



# 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>**

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**Tuesday, February 21, 2012**

**5:30 PM**

**City Council Chambers, 3rd Floor**

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#### ***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):

5 APPROVAL OF THE DRAFT MINUTES FROM THE Special Meetings of January 25, and 31 and the regular Meeting of February 7, 2012

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- 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  
[\(11-0275\)](#)
- 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  
[\(11-0276\)](#)
- 7.3-CC        Subject:     Registration Of Foreclosed And Vacant Residential Buildings  
From:        Council President Reid  
Recommendation: Adopt An Ordinance Re-Enacting Oakland Municipal Code Chapter 8.54 Requiring The Registration Of Foreclosed And Vacant Residential Buildings  
[\(11-0274\)](#)

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

**Introduction was passed on February 7, 2012; 8 Ayes**

- 7.4-CC        Subject:     Measure Z Committee Appointments - Martinez And Bonett  
From:        Office Of The Mayor  
Recommendation: Adopt A Resolution Appointing Sierra Martinez And Reappointing Leslie Bonett As Members Of The Cannabis Regulatory Commission  
[\(11-0278\)](#)
- 7.5-CC        Subject:     Budget Advisory Appointment - Fearn  
From:        Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Alexandria (Dria) Fearn To The Budget Advisory Committee  
[\(11-0277\)](#)
- 7.6-CC        Subject:     Settlement Agreement - Kanalakis  
From:        Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing and Directing the City Attorney to Compromise and Settle the Case of James Kanalakis v. City of Oakland, Alameda

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County Superior Court Case No. RG08-372279 in the Amount of \$7,500.00 As a Result of a Trip and Fall Accident Near 10850 MacArthur Blvd. (Office of Public Works -Trip and Fall)

[\(11-0280\)](#)

**This item was not discussed in Closed Session.**

7.7-CC Subject: Settlement Agreement - Forte  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Almeta Forte V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG10549369, City Attorney's File No. 27912, In The Amount Of Six Thousand Dollars And No Cents (\$6,000.00). (Public Works - Trip And Fall)

[\(11-0279\)](#)

**This item was not discussed in Closed Session.**

7.8-CC Subject: SB 1070 - Amicus Brief  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing The City Attorney To Sign Onto An Amicus Brief On Behalf Of The City Of Oakland Urging The U.S. Supreme Court To Uphold The Injunction Enjoining Implementation Of The State Of Arizona's Unconstitutional Anti-Immigration Law (Senate Bill 1070)

[\(11-0281\)](#)

S-7.9-CC Subject: Measure WW- East Bay Regional Park Local Grant  
From: Public Works Agency  
Recommendation: Adopt A Resolution To 1) Authorize The Reallocation Of Three Million Three Hundred Thousand Dollars (\$3,300,000.00) From The East Bay Regional Park District Local Grant Program Of The Open Space, Wildlife, Shoreline And Parks Bond (2008 Measure WW) For Bushrod Park Soccer Field To The Golden Gate Community Recreation Center Expansion And Improvement Project, And 2) Authorize The City Administrator Or Her Designee To Apply For, Accept, And Appropriate Grant Funds In The Amount Of Three Million Three Hundred Thousand Dollars (\$3,300,000.00) From The Measure WW East Bay Regional Park District Local Grant Program For The Golden Gate Community Recreation Center Expansion And Improvement Project

[\(11-0269\)](#)

**The February 14, 2012 Public Works Committee approved recommendations; 4 Ayes**

S-7.10-CC Subject: Arcadia Park Residential Development  
From: Community And Economic Development Agency  
Recommendation: Adopt A Resolution Summarily Vacating Sections Of G Street, F Street, And Ellington Way Previously Dedicated On The Final Map For Tract 7640 And Reserving Emergency Access And Utility Easements In The Arcadia Park Subdivision Located At 921 98th Avenue

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(11-0263)

**The February 14, 2012 Public Works Committee approved recommendations as amended to include the clarifications recommended by the Planning Commission stating that 1) F and G streets will not be paved and become “pocket parks”; 2) Ellington way will be paved and have street lights; and 3) include in the resolution the following language: “in the event that homeowners choose not to allow public access through the gate on 92nd avenue, applicants shall secure approval from the City of the real estate instrument to restrict access. Applicants will be responsible for the maintenance and the City will reserve the right to the extent possible to remove the gate and restore public access in the event that the property to the northwest of the site is redeveloped with residential lots.”; 4 Ayes**

S-7.11-CC Subject: Cesar Chavez Park Improvement  
From: Public Works Agency  
Recommendation: Adopt A Resolution: 1) Rejecting All First Round Bids For The Cesar Chavez Park Improvement Project (No. C329410); And 2) Award A Construction Contract To The Lowest, Responsive And Responsible Second Round Bidder, Bay Construction In Accord With Plans And Specifications For The Project (No. C329410) And Contractor's Bid In The Amount Of One Million Six Hundred Seventy Four Thousand Five Seventy Eight Dollars (\$1,674,578.00)

(11-0264)

**The February 14, 2012 Public Works Committee approved recommendations; 4 Ayes**

S-7.12-CC Subject: Oakland Park Capital Improvement Projects  
From: Public Works Agency  
Recommendation: Adopt A Resolution Adopting The Updated Fiscal Year 2011-2013 Park Project Prioritization List For City Of Oakland Park Capital Improvement Projects

(11-0270)

**The February 14, 2012 Public Works Committee approved recommendations; 4 Ayes**

S-7.13-CC Subject: Street Sweeper Purchase  
From: Public Works Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Appropriate Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000) From The Comprehensive Cleanup Fund 1720 To Replace Six (6) Street Sweepers, One (1) 25 Cubic Yard Packer Truck, Two (2) Aerial Lift Trucks With 37 Feet Boom, One (1) Leaf Sweeper; And Purchase Three (3) Mini Packer Trucks, For Keep Oakland Clean And Beautiful And Park Services. [TITLE CHANGE]

(11-0179)

**The February 14, 2012 Finance and Management Committee approved recommendations; 4 Ayes**

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S-7.14-CC Subject: CAFR/ORA Management Letter  
From: Finance And Management Agency  
Recommendation: Receive An Informational Report Presenting The City's Fiscal Year 2010-11 Comprehensive Annual Financial Report (CAFR), The Oakland Redevelopment Agency (ORA) Audit Report, And The Management Letter  
(11-0253)

**The February 14, 2012 Finance and Management Committee received and forwarded the report; 4 Ayes**

S-7.15-CC Subject: Supporting Senate Bill 708  
From: Councilmembers Brunner And Kaplan  
Recommendation: Adopt A Resolution Supporting Senate Bill 708 (Corbett) Extending The Provisions Of Senate Bill 1137 Which Established New Procedures For Home Loan Foreclosures And Is Expiring On January 1, 2013  
(11-0252)

**The February 16, 2012 Rules and Legislation Committee approved recommendations; 3 Ayes, 1 Excused - De La Fuente**

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:**

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

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: Professional Services Agreement Amendment - Police Performance Solutions  
From: Department Of Contracts And Compliance  
Recommendation: Adopt A Resolution Waiving The Advertising And Request For Proposals/Qualifications Requirements And Authorizing The City Administrator On Behalf Of The City To Amend The Agreement With Police Performance Solutions, LLC To I) Include Additional Police Monitoring Services Required By The Court In The Case Of Delphine Allen V. City Of Oakland, USDC No. COO-4599 TEH; And 2) Increase The Contract Amount By One Hundred Thousand Dollars (\$100,000), For A Total Contract Amount Of One Million Seven Hundred Eighty Four Thousand Dollars (\$1,784,000)  
(11-0272)

12 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

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"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)

**Pursuant to rule 7(6) of Council's Rules of Procedures Resolution 82580 C.M.S., this item was withdrawn from the February 7, 2012 City Council agenda and rescheduled to this meeting as a non-consent item.**

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

**Final Passage (Second Reading) is scheduled for March 6, 2012.**

13 Subject: Economic Development Strategy For The City Of Oakland  
From: Councilmember Brunner  
Recommendation: Receive An Informational Report And/ Or Action On The Community And Economic Development Director's Economic Development Strategy For The City Of Oakland

(10-0814)

**Pursuant to Rule 7(6) of Council's Rules of Procedures Resolution 82580 C.M.S., this item was withdrawn from the February 7, 2012 City Council agenda and rescheduled to this meeting as a non-consent item.**

S-14 Subject: Zero Waste Service Contracts  
From: Public Works Agency  
Recommendation: Adopt A Resolution Adopting The Recommended Process And Schedule, And Protocol For Process Integrity, For A Request For Proposals For Zero Waste Service Contracts

(11-0265)

**The February 28, 2012 Public Works Committee approved recommendations as amended to:**

- 1. On page 1 of the staff report (3rd bullet point) strike the word "exclusive" and add "proposal or proposals"**
- 2. On page 5 of the staff report to state that alternative proposals for multiple contracts will be considered**

**The Committee directed staff to provide the top ranked proposals to Council a full 10 days before Council discusses the item.**

**The Committee further directed staff to include in the follow up report A) the protest period dates; B) the dates for the beginning and ending of the period where no communication is allowed; and C) provide an information memo stating a clear standard of investigation, appeals process and consequences for violating the Conflict of Interest agreement; 3 Ayes, 1 Recused - Reid**

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## 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

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk - Agenda Management Unit

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[\(TTD\)](#)

**THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY 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**