



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

Concurrent Meeting of the Oakland Redevelopment Agency/City Council/Joint Powers Financing Authority Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California 94612

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

Tuesday, December 20, 2011

5:30 PM

Oakland City Hall, 3rd Floor

1 Pledge of Allegiance

The Concurrent Meeting of the Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 5:47pm.

2 Roll Call / ORA & Council
COUNCIL MEMBERS:

ORA\Councilmember Present: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

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

There were 20 speakers during open forum.

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

Agency/Councilmember Brunner took a point of personal privilege and requested that the meeting be adjourned in memory of Ron Bishop

Agency/Councilmember Nadel took a point of personal privilege and requested that the meeting be adjourned in memory of Hiram Lawrence Jr.

Agency/Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Wilmer Joseph Leon Jr. and Stephanie Dugan Lowe.

4.1 Subject: Honoring Frank Fanelli
From: Council President Larry Reid
Recommendation: Adopt A Resolution Recognizing And Honoring Frank Fanelli Upon His Retirement After 21 Years Of Dedicated Services To The City Of Oakland
[11-0190](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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Agency/Councilmember Kaplan made a motion seconded by Agency/Councilmember De La Fuente to approve the urgency finding on item 4-2 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.

S-4.2 Subject: Recognizing In-Home Care Providers Month
From: Councilmember Rebecca Kaplan
Recommendation: Adopt A Resolution Recognizing November As In-Home Care Providers' Courage To Care And National Family Caregivers Month
[11-0205](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF December 6, 2011.

***Approve with the following amendments**

Votes:

- 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):
There was no action necessary for this item.

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
[11-0187](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Councilmember De La Fuente, Councilmember Kaplan,
Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and
President of the Council Reid
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- 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
[11-0186](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Councilmember De La Fuente, Councilmember Kaplan,
Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and
President of the Council Reid
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7.3-CC Subject: Mobile Food Vending Pilot Program
From: Councilmembers Brunner And Kaplan
Recommendation: Adopt The Following Pieces Of Legislation:
1) An Ordinance Establishing Interim Regulations 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 January 1, 2013.[TITLE CHANGE] ; And
[11-0081-1](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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2) An Ordinance Amending The Master Fee Schedule (Ordinance No. 13024 C.M.S. As Amended) To Establish An Interim Food Vending Group Site Application Fee, Notification Fee And Permit Fee
[11-0081-2](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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7.4-CC Subject: Two Tier Retirement Amendment
From: Office Of The City Attorney
Recommendation: Adopt An Ordinance Repealing Ordinance No. 13904 C.M.S. Which Authorized An Amendment To The Contract Between The City Of Oakland And The Board Of Administration Of The California Public Employees' Retirement System ("PERS") That Among Other Things, Would Establish A Different Level Of Retirement Benefits And Change The Definition Of "Final Compensation" For City Employees The City Hires For The First Time After The Effective Date Of The Contract
[11-0138](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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7.5-CC Subject: Small Local Business Enterprise Program
 From: Department Of Contracting And Purchasing
 Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Ordinance No. 12389 C. M. S., Which Authorized Oakland's Local And Small Local Business Enterprise (L/SLBE) And Other Social Equity Policies, Revising The L/SLBE Program To Change Business Size Standards, Local And Small Local Business Participation Requirements, Establish New Small Business Categories, Add Bid Discounts And Preference Points And Establish Mandatory And Optional Prequalification Processes For Oakland Certified Small Local Businesses (Preferred Small Local Business Program

[09-1651](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

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2) An Ordinance Amending Oakland Municipal Code Title 2, Chapter 2.04, Purchasing System, To Authorize A Pre-Qualification Process And Mandatory And Optional Preferred Small Local Business Programs For The Purchase Of Preconstruction And Other Professional Services And Construction Services)

[09-1651-2](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

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7.6-CC Subject: Contract Extension - Townsend Public Affairs
From: Office Of The Mayor
Recommendation: Adopt A Resolution (A) Waiving The Competitive Request For
Proposal/Request For Qualifications (“RFP/RFQ”) Selection Requirement, And (B) Amending
And Extending The Townsend Public Affairs' State Lobbyist Contract For The Period From
October 31, 2011 Through October 31, 2012, For A Contract Total Amount Of One Hundred
Thirty Thousand Dollars (\$130,000.00), With An Option To Extend The Contract Thereafter
On A Month-To-Month Basis For Up To A Six Month Period Until April 31, 2013, At The
Rate Of Ten Thousand, Eight Hundred Thirty-Three Dollars And Thirty-Three Cents
(\$10,833.33.00) Per Month, For A Grand Total Not-To-Exceed Contract Amount Of Five
Hundred Eighty Five Thousand Dollars (\$585,000.00) (TITLE CHANGE)
[11-0102](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Councilmember De La Fuente, Councilmember Kaplan,
Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and
President of the Council Reid

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7.7-CC Subject: Coliseum Authority Board Appointment
From: Council President Reid
Recommendation: Adopt A Resolution Reappointing Desley Brooks, Ignacio De La Fuente,
And Yui Hay Lee As Members Of The Oakland-Alameda County Coliseum Authority Board
Of Commisioners And Appointing Aaron Goodwin As A Member Of The Oakland-Alameda
County Coliseum Authority Board Of Commissioners [TITLE CHANGE]
[11-0151](#)

**This Matter was Adopted as Amended to restate the appointed terms of
Vice Mayor Brooks and President Pro Tempore De La Fuente for the
period beginning.... and ending..... and to approve the appointments of the
community members for the periods stated within the resolution including
all appointments. on the Consent Agenda.**

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Councilmember De La Fuente, Councilmember Kaplan,
Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and
President of the Council Reid

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7.8-CC Subject: Opposition To Citizens United
From: Council President Reid And Barbara J. Parker, City Attorney
Recommendation: Adopt A Resolution (1) Declaring The City Of Oakland's Opposition To
The United States Supreme Courts Decision In Citizens United V. Federal Election
Commission Which Rolled Back Restrictions On Corporate Spending In The Electoral Process,
Ruling That Corporate Campaign Spending Is Constitutionally Protected Speech And (2)
Supporting A Constitutional Amendment To Overturn Citizens United
[11-0193](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Councilmember De La Fuente, Councilmember Kaplan,
Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and
President of the Council Reid

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7.9-CC Subject: Certification Of Election Results
From: Office Of The City Clerk
Recommendation: Adopt A Resolution Declaring The Results Of The City Of Oakland's
Special Municipal "Mail Ballot" Election Held On Tuesday, November 15, 2011
[11-0188](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Councilmember De La Fuente, Councilmember Kaplan,
Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and
President of the Council Reid

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7.10-CC Subject: Settlement Agreement - Willis And Oliver
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Lillie Willis And Lavita Oliver V. City Of Oakland,
United States District Court Case No. C04-2305 JW In The Amount Of Forty Thousand Dollars
And No Cents (\$40,000.00) As A Result Of The Shooting Death Of Glen Willis On August 6,
2003 (Police Services Agency)
[11-0194](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Councilmember De La Fuente, Councilmember Kaplan,
Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and
President of the Council Reid

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7.11-CC Subject: Settlement Agreement - Harper
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Patrica Harper V. City Of Oakland, Alameda County Superior Court Case No. RG10-535800, In The Amount Of Eighteen Thousand Dollars And No Cents (\$18,000.00) As A Result Of A Trip And Fall Accident On Third Street Near Adeline & Magnolia Street On May 16, 2009 (Public Works Agency)
[11-0195](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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S-7.12-CC Subject: Agreement With Biggs Cardosa Associates, Inc.
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Enter Into A Professional Services Agreement In An Amount Not To Exceed Six Hundred Twenty-Five Thousand Dollars (\$625,000.00) With Biggs Cardosa Associates, Inc. To Provide Professional Engineering Services For Bridge Seismic Retrofit Projects
[11-0172](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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S-7.13-CC Subject: Traffic Signal Installations
From: Public Works Agency
Recommendation: Adopt A Resolution: 1) Rejecting All Bids; 2) Waiving Further Advertising And Bidding; And 3) Authorizing The City Administrator, Or Her Designee, To Negotiate And Purchase The Necessary Construction Services And Material On The Open Market, In Accordance With The Plans And Specifications, For The Traffic Signal Installations And Modifications Project (City Project No. C313710), In An Amount Not To Exceed Eight-Hundred And Fifty-Five Thousand Dollars (\$855,000.00)
[11-0170](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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S-7.14-CC Subject: Traffic Signals Along Martin Luther King Junior Way
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate One Hundred And Twenty-Five Thousand Dollars (\$125,000.00) In Transportation Fund For Clean Air (TFCA) County Program Manager Fund To Synchronize Four Traffic Signals Along Martin Luther King Junior Way
[11-0169](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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S-7.15-CC Subject: Installation of Stop Signs
From: Public Works Agency
Recommendation: Adopt A Resolution Approving The Installation Of Stop Signs Pursuant To California Vehicle Code Sections 21351 And 21355 And Oakland Municipal Code Sections 10.12.010 And 10.12.110 On The Following Streets: A. 8th Street, Both Approaches, At Filbert Street B. 13th Street, Both Approaches, At Willow Street C. 3rd Street, Both Approaches, At Madison Street D. 3rd Street, Both Approaches, At Jefferson Street E. 4th Street, Both Approaches, At Alice Street F. Forest Street, Both Approaches, At Miles Avenue
[11-0167](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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S-7.16-CC Subject: Audit Services Contract
From: Finance And Management Agency
Recommendation: Adopt An Agency Resolution Amending Agency Resolution No. 2010-0048 C.M.S., Which Authorized A Contract With Macias Gini, & O'Connell, LLP To Provide Audit Services, To Increase The Contract For Oakland Army Base Report By Seventeen Thousand Nine Hundred Sixty Two Dollars (\$17,962), From Six Thousand Three Hundred Ninety Eight Dollars (\$6,398) To An Amount Not-To-Exceed Twenty Four Thousand Three Hundred Sixty Dollars (\$24,360) To Provide Comprehensive Financial Statements For The Years Ended June 30, 2011 And June 30, 2012 And The Close-Out Period Ending August 7, 2012, As Required By The U.S. Department Of The Army, And Waiver Of Request For Proposals
[11-0164](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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[2011-0069 CMS.pdf](#)

S-7.17-CC Subject: Annual Property Assessment
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces of Legislation:
1) A Resolution Approving The Annual Reports Of The Lakeshore/Lake Park Business Improvement Management District, The Koreatown/Northgate Community Benefit District Of 2007, The Downtown Oakland Community Benefit District Of 2008, And The Lake Merritt/Uptown Community Benefit District Of 2008 Advisory Boards; Confirming The Continuing Annual Assessment For Each Applicable District For Fiscal Year 2012/2013; And Authorizing Payment Of The City's Cumulative Fiscal Year 2012/2013 Fair Share Assessment In An Amount Not To Exceed \$132,553.06 For City-Owned Properties In The Koreatown/Northgate District, The Downtown Oakland District, And The Lake Merritt/Uptown District; And
[11-0159](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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2) An Agency Resolution Authorizing Payment Of The Redevelopment Agency's Cumulative Fiscal Year 2012/2013 Fair Share Assessment In An Amount Not To Exceed \$48,588.09 For Agency-Owned Properties In The Koreatown/Northgate Community Benefit District Of 2007, The Downtown Oakland Community Benefit District Of 2008, And The Lake Merritt/Uptown Community Benefit District Of 2008
[11-0159-1](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
[2011-0070 CMS.pdf](#)

S-7.18-CC Subject: Redevelopment Agency Annual Report
From: Community And Economic Development Agency
Recommendation: Receive An Informational Report Presenting The Redevelopment Agency's
Fiscal Year 2010-11 Annual Reports On Blight, Housing Activity, Loans, Property, And Time
Limits In Accordance With The Reporting Requirements Of The California Community
Redevelopment Law
[11-0181](#)

This Matter was *Received and Filed on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Councilmember De La Fuente, Councilmember Kaplan,
Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and
President of the Council Reid
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S-7.19-CC Subject: Management Agreement - Chabot Golf Course
From: Office Of Parks And Recreation
Recommendation: Adopt A Resolution Waiving The Request For Proposal Requirements For
The Operation And Management Of Lake Chabot Golf Course And Major Capital
Improvement Project And Authorizing The City Administrator To Extend The Existing
Operation And Management Agreement With Touchstone Golf, LLC For An Additional Five
Year Term With Five One Year Options For Extension In An Annual Amount Not To Exceed
\$96,000 A Year Or \$480,000 For The Initial Five Year Period With Increase Based On The
Consumer Price Index For The Five One Year Options In Subsequent Years
[11-0076](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Councilmember De La Fuente, Councilmember Kaplan,
Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and
President of the Council Reid
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S-7.20-CC Subject: DNA Backlog Reduction Program
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To 1) Accept And Appropriate Grant Funds In An Amount Not To Exceed Four Hundred Forty-Three Thousand Two Hundred And One Dollars (\$443,201.00) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year 2011 Forensic Casework DNA Backlog Reduction Grant Program In The Police Department For The Period October 1,2011 Through March 31,2013, And Approve The 3% Cap On Central Services Overhead Charges As Allowed By The Granting Agency, And 2) Waive The Advertising And Competitive Bidding Requirements For The Purchases Of DNA Typing Supplies In The Amount Of \$25,200.00 From Applied Biosystems, In The Amount Of \$7,410.00 From Qiagen, And In The Amount Of \$5,800.00 From Promega
[11-0105](#)

This Matter was Adopted as Amended to add language to the resolution that states that the Oakland Police Department is not seeking a waiver of advertising and bidding requirements for the water filtration system and the lab glass sterilizer. on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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S-7.21-CC Subject: Forensic Training Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To 1) Accept And Appropriate Grant Funds In An Amount Not To Exceed Five Hundred Fourteen Thousand Four Hundred Forty- Four Dollars (\$514,444) From The U.S. Department Of Justice, Office Of Justice Programs, National Institute Of Justice To The Oakland Police Department For The Delivery Of Training On DNA Evidence For Investigators, 2) Waive The Competitive Request For Proposal/Qualifications Process For The Services Provided By The Regional Training Center (RTC) In An Amount Not To Exceed Three Hundred Sixteen Thousand Fifty-Eight Dollars (\$316,058), And 3) Waive The Advertising And Bidding Requirements For The Purchase Of Crime Scene Equipment And Supplies From SIRCHIE In An Amount Not To Exceed Forty Five Thousand Dollars (\$45,000), Foster And Freeman In An Amount Not To Exceed Twenty Six Thousand Dollars (\$26,000), And Safariland Forensic Source In An Amount Not To Exceed Fifteen Thousand Dollars (\$15,000), For The Program Period October 1, 2011 Through June 30, 2014
[11-0165](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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S-7.22-CC Subject: Urban Area Security Initiative (UASI) Expansion
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Enter Into The Governance Memorandum Of Understanding To Expand The Urban Area Security Initiative (UASI) Approval Authority To Include The Following Jurisdictions: City Of Oakland, City Of San Jose, City And County Of San Francisco, And Counties Of Alameda, Contra Costa, Marin, Monterey, San Mateo, Santa Clara And Sonoma, Which Will Provide Overall Governance Of The UASI Grant Program, As Well As Other Grant Programs Under The Jurisdiction Of The Approval Authority, Across The Bay Area Region Effective December 1, 2011 Through December 1, 2013
[11-0158](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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Passed The Consent Agenda

A motion was made by Councilmember Kernighan, 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 Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember 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 Councilmember Kaplan, seconded by Councilmember Schaaf, to *Approve as Submitted the report of the City Attorney of 3 final decisions made during closed session. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

**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 7:55 p.m.

3 individuals spoke on this item.

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

-8

9.1 Subject: Authorizing Sale Of 319 Chester Street
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following
Pieces Of Legislation:

1)An Ordinance Authorizing The Sale Of A City-Owned Parcel At 319 Chester Street To The Alliance For West Oakland Development For A Purchase Price Of \$94,000, Authorizing Seller Financing For The Purchase Price, Authorizing A \$400,000 Construction Loan, And Authorizing A Disposition And Development Agreement With The Developer To Develop The Parcel With A Two-Family Home; And
[10-0096](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Approved On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the January 17, 2012 meeting. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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2) An Ordinance, As Recommended By The City Planning Commission, Rezoning From Open Space/Active Minipark (.OS-AMP) To Mixed Housing Type Residential (Rm-2) The Property At 319 Chester Street, Oakland Ca. (Case No. RZLLI-053; APN 004-0103-035-00)
[10-0096-1](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Approved On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the January 17, 2012 meeting. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
[13105 CMS.pdf](#)

Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 8:01p.m.

1 individual spoke on this item.

Agency/Councilmember De La Fuente made a motion, seconded by Agency/Councilmember Schaaf, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, De La Fuente, Kaplan, Kernighan, Nadel, Schaaf, and President Reid
-8

- 9.2 Subject: Moratorium Ordinance Extension
From: President Pro Tempore De La Fuente
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Extension Of Ordinance No. 13095 C.M.S., An Interim Ordinance, Adopted As An Urgency Measure Pursuant To California Government Code Section 65858, Establishing A Temporary Moratorium On The Establishment Or Expansion Of Businesses Engaged In And/ Or Conducting Buying, Selling, And/Or Exchanging Old Gold, Old Silver, Platinum Or Articles Of Platinum, Silverware, Secondhand Jewelry Or Other Precious Metals Or Stones (Secondhand Jewelry Dealers) Through March 20, 2012 Or Whenever Permanent Regulations Are Adopted, Whichever Occurs First
[11-0124-1](#)

A motion was made by Councilmember De La Fuente, seconded by Councilmember Schaaf, that this matter be Approved for Final Passage as amended to Section 5 to correct the date to March 20, 2012. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

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ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 Subject: Municipal ID System
From: President Pro Tempore De La Fuente
Recommendation: Action On A Report On The Options For Implementing The Municipal
Identification And Debit Card Program
[11-0015](#)

A motion was made by Councilmember De La Fuente, seconded by Councilmember Brunner, that this matter be *Approve with the following amendments to direct staff to 1) Move forward with implementation of the Muni ID debit card program and to negotiate and execute a contract with SF USA to work with their current banking partner to seek to establish a local presence or create an affiliation/service contract with a local financial institution within the first year of launching the Muni ID card program and 2) Include in the contract negotiations, requirements 2-17 on pages 2 and 3 of the report.

The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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[View Supplemental Report.pdf](#)
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11 Subject: WIA Providers Performance Report And Funds Allocation
From: Community And Economic Development Agency
Recommendation: Receive A Report On The Performance Of Workforce Investment Service Providers For Program Year 2010-2011, And Adopt The Following Pieces Of Legislation:
[11-0083](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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1) A Resolution Adopting The Fiscal Year 2011-2012 Workforce Investment Budget, And Accepting And Appropriating Workforce Investment Act (WIA) Title I Funds For Adult, Dislocated Worker, And Youth Programs In The Amount Of \$4,908,908 And Special Grant Funds In The Amount Of \$1,517,462, For A Total Of \$6,426,370; And
[11-0083-1](#)

A motion was made by Councilmember Brooks, seconded by Councilmember Kernighan, that this matter be Adopted as Amended to include the following provisions:

- That the RFP for FY 2012-13 service providers include annual performance goals for retention (the length of time an employee is placed at a job), number of exits per number of enrollments, job-seeker and employer satisfaction, as well as other performance benchmarks determined by the Workforce Investment Board. Annual funding should be contingent upon meeting the annual performance goals.

- That funds be provided for an independent, outside program evaluation.

- Staff return with a timeline for the RFP for the 2012-3 contracts for Council approval to ensure the contracts are not approved retroactively going forward. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
[83675 CMS.pdf](#)

2) A Resolution (1) Authorizing Contracts Or Contract Amendments For Fiscal Year 2011-2012 Workforce Investment Act (WIA) Funds With The Following Service Providers To Provide Adult, Dislocated Worker, And Youth Employment And Training Services In Not-To-Exceed Amounts: (A) Oakland Private Industry Council, Inc. (OPIC), One Stop Operator, \$195,000; (B) OPIC, One Stop Comprehensive Career Center, \$550,000; (C) OPIC, Eastbay Works, \$137,303; (D) The English Center, \$115,000; (E) Lao Family Community Development, One Stop Affiliate, \$102,500; (F) Unity Council, Inc., \$157,500; (G) Assets, \$120,000; (H) Lao Family Community Development Inc., Youth Services, \$215,033.48; (I) Pivotal Point Youth Services, \$331,479.78 (J) East Bay Spanish Speaking Citizens Foundation, \$97,366.02; (K) Youth Employment Partnership, In School Youth, \$124,536.77; (L) Youth Employment Partnership, Out Of School Youth, \$229,295.80; And (M) Youth Uprising, \$139,189.81; (2) Authorizing Contracts Or Contract Amendments For Fiscal Year 2011-2012 Special Grant Funds To Service Providers As Specified In The Grant Agreements; And (3) Authorizing The City Administrator To Provide Additional Funding To Adult Service Providers For Supportive Services, Intensive Training Accounts, And On-The-Job-Training Within Budgeted Amounts Without Returning To Council
[11-0083-2](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
[83676 CMS.pdf](#)

12 Subject: Two Tier Retirement Amendment - Safety
 From: Department Of Human Resources
 Recommendation: Adopt The Following Pieces Of Legislation:
 1) A CalPERS Resolution Of Intention 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: 1) Provide New City Of Oakland Safety Members Different
 Level Of Benefits (California Government Code Section 20475), 3% At 55 Full Formula And
 Government Code Section (California Government Code Section 21363.1), Three-Year Final
 Compensation (California Government Code Section 20037) 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 2) Include For City Of Oakland Fire
 Members A 4% Employees Cost Sharing Of Additional Benefits For Second Tier Local Fire
 Members (California Government Code Section 20516) ; And
 [11-0191](#)

**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 Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Councilmember De La Fuente, Councilmember Kaplan,
Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and
President of the Council Reid
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2) 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: 1) Provide New City Of Oakland Safety Members Different Level Of Benefits (California Government Code Section 20475), 3% At 55 Full Formula And Government Code Section (California Government Code Section 21363.1), Three-Year Final Compensation (California Government Code Section 20037) 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 2) Include For City Of Oakland Fire Members A 4% Employees Cost Sharing Of Additional Benefits For Second Tier Local Fire Members (California Government Code Section 20516)

[11-0191-1](#)

A motion was made by Councilmember Kaplan, seconded by Councilmember Schaaf, that this matter be Approved On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the January 17, 2012 meeting. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

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S-13

Subject: Henry J. Kaiser Convention Center Improvements
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Oakland Joint Powers Financing Authority Resolution Authorizing The Sale Of The Henry J. Kaiser Convention Center Improvements To The City Of Oakland For One Dollar;
And

[11-0178](#)

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

Votes: ORA\Councilmember Noes: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

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[2011-0002 JPFA.pdf](#)

2) A City Resolution Authorizing The Purchase Of The Henry J. Kaiser Convention Center Improvements From The Oakland Joint Powers Financing Authority For One Dollar
[11-0178-1](#)

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

Votes: ORA\Councilmember Noes: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
[83677 CMS.pdf](#)

S-14

Subject: Recycling Facilities At Oakland Army Base
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:
1) An Agency Resolution Authorizing The Agency Administrator To Negotiate And Enter Into A 360-Day Exclusive Negotiating Agreement With California Waste Solutions And Custom Alloy Scrap Sales, Inc. For The Development Of Two Recycling Facilities On Approximately 20 Acres Of The North Gateway Area Of The Former Oakland Army Base; And
[11-0182](#)

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

Votes: ORA\Councilmember Recused: 1 - President of the Council Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel and Councilmember Schaaf
[View Report.pdf](#)
[2011-0071 CMS.pdf](#)

2) A City Resolution Authorizing The City Administrator To Negotiate And Enter Into A 360-Day Exclusive Negotiating Agreement With California Waste Solutions And Custom Alloy Scrap Sales, Inc. For The Development Of Two Recycling Facilities On Approximately 20 Acres Of The North Gateway Area Of The Former Oakland Army Base
[11-0182-1](#)

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

Votes: ORA\Councilmember Recused: 1 - President of the Council Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel and Councilmember Schaaf
[83678 CMS.pdf](#)

Council moved, seconded and carried a motion to extend the meeting past 12:00 am.

S-15 Subject: Evaluating Lighting Levels in Crime Hot Spots
From: Vice Mayor Desley Brooks
Recommendation: Receive A Report Providing 1) Analysis Of The Pacific Gas And Electric (PG&E) Turnkey Lighting Replacement Program, The California Energy Commission (CEC) Financing Program And A Turnkey Replacement Program Offered By The Energy Store And Service Pros (ESSP) And 2) A Recommendation For Installation Of Lighting In East Oakland Locations Identified As Crime Hot Spots
[11-0038-1](#)

A motion was made by Councilmember Brooks, seconded by President of the Council Reid, that this matter be *Approve with the following amendments to implement the evaluated lighting enhancements in East Oakland using the PG&E Turnkey lighting replacement program and directed staff to provide funding options for the West Oakland sites to a future Public Safety Committee. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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Agency/Councilmember De La Fuente made a motion seconded by Agency/Councilmember Schaaf to approve the urgency finding on item S-16 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 is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting.

This matter requires an 2/3rd majority vote pursuant to Section 2.20.080(E) of the Sunshine Ordinance.

Upon call of the roll, the motion failed by Ayes: Agency/Councilmember: Brooks, De La Fuente, Schaaf, Reid - 4, Noes, Brunner, Kaplan, Kernighan, Nadel - 4

S-16 Subject: Port of Oakland Shut-Downs
From: President Pro Tem De La Fuente and Councilmember Schaaf
Recommendation: Adopt A Resolution Opposing Any Purposeful Upcoming Or Future Port Of
Oakland Shut-Downs, Directing The City Administrator And Urging The Mayor To Use
Whatever Lawful Tools We Have, Including Enforcement Of All State Laws And Local
Municipal Code Regulations And Requirements, To Prevent Future Shut Downs Or Disruptions
Of Any Port Operations
[11-0206](#)

No Action Taken

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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)**

*There being no further business, and upon the motion duly made, the
Agency/Council adjourned the meeting in memory of Warren Hellman, Ron
Bishop, Hiram Lawrence Jr., Wilmer Joseph Leon Jr., Stephane Dugan Lowe
at 12:30 am.*

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