



# 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 Agency / 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, November 01, 2011

5:30 PM

Oakland City Hall, 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. 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 / 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: Green Building Council  
From: Community And Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:
    - 1) A Resolution Recognizing ZETA And The Entire Project Team Including Bill

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Malpas; DSA Architects; Tipping Mar; And Building Sciences Corporation For Their Commitment To Sustainability And Green Building, And Congratulating Them On Attaining A Platinum Rating Through The U.S. Green Building Council's Leadership In Energy And Environmental Design For Homes Program And A GreenPoint Rating Through Build It Green For 610 Lancaster Street.

(11-0061)

2) A Resolution Recognizing Mint Condition Homes And The Entire Project Team Including Mila Zelkha And Jordan Brown For Their Commitment To Sustainability And Green Building, And Congratulating Them On Attaining A Greenpoint Rating Through Build It Green For The Property At 4700 Brookdale Avenue

(11-0061-2)

3) A Resolution Recognizing David And Sara Gottfried And The Entire Project Team For Their Commitment To Sustainability And Green Building, And Congratulating Them On Attaining A Platinum Rating Through The U.S. Green Building Council's Leadership In Energy And Environmental Design For Homes Program And A Greenpoint Rating Through Build It Green For The Gottfried Residence

(11-0061-3)

4) A Resolution Recognizing Bridge Housing Corporation And The Entire Project Team Including David Baker And Partners; JH Fitzmaurice Construction; And PGA Design For Their Commitment To Sustainability, And Green Building, And Congratulating Them On Attaining A Greenpoint Rating Through Build It Green For Ironhorse At Central Station

(11-0061-4)

5) A Resolution Recognizing Mills College And The Entire Project Team Including Hathaway Dinwiddie Construction; Bohlin Cywinski Jackson; Rutherford & Chekene; Integral Group; Silverman & Light; Teecom; Charles M. Salter, Incorporated; BKF; Lutsko Associates; Hughes Associates, Incorporated; Nic Lehoux Photography; Pom Resource Group; And DPR Construction, Incorporated For Their Commitment To Sustainability And Green Building, And Congratulating Them On Attaining A Gold Rating Through The U.S. Green Building Council's Leadership In Energy And Environmental Design New Construction Program For The Lorry I. Lokey Graduate School Of Business

(11-0061-5)

6) A Resolution Recognizing Jetton Construction And The Entire Project Team Including Ingram/Dejesse Associates; Buttrick Wong Architects; Robert Harold; Rebecca Sullivan; And David Silbert For Their Commitment To Sustainability And Green Building, And Congratulating Them On Attaining A Greenpoint Rating Through Build It Green For The Silbert Residence.

(11-0061-6)

7) A Resolution Recognizing CB Richard Ellis, Inc. And The Entire Project Team Including Able Engineering Services And Crown Castle Maintenance For Their Commitment To Sustainability And Green Building, And Congratulating Them On

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Attaining A Gold Rating Through The U. S. Green Building Council's Leadership In Energy And Environmental Design Operations And Maintenance Program For 505 14th Street

[\(11-0061-7\)](#)

5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF October 18, 2011

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 AIDS Epidemic

[\(11-0111\)](#)

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

[\(11-0112\)](#)

7.3-CC Subject: Zoning Text Amendments  
From: Community And Economic Development Agency  
Recommendation: Adopt An Ordinance, Recommended By The Planning Commission, To: Adopt Zoning Text Amendments Including Minor Changes To Update Table 4.10.01 Of The Land Use Regulations Of The Wood Street Zoning District Consistent With The Rest Of The Oakland Planning Code, And Substantive Changes To 1) Divide Development Area 2 Into 2a And 2b. Development Area 2a Would Encompass The Pacific Cannery Lofts (PCL) Project And 2b Would Encompass The "Icehouse" Building; 2) Amend Table 4.10.01 To Conditionally Allow The Following Activities In The Following Development Areas: Development Area 2b - The "Icehouse" Property: A) General Wholesale Sales; B) Research Service; C) Research And Development; D) General Warehousing Storage And Distribution; And E) Self Mini Storage. Development Area 5 - The 16th Street Train Station Building: A) Recreational Assembly, Development Area 9 - The 16th Street Station Plaza: A) Community Assembly; B) Recreational Assembly; And C) Group Assembly.

[\(11-0059\)](#)

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

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**Introduction (First Reading) was passed as amended to eliminate the self-storage option for the Icehouse Property on October 18, 2011; 6 Ayes, 1 Abstain - Kernighan, 1 Absent - Reid**

7.4-CC Subject: Two Tier Retirement Amendment  
From: Department Of Human Resources  
Recommendation: Adopt An Ordinance Of The City Of Oakland To Approve An Amendment To The Contract Between The City Of Oakland And The Board Of Administration Of The California Public Employees' Retirement System (CalPERS) To Provide 1) Section 20475, Different Level of Benefits, Section 21354.4 (2.5% @ 55 Full Formula) And Section 20037 (Three-Year Final Compensation) Applicable To Local Miscellaneous Members Entering Membership For The First Time In The Miscellaneous Classification After The Effective Date Of This Amendment To Contract; 2) Section 20475, Different Level of Benefits, Section 21363.1 (3% @ 55 Full Formula and Section 20037 (Three-Year Final Compensation) Applicable To Local Safety Members Entering Membership For The First Time In the Safety Classification After The Effective Date Of This Amendment To Contract; And (3 To Include Section 20516 (4% Employees Sharing Cost of Additional Benefits) For Second Tier Local Fire Members  
(11-0044-1)

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

**Introduction (First Reading) was passed on October 4, 2011; 8 Ayes**

7.5-CC Subject: CPAB Appointment - Haller-Teixera And Mitchell  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Angela Haller - Teixeira And Joanne Mitchell As Members Of The Community Policing Advisory Board  
(11-0113)

~~7.6 Subject: Budget Advisory Committee Appointment - Nye  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Re-Appointment Of Bruce Nye To The Budget Advisory Committee  
(11-0123)~~

**This item was withdrawn by the October 27, 2011 Rules and Legislation Committee.**

~~7.7 Subject: Library Advisory Commission Appointment - Gonzales  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Shanthi Gonzales As A Member Of The Library Advisory Commission  
(11-0122)~~

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**This item was withdrawn by the October 27, 2011 Rules and Legislation Committee.**

7.8-CC Subject: Settlement Agreement - Dupont  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Jean-Luc And Jeanne Dupont, In The Amount Of \$18,000.00, As A Result Of Property Damage Sustained Caused By An Obstructed City Sewer Main. (Public Works Agency)  
[\(11-0121\)](#)

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

7.9-CC Subject: Settlement Agreement - Thompson  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Cheryl Thompson V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG09462790, City Attorney's File No. 26975, In The Amount Of Four Hundred Eighty-One Thousand Four Hundred Twenty Dollars And No Cents (\$481,420.00). Ms. Thompson's Lawsuit Alleges Employment Discrimination By City Of Oakland Officials And Employees (City Administrator's Office)  
[\(11-0120\)](#)

**This item was heard in Closed Session on September 20, 2011. The motion authorizing the settlement passed with a vote of 6 Ayes, 2 Noes - De La Fuente and Brunner.**

7.10-CC Subject: Settlement Agreement - Amaro And Montoya  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of The Estate Of Jerry A. Amaro III And Geraldine Montoya V. City Of Oakland, Et Al., United States District Court Case No. C-09-01019 WHA, City Attorney's File No. 20784, In The Amount Of One Million Seven Hundred Thousand Dollars (\$1,700,000). (Police Department) - Excessive Force/Wrongful Death  
[\(11-0119\)](#)

**This item was heard in Closed Session on October 4, and 18, 2011. The motion authorizing the settlement passed with a vote of 8 Ayes.**

7.11 Subject: Travel Authorization - Phoenix, AZ  
From: Vice Mayor Desley Brooks  
Recommendation: Adopt A Resolution Authorizing Vice Mayor Desley Brooks To Travel To Phoenix, Arizona To Attend The National League Of Cities Congress Of Cities And Exposition From November 9-12, 2011  
[\(11-0114\)](#)

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7.12-CC Subject: Deputy City Attorney V And Special Counsel MOU  
From: Department Of Human Resources Management  
Recommendation: Adopt A Resolution Approving Memorandum Of Understanding  
Between The City Of Oakland And The Deputy City Attorney V And Special Counsel  
Association, Representing Employees In Representation Unit U41 Covering The Period  
From July 1, 2011, Through June 30, 2013  
(11-0070)

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 Commission Appeal - 6045 Shirley Dr.  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution  
Denying Appeal # A 11-114 And Upholding The Decision Of The Planning Commission  
To Deny Case # DR 10-331 To Attach A 8'-4" Concealed Antenna/Extension To A  
38'-6" Wooden Utility Pole Adjacent To 6045 Shirley Drive Given The Project Would  
Negatively Impact Significant Views From Primary Living Areas At 6933 Wilton Drive  
(11-0060)

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

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: Cure And Correct - Port Commission Appointments  
From: Member Of The Public - Sanjiv Handa  
Recommendation: Hearing Pursuant To Oakland Municipal Code Section 2.20.270(D)  
To (A) Consider Whether To "Cure And Correct" An Alleged Violation Of The Sunshine  
Ordinance Resulting From Complaints That All Public Speakers Were Not Given An  
Opportunity To Speak Before Council Passed A Motion Appointing Victor Uno And  
Jakada Imani To The Port Board Of Commissioners At The Council's October 18, 2011  
Meeting; And (B) If So, Whether To Affirm Or Supersede The Challenged Action After  
First Taking Public Testimony  
(11-0117)

12 Subject: Port Commission Appointments - Uno And Imani  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Victor  
Uno And Jakada Imani To The Board Of Port Commissioners  
(11-0019)

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13 Subject: Oakland Army Base Demolition And Remediation Contracting  
From: Council President Reid And Vice Mayor Brooks  
Recommendation: Adopt An Ordinance Amending Ordinance 12389 C. M. S. To Add Local And Small Local Business Contracting Requirements To Oakland's Local And Small Local Business Enterprise Program Specific To The Demolition And Remediation Carried Out At The Oakland Army Base  
(11-0045)

**The October 11, 2011 Community and Economic Development Committee approved recommendations as amended to:**

**1. Change the language on page 2, Ordinance Sec. 1, part one to read "all demolition and remediation contracts shall be awarded through a competitive bid process" (i.e., strike language which referenced sole source).**

**2. Amend the 2nd numbered paragraph to strike the phrase "and their subcontractors" from Sec. 2 (i.e., so the policy applies only to Primes).**

**3. In the same section \*also written in the 8th Whereas\*, change the word regarding 33% residents from "will" to "must" In Section 3 \* also in the 7th Whereas\*,**

**4. the Committee clarified this policy is to be applied only to the current remediation and demolition project, and not to the wider Army Base efforts.**

**The Committee directed staff to provide to the November 1, 2011 City Council a supplemental report:**

**1. describing the field of companies in Oakland which would be qualified to compete for the contracts under these changes**

**2. when possible finding ways to add provisions early in the process which would encourage companies to hire the hardest-to-employ, such as the formerly incarcerated**

**3. a legal analysis from the City Attorney's Office regarding the Oakland-only firms component.**

**4. Information on any unforeseen challenges or issues that may arise in the implementation of this policy.**

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

**Final Passage (Second Reading) is scheduled for November 15, 2011**

## 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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[\(TTD\)](#)

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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  
Agency Secretary/City Clerk  
and Clerk of the Council**

ORA - Oakland Redevelopment Agency  
S - Supplemental Item