



SUPPLEMENTAL

City of Oakland

Meeting Agenda

Meeting of the Oakland City Council

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

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

City of Oakland Website: <http://www.oaklandnet.com>

Tuesday, April 03, 2012

5:30 PM

City Council Chambers, 3rd Floor

DEFINITION OF TERMS:

Consent Item: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.

Non-Consent Item: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.

Action Item: any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

Informational Item: an item of the agenda consisting only of an informational report that does not require or permit Council action.

1 Pledge of Allegiance

2 Roll Call / ORA & Council
COUNCIL MEMBERS:

Desley Brooks, Dist. 6; Jane Brunner, Dist. 1, Ignacio De La Fuente; Dist. 5; Rebecca Kaplan, At-Large; Pat Kernighan, Dist. 2; Nancy Nadel, Dist. 3; Libby Schaaf, Dist. 4; Council President Larry Reid, Dist. 7

3 Open Forum / Citizens Comments
(Time Available: 15 minutes)

4 ACTIONS ON SPECIAL ORDERS OF THE DAY
(Ceremonial Presentations, Reports/Presentations from the Mayor, Council Acknowledgements/Announcements):

4.1 Subject: Marcel Uzegbu Retirement
From: Council Member Brooks, Council President Reid, and Pro Tem De La Fuente
Recommendation: Adopt A Resolution Acknowledging The Retirement Of Marcel Uzegbu After Twenty-Six Years Of Dedicated Service To The City Of Oakland
<http://www.oaklandnet.com/11-0323>

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This item was placed on this agenda pursuant to Rule 28a of Resolution 82580 C.M.S., Council's Rules of Procedure.

- 4.2 Subject: Oakland Vegetarian Week
From: Vice Mayor Brooks and Councilmember Nadel
Recommendation: Adopt A Resolution Declaring The Week Of April 15-21, 2012, As "Oakland Veg Week" In The City Of Oakland
(11-0267)
- 4.3 Subject: Charles H. Turner Recognition
From: Council President Reid and Councilmember Brooks
Recommendation: Adopt A Resolution Honoring And Recognizing Charles H. Turner For Receiving The Workforce Development Professional Of The Year Award From The California Workforce Association For The Year 2012
(11-0362)

This item was placed on the agenda by the March 22, 2012 Rules and Legislation Committee.

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

- 4.4 Subject: Oakland Walk Of Fame
From: Council Member Nancy Nadel
Recommendation: Adopt A Ceremonial Resolution Commending And Recognizing The "Music They Played On 7th Street, Oakland Walk Of Fame" As A Permanent Historical Piece Of 7th Street In The City Of Oakland
(11-0328)
- 4.5 ~~Subject: Children's Memorial Presentation~~
~~From: Council President Larry Reid~~
~~Recommendation: Receive An Informational Report From Gail Steele On The Children's Memorial~~
(11-0353)

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING HELD March 20, 2012

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:

ALL ITEMS DENOTED WITH A "S-" WERE ADDED PURSUANT TO RULE 28A OF RESOLUTION 82580 C.M.S., COUNCIL'S RULES OF PROCEDURE

- 7.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney

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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
[\(11-0350\)](#)

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
[\(11-0351\)](#)

7.3-CC Subject: Central District Plan
From: Office Of Neighborhood Investment
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance, By The City Of Oakland Under Its Own Auspices, Adopting The Seventeenth Amendment To The Central District Redevelopment Plan, Designated And Adopted As The "Central District Urban Renewal Plan" In 1969, To (1) Extend The Time Limits On Plan Effectiveness And The Receipt Of Tax Increment Revenues By Ten Years, (2) Increase The Cap On Tax Increment Revenues, (3) Extend The Time Limit For Use Of Eminent Domain And Restrict Eminent Domain To Nonresidential Properties, (4) Amend Affordable Housing Provisions, And (5) Make Other Required Changes; And
[\(11-0341\)](#)

2) An Ordinance, By The City Under Its Own Auspices, Adopting The Eighteenth Amendment To The Central District Redevelopment Plan, Designated And Adopted As The "Central District Urban Renewal Plan" In 1969, To Extend The Time Limits On Plan Effectiveness And The Receipt Of Tax Increment Revenues By One Year; And
[\(11-0341-1\)](#)

**ACTION ON THESE ORDINANCES WILL RESULT IN FINAL
PASSAGE (Second Reading) OF THESE ORDINANCES.**

Introduction (First Reading) was passed on March 20, 2012; 8 Ayes

7.4-CC Subject: Amending Master Fee For Mobile Food Vending Parking Use
From: Office Of The City Administrator
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Amending Ordinance No. 13078 C.M.S., The Master Fee Schedule, As Amended, To Establish Or Modify Fees Assessed By The Office Of The City Administrator To Establish An Interim Mobile Food Vending Parking Use Fee For Permits Issued Pursuant To Chapter 5.51
[\(11-0292-1\)](#)

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

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Introduction (First Reading) was passed on March 20, 2012; 8 Ayes

- 7.5-CC Subject: Jimmy Williams - Settlement Agreement
 From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Jimmy Williams V. City Of Oakland, Et Al, United States District Court No. C-10-05266 WHA, Our File No. 27827, In The Amount Of \$43,000.00 (Oakland Police Department - Excessive Force)
[\(11-0356\)](#)
- 7.6-CC Subject: Little - Settlement Agreement
 From: Office of the City Attorney
 Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Little v. City Of Oakland, Alameda County Superior Court Case No. RG11554428 In The Amount Of \$45,000.00 (Public Works Agency - Bicycle Accident)
[\(11-0357\)](#)
- 7.7-CC Subject: Landmarks Preservation Advisory Board Appointments
 From: Office Of The Mayor
 Recommendation: Adopt A Resolution Confirming The Mayor's Reappointments Of John Goins III And Valerie Garry As Members Of The Landmarks Preservation Advisory Board
[\(11-0358\)](#)
- 7.8-CC Subject: Housing, Residential Rent And Relocation Board Appointments
 From: Office Of The Mayor
 Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Edward Lai, Guillermo Mayer And Benjamin Scott To The Housing, Residential Rent And Relocation Board
[\(11-0359\)](#)
- 7.9-CC Subject: Citizen's Police Review Board Appointments
 From: Office Of The Mayor
 Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Paula White And Sarah Cohen To The Citizen's Police Review Board
[\(11-0360\)](#)
- 7.10-CC Subject: Measure Z Appointment
 From: Office Of The Mayor
 Recommendation: Adopt A Resolution Reappointing Dale Gieringer As A Member Of The Cannibus Regulatory Commission
[\(11-0361\)](#)
- 7.11-CC Subject: Support Of AB 1599 - "Mortgages And Deeds Of Trust: Foreclosure Languages"
 From: President Pro Tempore De La Fuente
 Recommendation: Adopt A Resolution In Support Of Assembly Bill 1599 (Feuer & Fong) "Mortgages And Deeds Of Trust: Foreclosure Languages" Which Would Require

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All Documents To A Mortgagor Or Trustor Relating To A Delinquency, Default, Loan Modification, Foreclosure Proceeding, Or Foreclosure Sale Concerning That Mortgage Or Deed Of Trust To Be Provided In The Primary Language Spoken By The Mortgagor Or Trustor."

[\(11-0316\)](#)

The March 22, 2012 Rules and Legislation Committee approved recommendations; 4 Ayes

7.12

Subject: Community Policing Advisory Board

From: Office Of the Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Jennifer Pae And John Nichols And Appointment Of Alex Miller-Cole As Members Of The Community Policing Advisory Board

[\(11-0363\)](#)

S-7.13-CC

Subject: Master Programs Funding Agreement

From: Public Works Agency

Recommendation: Adopt A Resolution Approving The 2012-2022 Master Programs Funding Agreement Between The Alameda County Transportation Commission And The City Of Oakland Governing Measure B Transportation Sales Tax And Measure F Vehicle Registration Fee Funds

[\(11-0330\)](#)

The March 27, 2012 Public Works Committee approved recommendations; 4 Ayes.

S-7.14-CC

Subject: East Bay Regional Park Local Grant Program

From: Public Works Agency

Recommendation: Adopt A Resolution: 1) Authorizing The Reallocation Of Up To Two Hundred Forty Thousand Dollars (\$240,000.00) From The East Bay Regional Park District Local Grant Program Of The Open Space, Wildlife, Shoreline And Parks Bond (2008 Measure WW) For The Central Reservoir Field Project (No. C377010) To The Peralta Hacienda Historical Park De Anza Trail Project (No. C284540), And 2) Authorizing The City Administrator To Apply For, Accept And Appropriate Up To Two Hundred Forty Thousand Dollars (\$240,000.00) From The East Bay Regional Park District Local Grant Program Of The Open Space, Wildlife, Shoreline And Parks Bond (2008 Measure Ww) For The Peralta Hacienda Historical Park De Anza Trail Project (No. C284540), And 3) Authorizing The City Administrator To Award A Construction Contract For The Peralta Hacienda Historical Park De Anza Trail Project (No. C284540) To Beliveau Engineering, Inc., The Lowest Responsive And Responsible Bidder, For An Amount Not-To-Exceed Eight Hundred Fourteen Thousand Dollars (\$814,000.00) In Accord With The Project Plans And Specifications And The Contractor's Bid

[\(11-0333\)](#)

The March 27, 2012 Public Works Committee approved recommendations; 4 Ayes.

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- 8 Oral Report of Final Decisions Made During Closed Session & Disclosure of Non-Confidential closed session discussions

**COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE
THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:**

**9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING
REQUIREMENTS:**

- 9.1 Subject: Planning Code Amendments
From: Department Of Planning, Building And Neighborhood Preservation
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, Recommended By The Planning Commission, To: 1) Update References, Reduce Redundancy, And Clarify Language In Various Chapters Of The Planning Code; 2) Modify The Threshold In Chapter 17.102 For Exemption From The 1,000-Foot Separation Requirement For Alcohol Beverage Sales Commercial From 20,000 Square Feet Down To 12,000 Square Feet, And Modify The Requirement For 25 Full-Time Employees; 3) Modify Chapter 17.108 For Setbacks Of Allowed Projections Above The Height Limits And Allowed Projections Into Required Setbacks; 4) Modify Chapter 17.108 For Interior Courtyard Regulations And Separation And Setback Requirements From Legally Required Windows; 5) Modify Chapter 17.108 For Inclusion Of Specific Standards For Wind Power Generating Facilities
(11-0347)

The March 27, 2012 Community and Economic Development Committee approved the first four recommendations and held item 5 (Wind Power Generating Facilities) in committee. The committee directed staff to request input from the community before item 5 proceeds to Council.

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 10 THIS NUMBER INTENTIONALLY NOT USED

- 11 Subject: Sanjiv Handa Sunshine Ordinance
From: President Reid and Vice Mayor Brooks
Recommendation: Adopt An Ordinance Amending Ordinance No. 11957 C.M.S., As Amended By Ordinance No. 12483 C.M.S., To Change The Citation And Title Of The "Oakland Sunshine Ordinance" To The "Sanjiv Handa Oakland Sunshine Ordinance" In Memory Of Sanjiv Handa, A Longtime Oakland Resident Who Devoted More Than 20 Years Of His Life To Advocating For Open Government And Transparency To Assure That Deliberations Of The City's Council, Commissions, Boards, And Advisory Bodies And The City's Operations Were Open To The Public
(11-0236)

At the March 20, 2012 Meeting of the Oakland City Council, a motion was made by Councilmember Brooks, Seconded by Council President Reid to adopt the ordinance under item 17, upon call of the roll the motion tied by Ayes, Brooks, Brunner, Kaplan, and Reid - 4; and Noes: De La Fuente,

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Kernighan, Nadel, Schaaf - 4.

Pursuant to Council's Rules of Procedures, Resolution 82580 C.M.S., and Charter section 200, this matter will be placed on the next City Council meeting agenda to allow the Mayor to cast the tie breaking vote.

- 12 Subject: Frazier Group, LLC - Complaints Review Investigation
 From: Oakland Police Department
 Recommendation: Adopt A Resolution 1) Waiving The Advertising And Request For Proposals/Qualifications Requirements And 2) Authorizing The City Administrator On Behalf Of The City To Increase The Existing Contract With Frazier Group, LLC In The Amount Of Two Hundred Fifty Thousand Dollars (\$250,000) For Conducting Administrative Misconduct Investigations Related To Police Complaints Received During Occupy Oakland Events In The City Of Oakland
[\(11-0352\)](#)
- 13 Subject: Ratification of CAL-EMA Grants Disbursements
 From: Office Of The Mayor
 Recommendation: Adopt A Resolution On Behalf Of The City Of Oakland Ratifying California Emergency Management Agency (CAL-EMA) Funded Grants To California School Age Consortium In The Amount Of \$13,000.00, 2) Leadership Excellence In The Amount Of \$75,250.00 And 3) Growth Sector Company In The Amount Of \$27,500.00, For Youth Services Provided In Connection With The Oakland High School Career Pathway And Community Collaborative At Fremont High School And Castlemont High School
[\(11-0364\)](#)
- S-14 Subject: Zero Waste System Request For Proposals
 From: Public Works Agency
 Recommendation: Adopt A Resolution Adopting Zero Waste System Request For Proposals: Proposal Evaluation Criteria And Weighting, Waiver Of Arizona Policy, Method For Adjusting Customer Rates, Diversion Performance Measurement, And Continued Participation In Alameda County Measure D
[\(11-0331\)](#)
- The March 27, 2012 Public Works Committee approved recommendations as amended to approve all recommendations except the waiver of Arizona policy (Resolution 82727 C.M.S.) which urges city departments from entering in to contracts with companies with headquarters in Arizona. The committee directed staff to return to the April 24, 2012 Public Works Committee with alternatives to waiving this restriction; 3 Ayes, 1 Recused - Reid**
- S-15 Subject: Draft Preferred Plan - Lake Merritt BART
 From: Department Of Planning And Neighborhood Preservation
 Recommendation: Action On A Report On The Draft Preferred Plan For The Approximate Half Mile Area Surrounding The Lake Merritt BART Station, Which Contains Concepts And Strategies For Land Use, Open Space, Affordable Housing,

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Historic Preservation, Circulation, Streetscape, And Building Heights; And Will Be The Basis For A Draft Station Area Plan, Which Will Be Studied In An Environmental Impact Report (EIR)

(11-0314)

The March 27, 2012 Community and Economic Development Committee approved the motion as proposed by Councilmember Kernighan that

1. Directs staff to develop a short-term community benefit program with the following components:

- **List the community's desired community benefits, their cost and possible funding mechanisms**
- **Develop a bonus incentive program utilizing Floor Area Ratio (FAR) and/or height to encourage the provision of community benefits; and**
- **State that the goal for all projects over a certain size should be to include one or more of the desired community benefits, if the project can be built with a reasonable rate of return and make a reasonable profit**
- **Clearly articulate the next steps necessary to establish a long-term community benefit program (including a timeline for completion). This should include a schedule for applying for grants (for nexus studies) to implement additional funding mechanisms, such as impact or in-lieu fees, a Community Facilities District, Community Benefits District, or Business Improvement District; and to implement lighting and streetscape improvements.**

2. Direct staff to clearly define the future entitlement process, and that the BART project will be subject to City review under that future entitlement process.

WITH THE FOLLOWING AMENDMENTS:

- 1. The second bullet point "encourage" should be changed to "linked" to create a more firm policy**
- 2. The height limit in BART areas will be set at 270 feet with the requirement of providing community benefits for projects above 270 and up to 400 feet.**
- 3. The short-term plan is to stay in place until the long term plan is implemented; 3 Ayes, 1 Excused - De La Fuente**

S-16

Subject: ROPS And Successor Agency Administrative Budget Submission

From: Office Of Neighborhood Investment

Recommendation: Adopt A Resolution Approving The Submission Of Recognized Obligation Payment Schedules And Successor Agency Administrative Budgets For January/February Through June 2012 And For July Through December 2012 To The County Auditor-Controller, Oversight Board, And/Or The State

(11-0348)

The March 27, 2012 Community and Economic Development Committee approved recommendations; 3 Ayes, 1 Excused - De La Fuente

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From: Office Of Neighborhood Investment
Recommendation: Adopt A Resolution Amending The City Of Oakland's Fiscal Year 2011- 2013 Biennial Budget, Which Was Adopted Pursuant To Resolution No. 83693 C.M.S. On January 31, 2012, To Use \$873,497 Of Army Base Lease Revenues To Reinstate Specified Staff Positions To Support Army Base Development
(11-0349)

The March 27, 2012 Community and Economic Development Committee directed staff to provide the correct classifications to be reinstated in a supplemental report to the April 3, 2012 City Council; 3 Ayes, 1 Excused - De La Fuente

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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(TTD)

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MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30AM TO 5:00PM

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