Increase Of 2.5% Effective January 1, 2018, And Increase Of 2.5% Effective January 1, 2019 Including Equity Adjustments Of 2.5% Effective January 1, 2016, Equity Adjustments Of 1.0% Effective January 1, 2017, Equity Adjustments Of 1.0% Effective January 1, 2018, And Equity Adjustments Of 2.0% Effective July 1,2018

This Ordinance was Approved for Final Passage.

7.7 Subject: Approving MOU Between The City And Oakland Police Officers Association From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide Cost Of Living Adjustments To The Salaries Of Certain Sworn Employees Pursuant To The Memorandum Of Understanding Between The City Of Oakland And The Oakland Police Officers Association; The Cost Of Living Adjustments Shall Be As Follows: Increase Of 4% Effective July 1, 2015; Increase Of 4% Effective May 1, 2017, Increase Of 2.5% Effective January 1, 2018, And Increase Of 2.5% Effective January 1, 2019 Including Equity Adjustments Of 2.5% Effective January 1, 2016, Equity Adjustments Of 1.0% Effective January 1, 2017, Equity Adjustments Of 1.0% Effective January 1, 2018, And Equity Adjustments Of 2.0% Effective July 1, 2018

This Ordinance was Approved for Final Passage.

7.8 Subject: Amend Salary Rates Of Police/Fire Communications Positions
From: Office Of The City Administrator

Page Property Adapt An Ordinance Amending The Salary School of City Administrator

Recommnedation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Amend The Salary Rates Of The Classifications Of Police Communications Operator; Police Communications Dispatcher; Fire Communications Dispatcher; Police Communications Supervisor; Fire Communications Dispatcher, Senior; And Fire Communications Supervisor; And To Add The Classification Of Police Communications Manager

This Ordinance was Approved for Final Passage.

7.9 Subject: Amending The Salary Ordinance For Unrepresented Employees

From: Office Of The City Administrator

Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide Cost Of Living Adjustments To The Salaries Of Certain Unrepresented Employees In Units UK1, UK2, UP1, U51, TL1, UG1, And US1 As Follows: Increase Of 4% Effective July 1, 2015; Increase Of 2% Effective November 1, 2016, And Increase Of 2.0% Effective May 1, 2017

This Ordinance was Approved for Final Passage.

7.10 Subject: Salary Ordinance Amendment To Add Crime Analyst

From: Human Resources Management Department

Recommendation: Adopt An Ordinance Amending The Salary Schedule Of

Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Classification Of Crime

Analyst

This Ordinance was Approved for Final Passage.

7.11 Subject: Sale Of Parcel At 1148 71st Avenue

From: Economic & Workforce Development Department

Recommendation: Adopt An Ordinance Authorizing City Administrator Or Designee To Negotiate And Execute A Purchase And Sales Agreement Between The City Of Oakland And Belter Palma And Juana Trujillo (Collectively, "Purchasers") For The Sale Of City-Owned Property Located At 1148 71st Avenue (APN 041-4135-028) For Tweny-Five Thousand Dollars (\$25,000)

This Ordinance was Approved for Final Passage.

7.12 Subject: Fruitvale Transit Village Phase II

From: Economic & Workforce Development Department

Recommendation: Adopt An Ordinance Amending Ordinance No. 13313 C.M.S. To Add The East Bay Asian Local Development Corporation ("EBALDC") As An Additional Party To The Lease Disposition And Development Agreement (Phase IIA), A Sixty-Six (66) Year Ground Lease And Related Documents (Collectively "LDDA") As Amended By And Among The City Of Oakland, A Municipal Corporation, The Spanish Speaking Unity Council Of Alameda County, Inc., L&M Development Partners, Inc. And EBALDC For The Development Of Mixed Income Housing Located On APN 033-2177-021 At 37th Avenue And East 12th Street

This Ordinance was Approved for Final Passage.

7.13 Subject: Salary Ordinance Amendment To Add Director Of Race & Equity

From: Human Resources Management Department

Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Classification Of Director Of Race And Equity

This Ordinance was Approved for Final Passage.

7.14 Subject: Settlement Agreement - New Cingular LLC

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of New Cingular Wireless LLC, Et Al. V. City Of Oakland, Et Al., Los Angeles County Superior Court Case No. BC462270 City Attorney's File No. X03697, In The Amount Of Seven Hundred Twenty-Five Thousand Nine Hundred Fifty-Four Dollars And No Cents (\$725,954.00) (Revenue)

This City Resolution was Adopted.

7.15 Subject: Settlement Agreement - In Re Municipal Derivatives Antitrust Litigation

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Approving Partial Settlement Of In Re Municipal Derivatives Antitrust Litigation, United States District Court Southern District Of New York, MDL No. 1950, Authorizing Acceptance Of Payment From George K. Baum Of \$35,000 And Acceptance Of Payment From Societe Generale Of \$263,089 In Exchange For Dismissal Of The Lawsuit By The City

This City Resolution was Adopted.

7.16 Subject: Unaudited FY 2014-15 Fourth Quarter Revenue and Expenditure Report

From: Finance Department

Recommendation: Receive An Informational Report On The Unaudited FY 2014-15 Fourth Quarter Revenue And Expenditure Results And Year-End Summaries For Four Selected Funds: General Purpose Fund (GPF, 1010), Landscape And Lighting Assessment District Fund (2310), Equipment Fund (4100) And Facilities Fund (4400); And Overtime Analysis For The General Purpose Fund (1010) And All Funds

This City Resolution was Adopted.

7.17 Subject: Citywide Curb Ramps And Sidewalk Repair

From: Oakland Public Works Department

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Awarding A Construction Contract To Seton Pacific Construction, The Lowest Responsive And Responsible Bidder In Accordance With Project Plans And Specifications For Citywide Curb Ramps And Sidewalk Repair (Project No. C428014) And With Contractor's Bid In The Amount Of Six Hundred Ninety-Six Thousand And Nine Hundred Fifty-Five Dollars (\$696,955.00); And

This City Resolution was Adopted.

2) A Resolution Awarding A Construction Contract To Rosas Brothers Construction, The Lowest Responsive And Responsible Bidder In Accordance With Project Plans And Specifications For Curb Ramps On International Boulevard Along Bus Rapid Transit Corridor (Project No. C428015) And With Contractor's Bid In The Amount Of Six Hundred Fifty-Five Thousand And Six-Hundred Dollars (\$655,600.00)

This City Resolution was Adopted.

7.18 Subject: Seismic Retrofit Design Of Leimert Boulevard Bridge

From: Oakland Public Works Department

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate One Million Three Hundred Four Thousand Forty-Seven Dollars (\$1,304,047.00) In Federal Highway Bridge Program Funds (HBP) For The Seismic Retrofit Design Of Leimert Boulevard Bridge Over Sausal Creek (Project No. C347010); And

This City Resolution was Adopted.

2) A Resolution Authorizing The City Administrator To Enter Into A Professional Service Agreement With Biggs Cardosa Associates, Inc. To Provide Professional Engineering Services For The Seismic Retrofit Of Leimert Bridge (Project No C347010) For An Amount Not To Exceed One Million Two Hundred Eighty Thousand Eight Hundred Seventy Dollars (\$1,280,870.00)

This City Resolution was Adopted.

7.19 Subject: Grant To Create An Online Business Portal

From: Economic Workforce And Development Department

Recommendation: Adopt A Resolution 1) Ratifying The Economic And Workforce Development Department's Application To The U.S. Small Business Administration's Startup In A Day Grant Program And 2) Authorizing The City Administrator, Or Her Designee, To Accept And Appropriate Fifty Thousand Dollars (\$50,000) In U.S. Small Business Administration Startup In A Day Grant Funds For Digital Services To Improve Online Access To Licensing, Permitting And Support For Oakland Businesses

This City Resolution was Adopted.

7.20 Subject: Rockridge BID Annual Report And Intention To Set Levy

From: Economic And Workforce Development Department

Recommendation: Adopt Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2016-2017 For The Rockridge Business Improvement District, Approving The Annual Report Of The Rockridge Business Improvement District Advisory Board, And Scheduling A Public Hearing For January 5, 2016

This City Resolution was Adopted.

7.21 Subject: Montclair BID Annual Report And Intention To Set Levy

From: Economic And Workforce Development Department

Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2016-2017 For The Montclair Business Improvement District, Approving The Annual Report Of The Montclair Business Improvement District

Advisory Board, And Scheduling A Public Hearing For January 5, 2016

This City Resolution was Adopted.

7.22 Subject: Temescal BID Pedestrian Lighting Loan Assessment Assignment Agreement

From: Economic And Workforce Development Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To Consent To Execution Of An Assignment Of Assessments Loan Collateral Agreement Between The Temescal Telegraph Avenue Community Association Of Oakland ("Borrower") And Community Bank Of The Bay ("Lender") To Disburse To Lender From Temescal / Telegraph Avenue Business Improvement District Of 2015 ("TTBID 2015") Special Assessment Funds Held On Behalf Of The TTBID 2015 In Support Of The Temescal Telegraph Pedestrian Lighting Project

This City Resolution was Adopted.

7.23 Subject: CAO Authorization for FTZ Subzone Operating Agreements From: Economic And Workforce Development Department

Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Negotiate And Enter Into Operating Agreements With Various Companies For Zone Designation Under The Alternative Site Framework Of The

Oakland Foreign Trade Zone #56

A motion was made by Gallo, seconded by Reid, that this matter be Adopted as Amended. The motion carried by the following vote:

7.24 Subject: ORSA FY 2014-15 Annual Report

From: Economic And Workforce Development Department

Recommendation: Receive An Informational Report Presenting The Oakland Redevelopment Successor Agency (Agency) Fiscal Year (FY) 2014-15 Annual Report On Blight, Loans, Property, And Time Limits In Accordance With The Reporting Requirements Of The California Community Redevelopment Law

This Informational Report was Received and Filed.

7.25 Subject: FY 2015 UASI Program Grant Agreement

From: Oakland Fire Department

Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To (1) Enter Into The Urban Area Security Initiative (UASI) Grant Administration Agreement With The City And County Of San Francisco To Accept And Appropriate Up To One Million One Hundred Thousand Dollars (1,100,000.00) For Federal Fiscal Year 2015 UASI Grant Funds; And (2) Accept, Appropriate, And Administer Said UASI Federal Grant Funds; And 3. Approve The 2015 UASI Recommended Proposed Spending Plan And Authorize A Contribution From The General Purpose Fund In An Amount Equivalent To Central Services Overhead (CSO) Charges Affiliated With Said Grant Estimated At Thirty-One Thousand One Hundred Ninety Five Dollars (\$31,195.00) For Fiscal Year 2015-16 And Thirty-Seven Thousand Four Hundred Thirty Three Dollars (\$37,433.00) For Fiscal Year 2016-17; And 4. Expend Funds In Accordance With Said Recommended Proposed Spending

Plan Without Further Council Approval Provided The City's Hiring And Contracting Requirements And Programs/Policies Are Followed.

This City Resolution was Adopted.

7.26 Subject: State Homeland Security Grant Program (2015) Funding Request

From: Oakland Fire Department

Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Desisgnee (1) Enter Into A Grant Agreement With The Alameda County Sheriff's Office To Accept State Homeland Security Grant Program (SHSGP) Funds In The Amount Of Two Hundred Thousand Dollars (\$200,000.00); 2. Accept, Appropriate And Administer Said SHSGP Funds; And . 3. Expend Funds To Purchase 45 Minute Air Clylinders For Self Contained Breathing Apparatus (SCBA) In Accordance With The City's Purchasing Requirements

This City Resolution was Adopted.

7.27 Subject: Measure Z - Violence Prevention (January 2016 - June 2017)

From: Human Services Department/Oakland Unite

Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute Grant Agreements Between The City Of Oakland And Various Non-Profit And Public Agencies To Provide Violence Intervention Services In Accordance With The 2014 Oakland Public Safety And Services Violence Prevention Act (Measure Z) For Period January 1, 2016 To June 30, 2017 In An Amount Not To Exceed \$9,555,000 (An Annualized Amount Of \$6,370,000), With A One Year Option To Renew Through June 30, 2018 Pending Council Approval

This City Resolution was Adopted.

8 ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION & DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSIONS

A motion was made by Kaplan, seconded by Campbell Washington, that this matter be Approved as Submitted from the Office of the City Attorney of 4 final decisions made during Closed Session. Please refer to Attachment A for the details of the final decision. The motion carried by the following vote:

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: 6846 Saroni Drive Utility Pole Telecommunications Project Appeal

From: Planning & Building Department

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying Appeal #PLN15149-A01 And Upholding The Decision Of The City Planning Commission To Approve Regular Design Review To Install A Telecommunications Facility Onto A Replacement Utility Pole Located In The Public Right-Of-Way Fronting The Lot Line At 6846 Saroni Drive

A motion was made by Campbell Washington, seconded by Gallo, that this matter be Adopted. The motion carried by the following vote:

9.2 Subject: Amendments To Transitional And Supportive Housing Regulations

From: Planning & Building Department

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To: 1) Change Transitional And Supportive Housing Regulations To Comply With State Law; 2) Revise Regulations For Secondary Units; And 3) Make Miscellaneous Minor Changes In Various Chapters Of The Planning Code, And Make Appropriate California Environmental Quality Act Determinations

This Ordinance was * Withdrawn and Rescheduled to the Meeting of the Oakland City Council to be heard 1/5/2016

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: The Safety For All Act of 2016

From: Vice Mayor Kaplan

Recommendation: Adopt A Resolution In Support Of The California Initiative, "Safety For All Act", Which Will Implement Reasonable Reforms To Close Loop-Holes In California's Gun And Ammunition Laws

A motion was made by Kaplan, seconded by Kalb, that this matter be Adopted. The motion carried by the following vote:

12 Subject: Agreement With The State Board Of Equalization

From: Finance Department

Recommendation: Adopt A Resolution Of The City Of Oakland Authorizing The City Administrator To Execute An Agreement With The State Board Of Equalization For Implementation Of The Local Prepaid Mobile Telephony Services Collection Act

A motion was made by Reid, seconded by Gallo, that this matter be Adopted. The motion carried by the following vote:

13 Subject: 2015 USDOJ/COPS Grant Acceptance

From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, On Behalf Of The City Of Oakland To: (1) Accept Grant Funds In An Amount Not To Exceed One Million Eight Hundred Seventy-Five Thousand Dollars (\$1,875,000) From The U.S. Department Of Justice, Office Of Community Oriented Policing Services (USDOJ/COPS) To Fund The Entry-Level Salary And Fringe Benefits Costs Of Fifteen (15) Full-Time Equivalent (FTE) Police Officers And Appropriate Said Funds To The Oakland Police Department (OPD); (2) Authorize An Appropriation Of Nine Million Three Hundred Seventy-Seven Thousand Seven Hundred Twenty-Six Dollars (\$9,377,726) To Cover The Local Cash Match Requirement; And (3) Authorize The General Purpose Fund To Subsidize The Central

Services Overhead Costs Of Eight Hundred Seventy Seven Thousand Thirty-Eight Dollars (\$877,038) For A Total City Contribution Of Ten Million Two Hundred Fifty-Four Thousand Seven Hundred Sixty-Three Dollars (\$10,254,763)

A motion was made by Gallo, seconded by Campbell Washington, that this matter be Adopted. The motion carried by the following vote:

14 Subject: Declaring A Shelter Crisis In The City Of Oakland From: Office Of The Mayor And Councilmember Guillén

Recommendation: Adopt An Ordinance Declaring A Shelter Crisis In The City Of Oakland, Making Findings That A Significant Number Of Persons Are Without The Ability To Obtain Shelter, And That The Situation Has Resulted In A Threat To The Health And Safety Of Those Persons And Suspending Planning, Zoning, And Other Permit Requirements

A motion was made by Guillén, seconded by Gibson McElhaney, that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard 1/5/2016. The motion carried by the following vote:

15 Subject: Surplus Lands Act Discussion

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Waiving Attorney-Client Privilege For Certain Legal Opinions On The Applicability Of The California Surplus Land Act To City Real Property Transactions

This Report and Recommendation was Withdrawn with No New Date.

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

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Office of the City Clerk - Agenda Management Unit

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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.