



# 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

## Meeting of the Oakland City Council

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**Tuesday, April 03, 2012**

**5:30 PM**

**City Council Chambers, 3rd Floor**

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1 Pledge of Allegiance

ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Present: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
*The Meeting of the Oakland City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 6:27 pm.*

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

*There were 7 speakers during open forum*

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

*Councilmember Kaplan took a point of personal privilege and requested that the meeting be adjourned in memory of Sonam Chodon, Tshering Rinzing Bhutia, Lydia Sim, Katheleen Ping, Grace Eunhae Kim, Judity O. Seymore, Doris Chibuko. Councilmembers Brooks and Council President Reid requested association with this adjournment.*

*Councilmember Schaaf took a point of personal privilege and requested that the meeting be adjourned in memory of William David Brown. Councilmember Brooks requested association with this adjournment*

*Councilmember Nadel took a point of personal privilege and requested that the meeting be adjourned in memory of Khalil Shaheed and Jimmie Burton. Councilmember Brooks and Schaaf requested associatin with the adjournment for Khalil Shaheed.*

*On behalf of Council President Reid, Pro Tem De La Fuente took a point of personal privilege and requested that the meeting be adjourned in memory of Joel Kelly, Mark Manning, Lawrence Michael Powell, Elsie Montgomery, and Florence Blalock Rose.*

*Councilmember Brooks took a point of personal privilege and requested the meeting be adjourned in member of Trayvon Martin.*

- 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  
[11-0323](#)

**Withdrawn and Rescheduled to Meeting of the Oakland City Council on  
5/15/2012**

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- 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](#)

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

**Votes:** ORA\Councilmember Excused: 2 - Councilmember Kernighan and President of  
the Council Reid

ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember  
Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice  
Mayor Nadel and Councilmember Schaaf

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*Councilmember Brooks made a motion seconded by Councilmember Kaplan to  
approve the urgency finding on item 4.3 for the following reasons: That there is  
a need to take immediate action which came to the attention of the local body  
after the agenda was posted, and that the need to take immediate action relates  
to a purely ceremonial or commendatory action.*

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](#)

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

**Votes:** ORA\Councilmember Excused: 2 - Councilmember Kernighan and President of the Council Reid  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel and Councilmember Schaaf  
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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](#)

**A motion was made by Vice Mayor Nadel, seconded by President Pro Tempore De La Fuente, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 2 - Councilmember Kernighan and President of the Council Reid  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel and Councilmember Schaaf  
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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](#)

**A motion was made by Councilmember Brooks, seconded by Councilmember Schaaf, that this matter be \*Received and Filed. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 2 - Councilmember Kernighan and President of the Council Reid  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel and Councilmember Schaaf

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

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

**Votes:** ORA\Councilmember Excused: 2 - Councilmember Kernighan and President of the Council Reid  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel and Councilmember Schaaf

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):

*At the request of the City Administrator item 12 regarding the contract to the Frazier group to be pulled from this evening's agenda and deferred to a future Council meeting.*

*At the motion made by Councilmember Brooks, seconded by President Pro Tem De La Fuente to pull item 7.12 from the consent calendar and deferred to the next City Council meeting of May 1, 2012.*

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

**7. CONSENT CALENDAR (CC) ITEMS:**

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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  
[11-0350](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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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  
[11-0351](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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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](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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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](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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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](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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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](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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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](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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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](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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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](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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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](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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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](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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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 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](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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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](#)

**Withdrawn and Rescheduled to Meeting of the Oakland City Council on  
5/1/2012**

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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](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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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](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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**Passed The Consent Agenda**

**A motion was made by President of the Council Reid, seconded by Councilmember Kaplan, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid

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

**A motion was made by Vice Mayor Nadel, seconded by Councilmember Schaaf, to \*Approve as Submitted the report of the City Attorney of 1 final decision made during closed session. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Absent: 1 - President of the Council Reid  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember  
Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice  
Mayor Nadel and Councilmember Schaaf

**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:**

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened  
at 8:13 p.m.*

*No individuals spoke on this item.*

*Councilmember Schaaf made a motion, seconded by Councilmember Kaplan,  
to close the Public Hearing, and hearing no objections, the motion passed by  
Ayes: Councilmember: Brooks, Brunner, De La Fuente, Kaplan, Nadel, Schaaf,  
and President Reid -7 Excused: Kernighan - 1*

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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](#)

**A motion was made by Councilmember Schaaf, seconded by Councilmember Kaplan, to Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council, to be heard at the May 1, 2012 meeting to accept the recommendations of the March 27, 2012 Community And Economic Development Committee to exclude item 5 - Standards for Wind Power Generating Facilities The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
*as a consent calendar item.*

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

10 THIS NUMBER INTENTIONALLY NOT USED

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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](#)

**This matter was No Action Taken. The motion failed.**

**Votes:**

*Upon call of the item, it was noted that the Mayor was not present to cast the tie-breaking vote. As a result of the absence of the Mayor, no action could be taken and the matter died on the floor.*

*There was one speaker on this item.*

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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](#)

**Withdrawn and Rescheduled to Meeting of the Oakland City Council on  
5/1/2012**

*There were 3 speakers on this item.*

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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](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Noes: 1 - Councilmember Brooks  
ORA\Councilmember Ayes: 6 - Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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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](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Recused: 1 - President of the Council Reid  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel and Councilmember Schaaf  
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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, 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](#)

A motion was made by Vice Mayor Nadel, seconded by Councilmember Schaaf, that this matter be \*Approve with the following amendments as amended by the March 27, 2012 Community and Economic Development Committee 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.

**AND FURTHER AMENDED BEFORE COMMITTEE TO:**

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
3. The short-term plan is to stay in place until the long term plan is implemented

and further approved BEFORE THE CITY COUNCIL to 1) Direct staff to develop a short-term community benefit program to be included in the Final Lake Merritt BART Station Area Plan with the following components:

- List the community'S desired community benefits, their cost and possible funding mechanisms
- Develop a bonus and incentive program utilizing Floor Area Ration (FAR) and/or Height to link the provision of community benefits where staff will work with the community on establishing proportional formulas for project contributions to community benefits; and
- State that the goal for all projects over a certain size should be to include one or more the desired community benefits. The economic feasibility of the development project shall be a determining factor in arriving at the



amount of community benefits to be provided by a particular project.  
- The short-term community benefits plan shall remain in place until the long-term plan for community benefits has been adopted by the City Council.

2) Direct staff to develop elements of a long-term community benefits plan, clearly articulating a time line for next steps, including completion of nexus studies. The plan should include a menu of mechanisms for funding community benefits such as impact or in-lieu fees, incentive programs based on FAR or building height, a Community Facilities District, Community Benefits District, or Business Improvement District.

3) Direct staff to clearly define that all "large projects", such as the BART project, shall be subject to appropriate CEQA review and require submittal of a Major Conditional Use Permit application, among any other required permits under the City's entitlement process. Staff will work with the community on establishing a definition of "large project" in the Lake Merritt Plan area for incorporation into the Lake Merritt Station plan.

4) Direct staff to specify that no development will be allowed over 275 feet without the provision of additional community benefits in return for additional building size as part of a bonus and incentive program. The motion carried by the following vote:

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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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](#)

**A motion was made by Councilmember Kaplan, seconded by President of the Council Reid, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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[83784 CMS.pdf](#)

S-17 Subject: FY 2011 - 13 Budget Amendment - Army Base Staff  
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](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
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[83785 CMS.pdf](#)

**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)**

*There being no further business, and upon the motion duly made, the Council adjourned the meeting in memory of Sonam Chodon, Tshening Rinzing Bhutia, Lydia Sim, Kathleen Ping, Grace Eunhae Kim, Judith O. Seymore, Doris Chibuko, William David Brown, Khalil Shaheed, Jimmie Burton, Joel Kelly, Mark Manning, Lawrence Michael Powell, Elsie Montgomery, Florence Blalock Rose, Trayvon Marton at 11:04 p.m.*

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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**

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*City Clerk and Clerk of the Council*