



# City of Oakland Meeting Minutes

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>**

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**Tuesday, July 15, 2014**

**5:30 PM**

**City Council Chambers, 3rd Floor**

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1 PLEDGE OF ALLEGIANCE

*The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 5:53 PM.*

2 ROLL CALL / CITY COUNCIL

ORA\Councilmember Present: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan

*The Roll Call was modified to note Councilmember Kalb present at 5:55 p.m.*

*The Roll Call was modified to note Councilmember Gibson McElhaney present at 6:14 p.m.*

3 OPEN FORUM / CITIZEN COMMENTS (Time Available: 15 Minutes)

*There were 12 Open Forum speakers.*

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

(Ceremonial Presentations, Reports/Presentations From The Mayor, Council Acknowledgements/Announcements):

*Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Marzell Howard Houston, Michael Norris and Ayana Dominguez. Vice Mayor Reid requested association with the adjournments of Marcel Houston and Michael Norris. The Mayor requested association with the adjournment of Ayana Dominguez.*

- 4.1 Subject: Honoring 8th Citizens Academy Graduates  
From: Council President Patricia Kernighan  
Recommendation: Adopt A Resolution Recognizing The 8th Graduating Class Of The City Of  
Oakland's Citizens Academy  
[13-0632](#)

**A motion was made by Council President Kernighan, seconded by Vice Mayor Reid, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan

*There was one speaker on this item.*

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- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF JULY 1, 2014

**A motion was made by Councilmember Kalb, seconded by Vice Mayor Reid, to \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan

- 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  
[13-0707](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan

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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  
[13-0708](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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7.3-CC Subject: Tract 8138 Subdivision Map - The Hive  
From: Planning & Building Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Conditionally Approving A Final Map For Tract No. 8138 Located At 2301-2345 Broadway, 421 24th Street, 2300-2350 Valley Street And 2380-2396 Valley Street For A Seven Lot Subdivision For The Hive Development Group, LLC; And  
[13-0701](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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2) A Resolution Authorizing The City Administrator Or His Designee To Enter Into (1) A Subdivision Improvement Agreement With The Hive Development Group, LLC For Deferred Construction Of Public Infrastructure Improvements As A Condition To Final Map Approval For Tract 8138 Located At 2301-2345 Broadway, 421 24th Street, 2300-2350 Valley Street And 2380-2396 Valley Street, And (2) A Deferred Improvement Agreement With The Hive Development Group, LLC To Satisfy Mitigation Measures Trans-1, Trans-2, And Trans-5 Of The Standard Conditions Of Approval And Mitigation Monitoring And Reporting Program  
[13-0701-1](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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7.4-CC      Subject:      Adoption Of MOU Between IAFF Local 55 And The City Of Oakland  
From:          Office Of The City Administrator  
Recommendation: Adopt 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](#)

**This Matter was Approved for Final Passage on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council  
President Kernighan  
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7.5-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](#)

**This Matter was Approved for Final Passage on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council  
President Kernighan  
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7.6-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](#)

**This Matter was Approved for Final Passage on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council  
President Kernighan  
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7.7-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](#)

**This Matter was Approved for Final Passage on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council  
President Kernighan  
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7.8 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](#)

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7.9-CC 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](#)

**This Matter was Approved for Final Passage on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council  
President Kernighan  
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7.10-CC 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](#)

**This Matter was Approved for Final Passage on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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7.11-CC Subject: Settlement Agreement - Claim Of Gerald And Christina Gray  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Gerald And Christina Gray, City Attorney's Claim No. C29678, In The Amount Of Three Hundred Seventy Two Thousand, Two Hundred Twenty-Two Dollars And Thirteen Cents (\$372,222.13) (Public Works Agency-Sewer Overflow)  
[13-0710](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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7.12-CC      Subject:      Settlement Agreement - Peter Dixon 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 Peter Dixon v. City Of Oakland, Et Al., United States  
District Court, Northern District Of California No. C12-5207 DMR, City Attorney's File No.  
28890 In The Amount Of Twenty-Five Thousand Dollars (\$25,000.00) (Oakland Police  
Department - Wrongful Arrest)  
[13-0711](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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7.13-CC      Subject:      Settlement Agreement - Eloise Chitmon 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 Chitmon v. City Of Oakland, Alameda Superior Court  
Case No. RG12655533, City Attorney's File No. 29018, In The Amount Of One Hundred Five  
Thousand Dollars (\$105,000.00) (Public Works Agency - Dangerous Condition)  
[13-0712](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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S-7.14-CC Subject: Radio Fleet Replacement  
From: Information Technology Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee  
To: 1) Appropriate And Allocate \$7,950,600 Of Radio Financing Funds To Pay For Public  
Safety Radio Fleet Replacement, And 2) Award Contracts To Motorola Solutions Inc. And  
Other Vendors For The Purchase Of Portable Radios And Associated Equipment, Products,  
Professional And Technical Services Within The Budget Of \$7,950,600 Without Return To  
Council, Provided That Prior To Expenditure Of Any Funds Staff Will Award Contracts And  
Establish Contract Amounts For The Controller's Bureau; And 3) Waive Advertising And  
Competitive Bidding And Request For Proposals/Qualifications (RFP/Q) Requirements, For  
Said Purchases [TITLE CHANGE]  
[13-0650](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council  
President Kernighan  
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S-7.15-CC Subject: Collection Of Local Taxes By Brokers, Aggregators And Collectives  
From: President Pro Tempore Rebecca Kaplan  
Recommendation: Adopt A Resolution Encouraging The Administration To Enter Into  
Agreements For The Collection And Remittance Of Local Taxes To The City Of Oakland By  
Brokers, Aggregators, And Collectives [TITLE CHANGE]  
[13-0667](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro  
Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council  
President Kernighan  
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S-7.16-CC Subject: Charter Amendment: Authorization to Purchase OMERS Annuity  
From: Offices Of The City Attorney And City Administrator  
Recommendation: Adopt A Resolution Submitting On The Council's Own Motion A Proposed Charter Amendment To Be Voted Upon At The Municipal Election To Be Held On November 4, 2014 That Would (1) Grant The City The Option To Purchase A Group Annuity Contract From A Reputable And Stable Annuity Provider To Guarantee Payment Of The Benefits Provided By The Oakland Municipal Employees' Retirement System (OMERS) To The Approximately 22 Remaining Members And Beneficiaries And (2) Save The City The Costs Of Administering OMERS, Which Was Closed To New Members In September, 1970; And Directing The City Clerk To Fix The Date For Submission Of Arguments And To Provide Notice And Publication In Accordance With The Law And Authorizing Certain Other Election Activities [TITLE CHANGE]  
[13-0670](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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S-7.17-CC Subject: City & Oakland Redevelopment Successor Agency Investment Policy  
From: Treasury Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Oakland Redevelopment Successor Agency Resolution Adopting The Oakland Redevelopment Successor Agency's Investment Policy For Fiscal Year 2014-2015  
[13-0673](#)

**This Matter was Adopted as Bifurcated on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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2) Resolution Adopting The City Of Oakland Investment Policy For Fiscal Year 2014-2015  
[13-0673-1](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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S-7.18-CC Subject: Oakland Municipal Code Amendment; Chapter 2.29  
From: Office Of The City Administrator  
Recommendation: Adopt An Ordinance Amending Chapter 2.29 Of The Oakland Municipal Code Entitled "City Agencies, Departments And Offices" To Revised The Titles Of Bureaus And Divisions In The Police Department And The Titles Of Divisions In The Planning & Building Department And The Economic & Workforce Development Department  
[13-0684](#)

**This Matter was Approved On Introduction and Scheduled for Final Passage to the \* Special Meeting of the Oakland City Council, to be heard at the July 29, 2014 meeting on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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S-7.19-CC Subject: Short Term Encroachment Permit For Certified Farmers Market  
From: President Pro Tempore Kaplan And Councilmember Kalb  
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Encroachment Permit To Phat Beets Produce For A Certified Farmers Market On Grace Avenue Between Lowell Street And Los Angeles Street Each Saturday Between The Hours Of 8:00 A.M. And 4:00 P.M.  
[13-0655](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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S-7.20-CC Subject: 2021-2029 Fruitvale Major Encroachment Permit  
From: Planning & Building Department  
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To 12th Street And Fruitvale, LLC, A California Limited Liability Company, To Allow Encroachment Of New Building Eave And Portion Of Existing Building Beyond Property Line Adjacent To 2021 - 2029 Fruitvale Avenue  
[13-0671](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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S-7.21-CC Subject: 2148 Broadway Encroachment Permit  
From: Department Of Planning And Building  
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Dudley Franklin Investors, LLC, A Delaware Limited Liability Company, To Allow An Entry Awning On Broadway, And Entry Awnings, Bicycle Racks, Benches, Sidewalk Light Fixtures, Balcony, PG&E Underground Electrical Vault, And A Sidewalk Cafe On Franklin Street To Encroach Into The Public Right-Of-Way At 2148 Broadway  
[13-0685](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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S-7.22-CC Subject: Contract For Golden Gate Recreation Center Improvement Project  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution To Reject All Bids, Waive Further Competitive Bidding And Authorize The City Administrator, Or His Designee, To Negotiate A Construction Contract With Arntz Builders, Inc. Sole Bidder For The Golden Gate Recreation Center Improvement Project (No. C457510) In Accordance With Plans And Specifications For An Amount Of Six Million Five Hundred Sixty-Three Thousand Seventy-Nine Dollars (\$6,563,079.00) Plus Three Hundred Thousand Dollars (\$300,000.00) Construction Contract Contingency For A Total Construction Contract Amount Of Six Million Eight Hundred Sixty-Three Thousand Seventy-Nine Dollars (\$6,863,079.00)  
[13-0675](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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S-7.23-CC Subject: Contract Amendment For Rajappan & Meyer Consulting Engineers  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Waiving The Request For Proposal ("RFP") Competitive Selection Requirement; Authorizing The City Administrator, Or His Designee, To Amend The Professional Services Agreement With Rajappan And Meyer Consulting Engineers, Inc. For 10th Street Bridge To Increase The Contract Amount From One Million Six Hundred Thousand Dollars (\$1,600,000.00) To A Total Not-To-Exceed One Million Nine Hundred Thousand Dollars (\$1,900,000.00) To Be Funded From Measure DD Bond Series 2009b Proceeds; And Extending The Time Of Performance Of The Contract Work From December 31, 2014 To December 31, 2016  
[13-0686](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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S-7.24-CC Subject: Montclair Village Association Parking Facilities Contract  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator To Execute A Contract With Montclair Village Association For The Operation And Management Of Montclair Garage, Located At 6235 La Salle Avenue And Scout Lot, Located On 2250 Mountain Boulevard For An Initial Period Of Three Years, With A Two-Year Extension, Contingent Upon Satisfactory Evaluation Of Performance, At A Compensation Rate Of Up To \$17,100 (Including A Management Fee Of \$790 And Up To \$16,310 In Operating Expenses) A Month Plus Incentive Fees Of Up To \$4,000 A Year For A Total Annual Contract Amount Of \$209,200; And, 2) Amending The FY 2014-15 Budget By Appropriating An Additional \$18,400 To Cover The Increased Costs Of The New Contract  
[13-0687](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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S-7.25-CC Subject: Active Transportation Program Grants  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To: (A) Apply For, Accept And Appropriate Up To Seventeen Million Three Hundred Eleven Thousand One Hundred Sixty Dollars (\$17,311,160.00) In Active Transportation Program Funds Assigned To The Metropolitan Transportation Commission; (B) Commit Matching Funds Of Up To Six Hundred Forty Seven Thousand Four Hundred Sixty Dollars (\$647,460.00) From Measure B (Fund 2211) Grant Matching Funds (C) If Funded, Assure Completion Of The Following Ten Active Transportation Program Projects: The International Boulevard Pedestrian Lighting And Sidewalk Repair Project, The International Boulevard Pedestrian Refuges Project, The City Of Oakland Improvements For Safe Routes To School Project, The Park Boulevard Area Improvements For Safe Routes To School Project, The Thornhill Drive/Mountain Boulevard Improvements For Safe Routes To School Project, The High Street - Courtland Avenue-Ygnacio Avenue Intersection Improvements For Safe Routes To School Project, The Harrison Street/ 27th Street/ 24th Street Intersection Improvements Project, The Lake Merritt To Bay Trail Bicycle Pedestrian Gap Closure Project, The Laurel Access To Mills Maxwell Park And Seminary Active Transportation Connections Project And The Telegraph Avenue Great Streets Project  
[13-0678](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan

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S-7.26-CC Subject: LDDA Terms And Conditions With OMSS  
From: Economic And Workforce Development Department  
Recommendation: Adopt An Ordinance Amending Ordinance No. 13201 C.M.S. (That Authorized The City Administrator, Without Returning To The City Council, To Negotiate And Execute A Lease Disposition And Development Agreement ("LDDA") And Ground Lease Between The City Of Oakland And Oakland Maritime Support Services, LLC, Or Its Affiliate ("OMSS"), For The Development Of Truck Parking And Truck-Related Services On Approximately 17 Acres Of The Former Oakland Army Base) To Amend The General Terms Of The LDDA As Follows: (1) Modify The Financial Requirements For The Project Guarantor; And (2) Grant OMSS An Exclusive Right To Sell Truck Fuel On The City-Owned Portions Of The Army Base For Ten (10) Years  
[13-0693](#)

**A motion was made by Vice Mayor Reid, seconded by Councilmember Gibson McElhaney, that this matter be Approved On Introduction and Scheduled for Final Passage to the \* Special Meeting of the Oakland City Council, to be heard at the July 29, 2014 meeting. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Noes: 1 - Councilmember Schaaf  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid and Council President Kernighan  
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S-7.27-CC Subject: Support For The Policy Direction Of The Rohrabacher Amendment  
From: Councilmember Libby Schaaf  
Recommendation: Adopt A Resolution To Support The Policy Direction Of The Rohrabacher Amendment Included In The Commerce And Justice Departments' Appropriation Bill To Prohibit The Use Of Funds To Prevent Certain States From Implementing Their Own State Laws That Authorize The Use, Distribution, Possession, Or Cultivation Of Medical Marijuana  
[13-0668](#)

**This Matter was Adopted on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
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Passed The Consent Agenda

A motion was made by Vice Mayor Reid, seconded by Councilmember Gibson McElhaney, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan

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

A motion was made by President Pro Tempore Kaplan, seconded by Vice Mayor Reid, to \*Approve as Submitted the oral report from the Office of the City Attorney of one final decisions made during Closed Session. The motion carried by the following vote:

**Votes:** ORA\Councilmember Absent: 2 - Councilmember Gibson McElhaney and Councilmember Kalb  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember Gallo, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan

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: Plan Amendments For Jack London Square And West Oakland  
From: Planning & Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Approving The Environmental Determinations For, And Adopting, The Following Two Amendments To The City Of Oakland General Plan: (1) Approve Changes To The General Plan Designations In Support Of The West Oakland Specific Plan, As Delineated In Exhibit A; And (2) Approve Changes To The General Plan Designations Of (A) Assessor's Parcel Number 0018-0415-001-01 (Known As "Site D" Of The Jack London Square Development Project, And Generally Bounded By The Building Known As 70 Washington Street To The South And West, Embarcadero West To The North, And Broadway To The East) From RDE-1 (Retail, Dining, Entertainment Phase 1) To RDE-2 (Retail, Dining, Entertainment Phase 2), And (B) Assessor's Parcel Number 0018-0420-004-01 (Known As "Site F-2" Of The Jack London Square Development Project, And Generally Bounded By Harrison Street To The West, Embarcadero West To The North, Alice Street To The East, And Water Street To The South) From WCR-1 (Waterfront Commercial Recreation 1) To MUD (Mixed Use Development), As Delineated In Exhibit B  
[13-0694](#)

**A motion was made by Vice Mayor Reid, seconded by Councilmember Kalb, that this matter be Continued to the \* Special Meeting of the Oakland City Council, due back on July 29, 2014. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 6:58 p.m.*

*2 individuals spoke on this item.*

*Councilmember Reid made a motion, seconded by Councilmember Kalb, to close the Public Hearing, and hearing no objections, the motion passed by 8 Ayes: Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and President Kernighan.*

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9.2           Subject:     Jack London Square Redevelopment Project Revision #1  
              From:        Planning & Building Department  
              Recommendation:  Conduct A Public Hearing And Upon Conclusion Adopt A Resolution  
                                  Approving The Jack London Square Redevelopment Project Revision #1, Including: A)  
                                  Adopting Addendum #1 To The Jack London Square Redevelopment Project Environmental  
                                  Impact Report; B) Adopting Revisions To The Jack London Redevelopment Project Planned  
                                  Unit Development And Design Review Subject To Conditions Of Approval; And C) Approving  
                                  A Minor Variance From Loading Requirements  
              [13-0695](#)

**A motion was made by Councilmember Gibson McElhaney, seconded by Vice Mayor Reid, that this matter be Continued to the \* Special Meeting of the Oakland City Council, due back on July 29, 2014. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
*Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 7:07 p.m.*

*There were no speakers on this item.*

*Councilmember Gibson McElhaney made a motion, seconded by Vice Mayor Reid, to close the Public Hearing, and hearing no objections, the motion passed by 8 Ayes: Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and President Kernighan.*

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9.3 Subject: West Oakland Specific Plan And Related Actions  
From: Planning & Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following  
Pieces Of Legislation:

1) A Resolution, As Recommended By The City Planning Commission, (A) Certifying The Environmental Impact Report And Making Related CEQA Findings; And (B) Adopting The West Oakland Specific Plan And Design Guidelines; And (C) Authorizing The Installation Of Bicycle Lanes On Adeline Street From Seventh (7th) Street To Thirty-Sixth (36th) Street, And On West Grand Avenue From Mandela Parkway To Market Street; And  
[13-0696](#)

**A motion was made by Councilmember Gibson McElhaney, seconded by Vice Mayor Reid, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Abstained: 1 - Councilmember Brooks  
ORA\Councilmember Ayes: 7 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
*Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at 7:08 p.m.*

*37 individuals spoke on this item.*

*Councilmember Kalb made a motion, seconded by Councilmember Gibson McElhaney, to close the Public Hearing, and hearing no objections, the motion passed by 8 Ayes: Brooks, Gallo, Gibson McElhaney, Kalb, Kaplan, Reid, Schaaf, and President Kernighan.*

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2) An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To Create The Commercial Industrial Mix CIX-1A Business Enhancement Zone, Commercial Industrial Mix CIX-1B Low Intensity Business Zone, Commercial Industrial Mix CIX-1C High Intensity Business Zone, Commercial Industrial Mix CIX-1D Retail Commercial Mix Zone, Housing And Business Mix HBX-4 Zone, And The "T" Combining Overlay Zone Regulations And Make Conforming Changes To Other Planning Code Sections, As Well As Mapping Of A 'C' (Commercial) Overlay For The RM-2 Zoned Properties Near The West Oakland BART Station Along The 5th Street And Chester Street Frontage Area, And Adopting Zoning And Height Area Maps  
[13-0696-1](#)

**A motion was made by Councilmember Gibson McElhaney, seconded by Vice Mayor Reid, to Approved As Amended On Introduction and Scheduled for Final Passage to the \* Special Meeting of the Oakland City Council, to be heard at the July 29, 2014 meeting. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Abstained: 1 - Councilmember Brooks  
ORA\Councilmember Ayes: 7 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
*The Council adopted the Ordinance as amended to include the following additions to the West Oakland Specific Plan:*

*1.) Add language from the Broadway Valdez Specific Plan regarding affordable housing;*

*2.) West Oakland residents and business owners would not like to see any additional recycling operations permitted in West Oakland. The WOSP conditionally permits primary recycling within the Third Street CIX zone; and*

*3.) Exclude primary recycling within the Third Street CIX Zone. The area bounded by Ettie, Hannah, 32nd and 34th Streets is currently an industrial block, zoned for CIX industrial, with several businesses, including Clear Channel Communications. The WOSP recommends changing the coning for this area to HBX, thereby allowing residential development. In order to retain this important piece of industrial land for jobs-producing businesses, the WOSP be amended to designate the area bounded by Ettie, Hannah, 32nd and 34th Streets as CIX zoning.*

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[13251 C.M.S.pdf](#)

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

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: Establishing A Minimum Wage  
From: Office Of The City Clerk  
Recommendation: Adopt A Resolution, Pursuant To An Initiative Petition, Submitting To The Electors At The November 4, 2014 Statewide General Election, A Proposed City Ordinance "Establishing A City Minimum Wage, Sick Leave, And Other Employee Rights"; Consolidating The Election With The Statewide General Election; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The Law And Authorizing Certain Other Election Activities  
[13-0692](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
[View Report.pdf](#)  
[View Supplemental Report 1.pdf](#)  
[85109 C.M.S..pdf](#)

12 Subject: Submitting Public Safety Ballot Measure For November Election  
From: Councilmember Noel Gallo  
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The November 4, 2014 Statewide General Election, A Proposed Ordinance To Maintain The Current Special Parcel Tax And The Parking Tax Surcharge For Police Services And Violence Prevention Strategies, To Address Violent Crime And To Improve Public Safety In The City Of Oakland; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 4, 2014 Statewide General Election [TITLE CHANGE]  
[13-0374](#)

**A motion was made by Councilmember Gibson McElhaney, seconded by Councilmember Schaaf, that this matter be Adopted as Amended. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Abstained: 1 - Councilmember Brooks  
ORA\Councilmember Ayes: 7 - Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
*The Council approved the following amendments:*

*A.) Amend Section 3 (C) to read as follows: 3.) Community-focused Violence Prevention and Intervention Services and Strategies: Invest in and engage the community in collaborative and data-driven violence reduction strategies directed at those at highest risk of violence; strategies such as:*

*B.) Amend Section 3(C)(d) to include: Young Children Exposed to trauma or domestic and/or community violence.*

*The Council adopted the Resolution as Amended to include the following amendments to read as follows:*

*incarceration and has demonstrated improved safety without increasing incarceration; and*

*WHEREAS, the Oakland City Council determines it is in the best interests of the City of Oakland to submit to the voters this proposed ordinance to retain the existing tax structure approved by voters in 2004 to sustain funding for these critical efforts to address violent crime through targeted prevention, intervention and policing strategies, and improve emergency response; now therefore be it*

*RESOLVED: That the Oakland City Council finds and determines the forgoing recitals are true and correct and hereby adopts and incorporates them into this Resolution; and be it*

*FURTHER RESOLVED: That the Oakland City Council does hereby submit to the voters, at the November 4, 2014, Statewide General Election, an Ordinance which reads as follows:*

*PART 1. GENERAL*

*Section 1. TITLE AND PURPOSE*

*(A) Title. This Ordinance may be cited as the "The 2014 Oakland Public Safety and Services Violence Prevention Act."*

*(B) Purpose. The taxes imposed under this Ordinance are solely for the purpose of raising revenue necessary to maintain police and fire services and violence prevention and intervention strategies, to address violent crime and to improve public safety in the City of Oakland.*

*The parcel tax imposed in Part 2 is an excise tax on the privilege of using and use of municipal services. Such municipal services increase and provide a greater benefit to Owners of Parcels when programs to prevent violence and crime in the City are enhanced. Because the proceeds of the tax will be deposited in a special fund restricted for the services and programs specified herein, the tax is a special tax.*

*Section 2. FINDINGS.*

*(A) This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.*

*(B) Nothing in this ordinance is intended to preclude owners from recovering the tax from the occupant. Whether the occupant is charged depends on the occupancy agreement and the requirements of the Residential Rent Adjustment Program. Moreover, non-payment will not be a lien on the property but a personal obligation of the occupant or owner.*

*Section 3. USE OF PROCEEDS.*

*(A) Objectives. The tax proceeds raised by these special taxes may be used only to pay for any costs or expenses relating to or arising from efforts to achieve the following objectives and desired outcomes:*

*1. Reduce homicides, robberies, burglaries, and gun-related violence;*

2. *Improve police and fire emergency 911 response times and other police services; and*
3. *Invest in violence intervention and prevention strategies that provide support for at-risk youth and young adults to interrupt the cycle of violence and recidivism.*

*(B) Allocation. To achieve the objectives stated herein, three percent (3%) of the total funds collected shall be set aside annually for audit and evaluation of the programs, strategies and services funded by this measure, and to support the work of the Commission established herein (including meeting supplies, retreats, and the hiring of consultants). Of the remaining ninety-seven percent (97%), the Oakland Fire Department shall be allocated special tax revenue in the amount of \$2,000,000 annually. The tax funds remaining shall be allocated as follows: sixty percent (60%) for purposes described in subsections C(1) and forty percent (40%) for purposes described in subsection C(3) of this section.*

*(C) Uses. Taxes collected pursuant to the special taxes imposed herein shall be used only in connection with programs and services that further the objectives set forth in Section 3(A), such as the following:*

1. *Geographic Policing: hire, deploy and maintain sworn police personnel assigned to specific geographic areas or neighborhoods, performing duties such as:*

- (a) Crime Reduction Teams (CRTs): strategically geographically deployed sworn police personnel to investigate and respond to the commission of violent crimes using intelligence-based policing;*

- (b) Community Resource Officers (CROs): these officers would engage in problem solving projects, attend Neighborhood Crime Prevention Council meetings, serve as a liaison with city services teams, provide foot/bike patrol, answer calls for service if needed, lead targeted enforcement projects and coordinate these projects with CRT's, Patrol units and other sworn police personnel;*

- (c) Conduct intelligence-based violence suppression operations such as field interviews, surveillance, undercover operations, high visibility patrol, probation/ parole compliance checks, search warrants, assist Community Resource Officers (formerly Problem Solving Officer program) projects, violent crime investigation assistance crimes, general follow up;*

- (d) Domestic violence and child abuse intervention: additional officers to team with social service providers to intervene in situations of domestic violence and child abuse, including sexual exploitation of children;*

- (e) Sustaining and strengthening of the City's Operation Ceasefire strategy, including project management and crime analysis positions.*

2. *Maintenance of Sworn Police Personnel: The intent of the augmented*



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*funding is to maintain sufficient resources to allow for the implementation of comprehensive policing within the City's limited resources and to begin the process of restoring the sworn staffing of the Oakland Police Department to a number of crime reduction teams, community • resource officers and other sworn police personnel appropriate to meet the Oakland Police Department's stated mission of providing the people of Oakland an environment where they can live, work, play and thrive free from crime and the fear of crime. To ensure the Department's progress toward this mission, the following shall apply:*

*(a) Upon passage of this measure, the City shall maintain a budgeted level of no fewer than seven hundred (700) sworn police personnel (including those sworn police personnel funded by this Ordinance) at all times, and shall hire and maintain no fewer than 700 sworn police personnel as early as practicable after the passage of this Ordinance and at all times after July 1, 2016.*

*(b) The City is prohibited from laying off any police officers if such layoffs will result in a reduction of sworn personnel to a level of less than 800. Furthermore, the City is prohibited from laying off any police officers unless the City Council adopts a resolution containing factual findings that it is necessary to layoff officers in order to avoid causing more harm to the City's residents and businesses than will be caused by such layoffs.*

*(c) Each fiscal year, before the City adopts its two year policy budget or its mid-cycle budget adjustments, the City Administration shall submit to the City Council, and the City Council will adopt, a sworn police personnel hiring plan ("the hiring plan") demonstrating how the City will achieve and /or maintain the strength of force required by this ordinance. The hiring plan will make use of assumptions that department attrition rates, recruiting success, academy yield and other relevant factors affecting the growth or shrinkage of the department will be comparable to the past two to four years' experience.*

*(d) The City shall be prohibited from collecting the taxes provided for in this Ordinance at any time that it has failed to budget for a minimum of 700 sworn police personnel, and at any time after July 1, 2016, that it has failed to hire and maintain a minimum of 700 sworn police personnel, with the exceptions listed below. If the City fails to budget the requisite number, the prohibition will apply to the fiscal year of that budget. If the City fails to meet the maintenance number, the prohibition will apply to the fiscal year following 90 days from this determination. The City has 90 days to declare any of the following exceptions:*

*i. If grant funding or other non-General Purpose Fund funding budgeted for sworn police personnel in FY 2014-2015 budget becomes unavailable after that fiscal year, the numeric requirements for budgeting and maintaining sworn police personnel shall be reduced by the number of sworn police personnel previously funded by such lost revenue source. This exception*

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*shall apply only if the City Administration submits a report to the City Council explaining the unavailability of the non-General Purpose Fund revenue, the steps that were taken by the City to try to replace such funding and the steps the City will take in the future to replace such funding. In addition, for this exception to apply, the City Council must adopt a resolution stating that grant funding is no longer available and no General Purpose Fund revenue can be used to replace the non-General Purpose Fund revenue for sworn police personnel without causing more harm to the City's residents and businesses than will be caused by a reduction in sworn police personnel. Such actions must be taken for each fiscal year in which the City fails to meet the minimum staffing requirements of this ordinance for the reasons described in this sub-section.*

*ii. If a severe and unanticipated financial or other event occurs that so adversely impacts the General Purpose Fund as to prevent the City from budgeting for, hiring and maintaining the minimum number of sworn police personnel required by this Ordinance, the numeric requirements for budgeting and maintaining sworn police personnel shall be reduced by the numbers the City is unable to fund as a result of such event. This exception shall apply only if the City Administration submits a report to City Council explaining the severe and unanticipated event, the steps that were taken by the City to avoid the need to reduce the number of sworn police personnel and the steps that will be taken by the City in the future to restore sworn police personnel. In addition, for this exception to apply, the City Council must adopt a resolution that includes findings of fact that it is necessary to reduce the number of budgeted and hired sworn police personnel to a specific number in order to avoid causing more harm to the City's residents and businesses than will be caused by a reduction in sworn police personnel. Such actions must be taken for each fiscal year in which the City fails to meet the minimum staffing requirements of this ordinance for the reasons described in this sub-section.*

*iii. If the number of sworn police personnel required by this ordinance unexpectedly falls below the level required despite the City's adoption of and implementation of the hiring plan, the numeric requirements for budgeting and maintaining sworn police personnel shall be reduced by the shortfall. This exception shall apply only if the City Administration reports to the City Council concerning the reasons for the shortfall, the steps that should be taken to restore the sworn police if personnel level, and the time frame for doing so. If appropriate, City Council will adopt a resolution modifying the hiring plan. This exception will not apply in consecutive fiscal years.*

*3. Community-focused Violence Prevention and Intervention Services and Strategies: Invest in and engage the community in collaborative and data-driven violence reduction strategies directed at those at highest risk of violence; strategies such as:*

(a) Street outreach and case management to youth and young adults at high-risk of involvement in violence in order to connect individuals in need of employment, mental health, or educational services to needed programs;

(b) Crisis response, advocacy and case management for victims of crime (including domestic violence victims, commercially sexually exploited children, and victims of shootings and homicides) with a strategic focus on reducing likelihood of being re-victimized.

(c) Reentry programs for youth and young adults, including case management, school support, job training and placement in order to reduce recidivism rates and improve educational and employment outcomes for those at highest risk of violence.

4. Fire Services: Provide fire services such as:

(a) Maintain staffing to ensure adequate personnel resources to respond to and investigate medical and fire/arson emergencies, including response to homicides and gun-related violence.

Section 4. PLANNING, ACCOUNTABILITY AND EVALUATION

To ensure the proper revenue collection, spending, and implementation of the programs mandated by this ordinance, the City shall impose the following requirements:

(A) Commission: Adoption of this Ordinance shall establish a "Public Safety and Services Violence Prevention" Commission.

1. Qualifications: The Commission's membership must be comprised of individuals with experience in criminal justice, public health, social services, research and evaluation, finance, audits, and/or public policy.

2. Conflicts of Interest: Each Commission member shall certify that the member and the member's immediate family members, business associates and employers have no financial interest in any program, project, organization, agency or other entity that is seeking or will seek funding approval under this ordinance. Financial interest includes, without limitation, salaries, consultant fees, program fees, commissions, gifts, gratuities, favors, sales income, rental payments, investment income or other business income. A Commission member shall immediately notify the City Administration and the Chair of the Commission of any real or possible conflict of interest between membership on the Commission and work or other involvement with entities funded by the Taxes provided for in this Ordinance. Any dispute about whether a conflict of interest exists shall be resolved by the Public Ethics Commission.

3. Composition: The Commission shall consist of nine (9) members.

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*The Mayor and each Councilmember shall recommend one member of the Commission each. All commissioners shall be appointed by the Mayor and confirmed by the City Council in accordance with City Charter Section 601. At least two (2) members will have experience working with service-eligible populations, two (2) members will reflect the service-eligible populations, and two (2) members will have a professional law enforcement or criminal justice background. Other members will meet the criteria as established in subsection 1 above.*

*4. Meetings of the Commission: The Commission shall conduct regular meetings and such special meetings as it deems necessary.*

*5. Joint Meetings of the Commission and City Council: The City Council, the Commission and other public safety-related boards and commissions shall conduct an annual joint special public informational meeting devoted to the subject of public safety. At each such meeting, the public, Commission and City Council will hear reports from representatives of all departments and the Chief of Police concerning progress of all of the City's efforts to reduce violent crime.*

*6. Duties of the Commission: The Commission shall perform the following duties:*

*(a) Evaluate, inquire, and review the administration, coordination, and evaluation of strategies and practices mandated in this resolution.*

*(b) Make recommendations to the City Administration and, as appropriate, the independent evaluator regarding the scope of the annual program performance evaluation. Wherever possible, the scope shall relate directly to the efficacy of strategies to achieve desired outcomes and to issues raised in previous evaluations.*

*(c) Receive draft performance reviews to provide feedback before the evaluator finalizes the report.*

*(d) Report issues identified in the annual fiscal audit to the Mayor and City Council.*

*(e) Review the annual fiscal and performance "audits and evaluations.*

*(f) Report in a public meeting to the Mayor and the City Council on the implementation of this ordinance and recommend ordinances, resolutions, and regulations to ensure compliance with the requirements and intents of this Ordinance.*

*(g) Provide input on strategies: At least every three (3) years, the department head or her/his designee of each department receiving funds from this Ordinance shall present to the Commission a priority spending plan for funds received from this measure. The priority spending plan shall include proposed expenditures, strategic rationales for those expenditures and intended measurable outcomes and metrics expected from those expenditures. The first presentation shall occur within 120 days of the effective date of this Ordinance.*

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*In a public meeting, the Commission shall make recommendations to the Mayor and City Council on the strategies in the plans. Spending of tax proceeds of this measure must be sufficiently flexible to allow for timely responsiveness to the changing causes of violent crime. The priority spending plans shall reflect such changes.*

*The Commission will recommend to the Mayor and City Council those strategies and practices funded by tax proceeds of this ordinance that should be continued and/or terminated, based on successes in responding to, reducing or preventing violent crime as demonstrated in the evaluation.*

*(h) Semi-Annual Progress Reports: Twice each year, the Commission shall receive a report from a representative of each department receiving funds from this ordinance, updating the ; Commission on the priority spending plans and demonstrating progress towards the desired outcomes.*

*(B) Accountability and Reporting.*

*1. Annual Evaluation: Annual independent program evaluations pursuant to Section 3(C) shall include performance analysis and evidence that policing and violence prevention/intervention strategies are progressing toward the desired outcomes. Evaluations will consider whether programs and-strategies are achieving reductions in community violence and serving those at the highest risk. Short-term successes achieved by these strategies and long-term desired outcomes will be considered in the evaluations.*

*2. Annual Audit Review: An independent audit shall be performed annually to ensure accountability and proper disbursement of the proceeds of this tax in accordance with the objectives stated herein as provided by Government Code sections 50075.1 and 50075.3. The City will, from time to time, retain an engineer for services pertaining to this parcel tax.*

*Section 4. SPECIAL FUND.*

*All funds collected by the City from the tax imposed by this Ordinance shall be deposited into a special fund in the City treasury and appropriated and expended only for the purposes and uses authorized by this Ordinance.*

*Section 5. EFFECTIVE DATE.*

*The taxes imposed by this Ordinance shall become effective upon passage.*

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*Section 6. TERM OF TAX IMPOSITION.*

*The taxes enacted by this ordinance shall be imposed and levied for a period of ten (10) years. The City shall place delinquencies on subsequent tax bills.*

*(A) "Geographic Policing" means a decentralized and focused approach to I policing. Sworn Police Personnel are assigned and deployed to specific geographic areas. The Commander leading each area is responsible and accountable at all times for addressing crime within the area directing and allocating police resources according to particular local needs.*

*(B) "Hotel" shall mean as defined by Oakland Municipal Code section 4.24.020.*

*(C) "Multiple Residential Unit Parcel" shall mean a parcel zoned for a Building, or those portions thereof, which accommodates or is intended to contain two or more residential units.*

*(D) "Non-Residential" shall mean all parcels that are not classified by this, Ordinance as Residential Parcels, and shall include, but not be limited to, parcels for industrial, commercial and institutional improvements, whether or not currently developed.*

*(E) "Occupancy" shall be as defined by Oakland Municipal Code section 4.24.020.*

*(F) "Officer" shall mean a position in the Oakland Police Department for sworn police personnel at the rank of officer or sergeant.*

*(G) "Operator" shall be as defined by Oakland Municipal Code section 4.24.020.*

*(H) "Owner" shall mean the Person having title to real estate as shown on the most current official assessment role of the Alameda County Assessor.*

*(I) "Parcel" shall mean a unit of real estate in the City of Oakland as shown on the most current official assessment role of the Alameda County Assessor.*

*(J) "Person" shall mean an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.*

*(K) "Possessory Interest" as it applies to property owned by any agency of the government of the United States, the State of California, or any political subdivision thereof, shall mean possession of, claim to, or right to the possession of, land or Improvements and shall include any exclusive right to the use of such land or Improvements.*

*(L) "Residential Unit" shall mean a Building or portion of a*

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*Building designed for or occupied exclusively by one Family.*

*(M) "Single Family Residential Parcel" shall mean a parcel zoned for single-family residences, whether or not developed.*

*Section 2*

*(a) Upon passage of this measure, the City shall maintain a budgeted level of no fewer than six hundred seventy eight (678) sworn police personnel (including those sworn police personnel funded by this Ordinance) at all times, and shall hire and maintain no fewer than 678 sworn police personnel as early as practicable after the passage of this Ordinance and at all times after July 1, 2016.*

*(d) The City shall be prohibited from collecting the taxes provided for in this Ordinance at any time that it has failed to budget for a minimum of 678 sworn police personnel, and at any time after July 1, 2016, that it has failed to hire and maintain a minimum of 678 sworn police, personnel, with the exceptions listed below. If the City fails to budget the requisite number, the prohibition will apply to the fiscal year of that budget. If the City fails to meet the maintenance number, the prohibition will apply to the fiscal year following 90 days from this determination. The City has 90 days to declare any of the following exceptions:*

*i. If grant funding or other non-General Purpose Fund funding budgeted for sworn police personnel in FY 2014-2015 budget becomes unavailable after that fiscal year, the numeric requirements for budgeting and maintaining sworn police personnel shall be reduced by the number of sworn police personnel previously funded by such lost revenue source. This exception shall apply only if the City Administration submits a report to the City Council explaining the unavailability of the non-General Purpose Fund revenue, the steps that were taken by the City to try to replace such funding and the steps the City will take in the future to replace such funding. In addition, for this exception to apply, the City Council must adopt a resolution stating that grant funding is no longer available and no General Purpose Fund revenue can be used to replace the non-General Purpose Fund revenue for sworn police personnel. Such actions must be taken for each fiscal year in which the City fails to meet the minimum staffing requirements of this ordinance for the reasons described in this sub-section.*

*ii. If a severe and unanticipated financial or other event occurs that so adversely impacts the General Purpose Fund as to prevent the City from budgeting for, hiring and maintaining the minimum number of sworn police personnel required by this Ordinance, the numeric requirements for budgeting and maintaining sworn police personnel shall be reduced by the numbers the City is unable to fund as a result of such event. This exception shall apply only*

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*if the City Administration submits a report to City Council explaining the severe and unanticipated event, the steps that were taken by the City to avoid the need to reduce the number of sworn police personnel and the steps that will be taken by the City in the future to restore sworn police personnel. Such actions must be taken for each fiscal year in which the City fails to meet the minimum staffing requirements of this ordinance for the reasons described in this sub-section.*

*iii. If the number of sworn police personnel required by this ordinance unexpectedly falls below the level required despite the City's adoption of and implementation of the hiring plan, the numeric requirements for budgeting and maintaining sworn police personnel shall be reduced by the shortfall. This exception shall apply only if the City Administration reports to the City Council concerning the reasons for the shortfall, the steps that should be taken to restore the sworn police if personnel level, and the time frame for doing so. If appropriate, City Council will adopt a resolution modifying the hiring plan. This exception will not apply in consecutive fiscal years.*

*Section 3. Community-focused Violence Prevention and Intervention Services and Strategies:*

*Coordination of public systems and community-based social services with a joint focus on youth and young adults at highest risk of violence as guided by data analysis. Invest in and engage the community in collaborative strategies such as:*

*Section 4*

*(A) Subsection 6*

*(g) Provide Input on strategies: At least every three (3) years, the department head or her/his designee of each department receiving funds from this Ordinance shall present to the Commission a priority spending plan for funds received from this measure. The priority spending plan shall include proposed expenditures, strategic rationales for those expenditures and intended measurable outcomes and metrics expected from those expenditures. The first presentation shall occur within 120 days of the effective date of this Ordinance. In a public meeting, the Commission shall make recommendations to the Mayor and City Council on the strategies in the plans prior to the City Council adoption of the plans. Spending of tax proceeds of this measure must be sufficiently flexible to allow for timely responsiveness to the changing causes of violent crime. The priority spending plans shall reflect such changes. The Commission will recommend to the Mayor and City Council those strategies and practices funded by tax proceeds of this ordinance that should be continued*



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*and/or terminated, based on successes in responding to, reducing or preventing violent crime as demonstrated in the evaluation.*

*(B) Accountability and Reporting.*

*1. Annual Program Evaluation: Annual independent program evaluations pursuant to Section 3(C) shall include performance analysis and evidence that policing and violence prevention/intervention strategies and programs are progressing toward the desired outcomes. Evaluations will consider whether programs and strategies are achieving reductions in community violence and serving those at the highest risk. Short-term successes achieved by these strategies and long-term desired outcomes will be considered in the program evaluations.*

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[85110 C.M.S.pdf](#)

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13 Subject: Public Ethics Commission Charter Amendment Reform  
From: Councilmember 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 Amendment To The City Charter To Provide The Public Ethics Commission With Greater Independence, Enforcement Authority, Responsibilities And Staffing, And Directing The City Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Election [TITLE CHANGE]  
[13-0653](#)

**A motion was made by Councilmember Kalb, seconded by President Pro Tempore Kaplan, that this matter be Adopted as Amended. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Absent: 1 - Vice Mayor Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan  
*The Council adopted the resolution as amended to revise the legislation to read as follows:*

*I. Page 5, sub-section b (4): Capitalize "City."*

*II. Page 5, sub-section b (5): Act as the filing officer and otherwise receive and retain documents whenever the City Clerk would otherwise be authorized to do so pursuant to Chapter 4 of the California Political Reform Act of 1974 (Government Code Section 81000, et.seq.), provided that this duty shall be transferred to the Commission during the 24 months following the effective date of this provision and the Commission shall be the sole filing officer for the campaign finance programs by January 1, 2017.*

*III. Page 8, sub-section f (1) (iv) (v) (vii) (viii) & (ix): Remove unnecessary periods following "(iv)," "(v)," "(vii)," "(viii)," and "(ix)."*

*IV. Page 9, sub-section f (3) & (4): Remove unnecessary periods following "(3)" and "(4)."*

*V. Page 9, sub-section f (5): Per diem late filing fees. Regarding per diem fees that are authorized due to the late filing of disclosure reports, including campaign finance statements, lobbyist reports and other ethics-related disclosures filed with the Commission by law, the following shall apply: (i) Assessments. Any instance of late filing that triggers the assessment of a fee of \$1,000 or more by the Commission shall be placed on a Commission meeting agenda before issuance of the fee; (ii) Waiver guidelines. The Commission shall establish waiver guidelines in accordance with state law, which the*

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*Commission, as the filing officer, shall follow in determining whether or not to grant a waiver. These guidelines shall be published on the Commission's website. The Commission shall prescribe criteria for appeal to the Commission of waiver decisions made by the Executive Director. At each regular Commission meeting, the Executive Director shall provide a written report, which shall be published online, regarding any waiver decisions made since the previous regular meeting; (iii) Referral of final, uncollected fees to collections. Unpaid non-investigatory, per diem late filing fees for-disclosure programs that are past due for more than 90 days shall be referred to a City delinquent revenue collection office.*

*VI. Page 9, sub-section f (6): Private right of action. Oakland residents shall have a private right of action to file suits to enforce the Oakland Campaign Reform Act, Oakland Lobbyist Registration Act, Oakland Sunshine Ordinance, and any City governmental ethics ordinance when the City does not impose or stipulate to a penalty or file suit for a particular violation. Such private right of action shall be enabled for a given ordinance once criteria for such suits, including a required notice period and potential limits of categories of violations for which the suits are authorized or the types of remedies that may be sought, are prescribed by the ordinance.*

*VII. Page 10, sub-section g (2): Sufficient staffing shall not be less than the following minimum staffing requirement. Effective July 1, 2015, the City shall meet a minimum staffing requirement for the Commission. The minimum staffing shall consist of the following full-time positions or their equivalent should classifications change: Executive Director; One Deputy Director; One Ethics Investigator; One Program Analyst I or Operations Support Specialist: One Program Analyst; One Administrative Assistant I. The minimum staffing budget set-aside may be suspended, for a fiscal year or a two-year budget cycle, upon a finding in the budget resolution that the City is facing, due to an extreme fiscal necessity facing the City, as defined by the City Council by Resolution."*

*VIII. Page 10, sub-section g (4): The Deputy Director shall serve at the pleasure of the Executive Director. Other than the Executive Director and Deputy Director, staff shall be civil service in accordance with Article IX of the City Charter. After the effective date of this Charter provision, the Commission Executive Director shall identify special qualifications and experience that the Program Analysts and Operation Support Specialist candidates must have. Candidates for future vacancies shall be selectively certified in accordance with the Civil Service Personnel Manual, as may be amended from time to time, except that said selective certification shall not be subject to discretionary approval by the Personnel Director.*

*IX. addition of the following clause: "FURTHER RESOLVED: That the City Council declares the intent to convert all campaign finance, statement of economic interest, and lobbyist disclosure filing requirements into fully paperless, electronic online systems, to the extent practicable, and be it"*

*There were 40 speakers on this item.*

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[85111 C.M.S.pdf](#)

S-14      Subject:      Permanent Access To Housing (PATH) Strategy  
From:          Human Services Department  
Recommendation:      Adopt A Resolution Authorizing The City Administrator To: 1. Enter Into Grant Agreements With Agencies Selected Under The City Of Oakland's 2014-2015 Request For Proposals (RFP) Process For The Permanent Access To Housing (Path) Strategy In An Amount Of \$1,101,022 With An Option To Extend For An Additional Two Years Without Returning To Council; 2. Allocate A General Purpose Fund Match Up To \$133,000 To East Oakland Community Project (EOCP) For The City's Families In Transition (FIT) Program, Funded By The U.S. Department Of Housing & Urban Development (HUD) Supportive Housing Program (SHP) Grant; 3. Allocate A General Purpose Fund Match Up To \$52,750 To EOCP For The City's Matilda Cleveland Transitional Housing Program (MCTHP), Funded Under HUD/SHP; 4. Allocate Community Development Block Grant (CDBG) Funds Up To \$23,064 To Cover Lease Costs At The Matilda Cleveland Transitional Housing Facility For The Fiscal Year (FY) 2014-2015; 5. Accept And Appropriate Funding Up To \$268,943 Awarded To The City Of Oakland By Alameda County And Enter Into A Grant Agreement With Bay Area Community Services, Inc., For Shelter Services From July 1, 2014 To June 30,2015; 6. Allocate Funds Up To \$91,000 To Cover Mortgage Costs At EOCP For The Crossroads Shelter For The FY 2014-2015 And Enter Into A Grant Agreement With EOCP In The Amount Of \$126,504 For The Operation Of The Shelter; 7. Allocate Funds Up To \$40,020 To Fulfill The City's Annual Obligation To The Alameda County Everyone Home Strategy And Alameda County Homeless Management Information System (HMIS); 8. Allocate Match Funds \$17,103 For The Abode Services Supportive Housing Program Grant To Increase Supportive Housing Services In Oakland Through The Oakland Path Rehousing Initiative (OPRI); 9. Enter Into A Grant Agreement With Alameda County Community Food Bank In The Amount Of \$100,000 For The City's Hunger Program From July 1 2014 To June 30, 2015, And Accept Any Additional Funds Up To \$50,000 Donated To The Hunger Program And Amend The Agreement With The Food Bank Without Returning To Council; And 10. Specify The Funding Sources Of Grant Funds For A Memorandum Of Understanding And Grant Agreement With Alameda County Behavioral Health Care Services (BHCS) Agency For Path Activities In The Amount Of \$200,000 As Authorized By Resolution No 84927 C.M.S.  
[13-0697](#)

**A motion was made by Councilmember Brooks, seconded by President Pro Tempore Kaplan, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan  
[View Report.pdf](#)  
[85112 C.M.S..pdf](#)

**VICE MAYOR REID MOVED, SECONDED BY COUNCILMEMBER KALB, TO EXTEND THE MEETING PAST 12:00 A.M.**

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S-15      Subject:    P25 Network or EBRCSA Selection Project  
From:        Information Technology Department  
Recommendation: Authorize The City Administrator Or His Designee To: (A) Continue Using The Oakland's P25 Network By Adopting Resolution 1 Below; Or Alternatively, (B) Join The East Bay Regional Communication Systems Authority ("EBRCSA") Network By Adopting Resolution 2 Below:

1) A Resolution Authorizing The City Administrator Or His Designee To: 1) Negotiate And Award A Two-Year Contract To Harris Public Safety Communications And Other Related Vendors, In An Amount Not To Exceed Five-Million Nine Hundred Ninety-Thousand Dollars (\$5,990,000) For The Purchase Of Equipment, Hardware, Software And Other Professional Services For The Proposed Oakland P25 Network And Other Technological Upgrades ; And 2) Negotiate And Award A Two-Year Agreement To Aviat Networks In An Amount Not To Exceed One Million Six Hundred Thirty-Three Thousand Dollars (\$1,633,000) For The Purchase Of Network Equipment, Hardware, Software And Other Professional Services To Enhance Microwave Backbone Resiliency For The P25 Network; And 3) Waive Advertising, Competitive Bidding, And The Request For Proposals/Qualifications (RFP/RFQ) Requirements For The Purchase Of Equipment, Hardware, Software And Other Professional Services For The Above-Referenced Contracts And Service Agreements; And 4) Award Contracts Utilizing The City's Competitive Bidding Requirements Within The Budget Amount Of Nine Hundred Twenty Thousand Dollars (\$920,000) To Purchase Mobile Radios For The City's Non-Public Safety Departments And For Additional Upgrades To The City's Outdoor Public Siren System Project Without Return To Council, Provided That Prior To Expenditure Of Any Funds Staff Will Award Contracts And Establish Contract Amounts For The Controller's Bureau; And 5) Authorize Additional Appropriations To The Fiscal Year 2014-2015 Operating Budget For The Information Technology Department In An Amount Of Three Hundred Seventy Four Thousand Four Hundred Dollars (\$374,400) For Professional Service Contracts And Other Related Service Agreements To Implement The Proposed P25 Network; Or  
[13-0546](#)

**Not Adopted**

- [View Report Part1.pdf](#)
- [View Report Part2.pdf](#)
- [View Report Part3.pdf](#)
- [View Report Part4.pdf](#)
- [View Supplemental Report.pdf](#)
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2) Resolution Authorizing The City Administrator Or His Designee To: 1) Enter Into An Agreement With East Bay Regional Communication Systems Authority (EBRCSA) To Join The EBRCSA P25 Network Within Three Months And Migrate All Of The Oakland Estimated 2,900 Users To The EBRCSA Network Within Twenty Four Months, In An Amount Not To Exceed \$200 Per Radio As A One-Time System Access Fee, For A Total Of \$580,000 And \$35 Per Radio On A Monthly Basis As A Usage Fees For A Total Annual Estimated Amount Of \$1,218,000; And 2) Negotiate And Award A Contract To Motorola Solutions Inc. In An Amount Not To Exceed \$6,130,950 For The Purchase Of Mobile Radios And The Professional Services, And 3) Award Contracts In An Amount Not To Exceed \$1,708,800 To Purchase Equipment And Professional Services Without Return To Council, Provided That Prior To Expenditure Of Any Funds Staff Will Award Contracts And Establish Contract Amounts For The Controller's Bureau; And 4) Negotiate And Award A Two-Year Agreement With Aviat Networks In An Amount Not To Exceed \$1,633,000 For The Purchase Of Network Equipment, Hardware, Software And Other Professional Services To Enhance Microwave Backbone Resiliency For The P25 Network; And 5) Waive The City's Advertising, Bid And Request For Proposal (RFP) Process For Equipment, Products And Professional Services For The Above Described Contracts; And 6) Award Agreements Utilizing The City's Competitive Contracting Requirements Within A Budget Amount Of \$4,416,300 For Public Works Portable And Mobile Radios And Public Siren System Replacement Project Provided That Prior To Expenditure Of Any Funds Staff Will Award Contracts And Establish Contract Amounts For The Controller's Bureau [TITLE CHANGE]

13-0546-1

**A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Schaaf, that this matter be Adopted as Amended. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan

*Council adopted the Resolution as amended to include the following:*

*1) Enter Into An Agreement With East Bay Regional Communications System Authority (EBRCSA) To Join The EBRCSA Network Within Three Months And Migrate All Of Oakland's Estimated 2,900 Users To The EBRCSA Network Within Twenty-Four Months, In An Amount Not To Exceed \$200 Per Radio As A One-Time System Access Fee, For A Total Of \$580,000 And \$35 Per Radio On A Monthly Basis As A Usage Fees For A Total Annual Estimated Amount Of \$1,218,000 On The Condition That EBRSCA First Provide The City Administrator, In Writing, The Following:*

*A) EBRSCA Secure MOU's From Member Organizations To Reserve A Minimum Of (3) Voting Seats For City Of Oakland Representatives; As Well As Initiate A Request To Amend The EBRCSA Joint Powers Agreement To Add An Additional Permanent Seat For A City Of Oakland Representative;*

*(B) That EBRCSA Present A Plan To Ensure Effective Inter-Operability*

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*Between EBRCSA And BART;*

*C) EBRCSA And City Administration Reach Agreement About Oakland's Termination Rights;*

*D) Report To Council That Conditions Have Been Met And We Are Moving Forward By October;*

*2) Waive The City's Advertising, Bid And Request For Proposal (RFP) Process For Equipment, Products And Professional Services For The Above Described Contracts;*

*3) Award Agreements Utilizing The City's Competitive Contracting Requirements Within A Budget Amount Of \$4,416,300 For Public Works Portable And Mobile Radios And Public Siren System Replacement Project Provided That Prior To Expenditure Of Any Funds Staff Will Award Contracts And Establish Contract Amounts For The Controller's Bureau;*

*4) Negotiate And Award A Two-Year Agreement With Aviat Networks In An Amount Not To Exceed \$1,633,000 For The Purchase Of Network Equipment, Hardware, Software And Other Professional Services To Enhance Microwave Backbone Resiliency For The EBRCSA Network, Without Constructing Any Additional Towers, And Up To \$600,000 For The Purchase Of A Deployable Emergency Network To Enhance The City's Resilience And Disaster Capabilities; And*

*5) That Staff Report Back To The Finance & Management Committee Within 6 Months Detailing How Components Of Oakland's Existing Networks Could Be Reconfigured To Take Advantage Of The EBRCSA System, And Thus Provide A More Robust System For EBRCSA And Oakland's Communication Needs.*

*The following amendments will be added to the Resolution as follows:*

*WHEREAS, the EBRCSA and the City desire to engage in cost effective and responsive services related to the operation and maintenance of public radio communication systems, facilities and related structures, and appurtenances and incidental improvements thereto; and*

*WHEREAS, the City's Information Technology Department employees, radio shop employees and communications dispatchers have the knowledge, skills, experience and general qualifications necessary to assist EBRCSA through provision of Communications Operations Support Services; and*

*WHEREAS, EBRCSA desires to retain City Information Technology Department, radio shop and communications dispatch employees for the*



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*provision of Communications Operations Support Services as set forth herein;  
and*

*WHEREAS, EBRCSA agrees the MOU as set forth herein will not cause the displacement of City civil service employees. In addition, the City will not cause the displacement of City civil service employees. The term “displacement” includes layoff, demotion, involuntary transfer to a new class, involuntary transfer, and time base reductions; and*

*WHEREAS, EBRCSA will work with the City to identify additional civil service staff positions in the Information Technology Department, radio shop, and communications dispatch departments that may be added to enhance the delivery of Communications Operations Support Services, including positions that may have been previously provided by outside contractors.*  
[85113 C.M.S..pdf](#)

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S-16      Subject:    Fiscal Year 2014-2015 Workforce Investment Budget  
From:        Economic and Workforce Development Department.  
Recommendation:  Adopt A Resolution (1) Adopting The Fiscal Year 2014-2015 Workforce Investment Budget; (2) Accepting And Appropriating Workforce Investment Act (WIA) Title I Formula Funds For Adult, Dislocated Worker, Rapid Response And Youth Programs In The Amount Of \$4,628,338; (3) Accepting And Appropriating \$988,217 In WIA Discretionary Grant Funds; (4) Authorizing Contracts With Service Providers Competitively Selected By The Oakland Workforce Investment Board To Provide Adult, Dislocated Worker, Rapid Response And Youth Services From WIA Title I Formula Funds Through June 2016; And (5) Authorizing Contracts With The English Center, Lao Family Community Development, Oakland Private Industry Council, And The Unity Council To Provide Services For Long-Term Unemployed Clients From WIA Discretionary Grant Funds Through June 2016  
[13-0709](#)

**A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Gibson McElhaney, that this matter be Adopted as Amended. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Gallo, Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Schaaf and Council President Kernighan

*Council also approved the following:*

*1) Require staff to return to the CED Committee by October 2014 with the following:*

*A) Analysis of whether funding levels for career centers are adequate to support contracted and mandated services;*

*B) Explain City's financial buy in to defray system administration cost to better support direct services to the unemployed;*

*C) Clarify that City's Prompt Payment Ordinance shall apply to these funds; and*

*2) Require Councilmembers who sit on the Workforce Investment Board to provide regular updates to the full Council.*

*There were 11 speakers on this item.*

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**CONTINUATION OF OPEN FORUM**

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**ADJOURNMENT OF COUNCIL SESSION**

**(Meeting Shall Conclude No Later Than 12:00 A.M., Unless Extended By Majority Vote Of The Council)**

*There being no further business, and upon the motion duly made, the Council adjourned the meeting in memory of Marzell Howard Houston, Michael Norris and Ayana Dominguez at 1:24 a.m.*

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*City Clerk and Clerk of the Council*