



SUPPLEMENTAL City of Oakland Meeting Agenda

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>

Tuesday, February 05, 2013

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. These items are heard on the 5:30 P.M. portion of the agenda.

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. These items are heard on the 6:30 P.M. portion of the agenda.

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

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

- 1 Pledge of Allegiance
- 2 Roll Call / City Council
- 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):
- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF January 22, 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):

SUPPLEMENTAL

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

Tuesday, February 05, 2013

7. CONSENT CALENDAR (CC) ITEMS:

7.1-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
(12-0267)

7.2-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
(12-0266)

7.3-CC Subject: Broadway/Valdez District Specific Plan
From: Department of Planning and Building
Recommendation: Adopt An Ordinance, As Recommended By The City Planning
Commission, To 1) Extend The D-Br Broadway Retail Frontage District Interim
Combining Zone Regulations In Oakland Planning Code Chapter 17.101c Until Final
City Council Adoption Of The Broadway/Valdez District Specific Plan And New Zoning
Regulations; 2) Make Minor Changes To The D-BR Zone Text, Including The
Establishment Of A Pilot Program In A Portion Of The D-BR Combining Zone Only To
Allow A New Residential Facility Type Called Micro Living Quarters With An Average
Size Of 175 Square Feet Per Living Quarter And The Potential For Accessory Ground
Floor Work/Live Units; And 3) Modify The Zoning Map To Remove The D-Br
Combining Zone From Existing RM Mixed Housing Type Residential Zones. The D-BR
Zone Is Currently Located From 23rd St. In The South; Highway 580 In The North;
Webster St. And Lots On Or Near Broadway In The West; And Brook St., Portions Of
Valdez St., 27th St., And Harrison St. In The East
(12-0221)

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

Introduction (First Reading) was passed on January 22, 2013; 8 Ayes

7.4-CC Subject: Mobile Food Vending Regulations Extensions
From: Department Of Planning And Building
Recommendation: Adopt An Ordinance Extending Interim Regulations With Minor
Amendments For Permitting Mobile Food Vending Group Sites Within A Limited Area
Of The City Of Oakland Defined, In Part, By City Council Districts 1, 2, 3, And 4. The
Interim Regulations Contained Herein Shall Remain In Place And Be Effective Through
July 1, 2013, Or Until The City Council Adopts New Permanent Mobile Food Vending

SUPPLEMENTAL

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

Tuesday, February 05, 2013

Regulations, Whichever Comes First
(12-0136)

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

**Introduction (First Reading) was passed as amended on January 22, 2013;
8 Ayes**

7.5-CC Subject: Settlement Agreement - Dunn
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Joyce Dunn v. City Of Oakland, Alameda County Superior Court Case No. RG11-606266 In The Amount Of \$34,500.00 As A Result Of A Trip And Fall Accident On 25th Street (OPW)
(12-0265)

7.6-CC Subject: Settlement Agreement - Alderson
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of John Alderson v. City Of Oakland, Alameda County Superior Court Case No. RG11-581103 In The Amount Of \$100,000.00 As A Result Of Wrongful Termination (Office Of Public Works - OPW)
(12-0264)

7.7-CC Subject: Settlement Agreement - Robinson
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Elmirie Robinson v. City Of Oakland, Alameda County Superior Court Case No. RG12-617455 In The Amount Of \$15,000.00 As A Result Of A Trip And Fall Accident On 47th Street (OPW)
(12-0263)

S-7.8-CC Subject: Chabot Space And Science Center JPA Agreement
From: Councilmember Schaaf
Recommendation: Adopt A Resolution Authorizing Amendment Of The Chabot Space And Science Center Joint Power Authority Agreement To Eliminate The Requirement That One Of The East Bay Regional Park District's Representatives To The Center's Board Must Be Filled By A Member Of The Park District's Board Of Directors
(12-0259)

**The January 31, 2013 Rules and Legislation Committee approved
recommendations; 4 Ayes**

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

SUPPLEMENTAL

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

Tuesday, February 05, 2013

**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: Energy Council And Waste Management Joint Exercise Of Powers
From: Public Works Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The
Following Pieces Of Legislation:

1) A Resolution Approving The Joint Exercise Of Powers Agreement Creating The
Energy Council And Agreeing To Become A Member Of The Energy Council; And
(12-0235)

2) A Resolution Approving Designation Of The Alameda County Source Reduction And
Recycling Board As The Local Task Force Under State Law For The Purpose Of
Reviewing And Commenting On County Integrated Waste Management Plan
Amendments
(12-0235-1)

3) A Resolution Approving An Amendment Of The Joint Exercise Of Powers Agreement
Creating The Alameda County Waste Management Authority
(12-0235-2)

**The January 29, 2013 Special Public Works Committee approved
recommendations; 3 Ayes, 1 Excused - Gallo**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: New Dog Play Area Appeal
From: Department Of Planning And Building
Recommendation: Adopt One Of The Following Pieces Of Legislation:
1) A Resolution Upholding The Appeal (A12-062), Of The Decision Of The Oakland
Planning Commission, And Granting Approval Of An Application For A Minor
Conditional Use Permit For The Creation Of A New Dog Play Area At Lakeview Park
(Planning Case File No. Cull-208); Or
(11-0624)
2) A Resolution Denying The Appeal (A12-062), Of The Decision Of The Oakland
Planning Commission And Denying The Application For A Minor Conditional Use
Permit For The Creation Of A New Dog Play Area At Lakeview Park (Planning Case File
No. Cull-208)
(11-0624-1)

This item was heard by the December 18, 2012 City Council.

SUPPLEMENTAL

* Concurrent Meeting of the Oakland
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Council

Tuesday, February 05, 2013

Vice Mayor Nadel made a motion, seconded by Councilmember Schaaf to uphold the appeal and approve the application for a dog play area. The motion tied with a vote of 4 Ayes, 4 Noes - Brunner, Brooks, Kernighan, Reid. Pursuant to Rule 29 of Resolution 82580 C.M.S. Council's Rules of Procedure, this item will return to the next regularly scheduled City Council agenda to allow the mayor to cast the tie breaking vote.

- 12 Subject: Modification of the Taxi Vehicle Permit (Medallion) Fee
From: Vice Mayor Reid and Pro Tempore De La Fuente
Recommendation: Adopt An Ordinance Amending Ordinance No. 13078 C.M.S., The Master Fee Schedule, As Amended, To Modify The Annual Fee Of The Taxi Vehicle Permit (Medallion) Assessed By The Office Of The City Administrator
(12-0216)

Pursuant to Rule 7(6) of Resolution 82580 C.M.S., Council's Rules of Procedure, Councilmember Kalb made a motion seconded by Council President Kernighan to withdraw this item from the Consent Calendar of the January 22, 2013 City council agenda and place this item on the Non Consent portion of the February 5, 2013 City Council Agenda.

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ITEM

Introduction (First Reading) was passed on December 18, 2012; 5 Ayes, 3 Noes - Kernighan, Nadel, Schaaf

- 13 Subject: Proposed Committee Meeting Times
From: Council President Patricia Kernighan
Recommendation: Action On A Motion Pursuant To Rule 4 Of The Council's Rules Of Procedure (Resolution No.79006 C.M.S. As Amended By Resolution No.82580 C.M.S.) To Set The Meeting Times Of The Public Works, Finance & Management, Community & Economic Development, Life Enrichment, Public Safety, Rules & Legislation And Education Partnership Committees
(12-0244)

This item was continued from the January 22, 2013 City Council Agenda.

- S-14 Subject: Complete Streets Policy
From: Department Of Public Works
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Adopting A Complete Streets Policy To Further Ensure That Oakland Streets Provide Safe And Convenient Travel Options For All Users
(12-0223)

SUPPLEMENTAL

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

Tuesday, February 05, 2013

2) An Ordinance Amending Title 12 And 16 Of The Oakland Municipal Code 1)
Clarifying And Updating Street Design Standards; And 2) Designating The Public Works
Director Or Designee Responsible For Updating And Establishing Design And
Construction Standards Consistent With The Complete Streets Approach
(12-0223-1)

**The January 29, 2013 Special Public Works Committee approved
recommendations.**

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

Final passage (Second Reading) has been scheduled for February 19, 2013

S-15 Subject: Add New EBMUD Treatment Facility
 From: Public Works Agency
 Recommendation: Adopt A Resolution Adopting The Third Amendment To The City's
 Non-Disposal Facility Element (A Recycling Planning Document Required By The State
 Of California), Which Describes And Identifies Solid Waste, Recycling, And Processing
 Facilities That City Residents, Businesses And Members Of The Public Use To Reduce
 Materials Sent To Landfills, To Add A New Facility At The East Bay Municipal Utility
 District's Main Waste Water Treatment Plant
 (12-0234)

**The January 29, 2013 Special Public Works Committee approved
recommendations.**

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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* Concurrent Meeting of the Oakland
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Council

Tuesday, February 05, 2013

(TTD)

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MATERIAL ON OR OVER THE GALLERY BANNISTERS IS
STRICTLY PROHIBITED IN ORDER TO ENSURE THE SAFETY OF
THOSE ATTENDING MEETINGS.**

**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**