



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

Tuesday, December 06, 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 6:00 pm.

2 Roll Call / ORA & Council
COUNCIL MEMBERS:

ORA\Councilmember Present: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, 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 13 speakers during Open Forum.

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

Agency/Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Pureza Ortigosa Donnelly

Mayor Quan took a point of personal privilege and requested that the meeting be adjourned in memory of Clara Roberts and Hilda Gammage

Agency/Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Patricia Ann Turner

- 4.1 Subject: Commending Morrie Turner
From: Councilmembers Schaaf And Nadel
Recommendation: Adopt A Resolution Commending Morrie Turner For His Many Years Of Communicating Through His Drawings Of "Wee Pals" Characters
[11-0134](#)

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

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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- 4.2 Subject: Honoring Steve Bullivant
From: President Pro Tem De La Fuente
Recommendation: Adopt A Resolution Honoring Steve Bullivant For 28 Years Of Distinguished Service To The City Of Oakland And Congratulating Him On His Retirement
[11-0148](#)

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

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, 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 AND SPECIAL MEETINGS OF November 1, 3 and 15, 2011

A motion was made by Councilmember Kaplan, seconded by Councilmember Schaaf, to *Approve as Submitted. The motion carried by the following vote:

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

- 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):

Items 7.3 and 7.9 will not be heard and will be rescheduled to the December 20, 2011

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
[11-0149](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De
La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember
Kernighan, Councilmember 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
[11-0150](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De
La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember
Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the
Council Reid
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7.3-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 Withdrawn and Rescheduled to the Concurrent Meeting
of the Oakland Redevelopment Agency / City Council, to be heard at the
December 20, 2011 meeting on the Consent Agenda.**

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

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7.4 ~~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](#)~~

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7.5-CC Subject: Salary Ordinance Amendments - New FTE
From: Department Of Human Resource Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No.
12187 C.M.S. ("Salary Ordinance") To Add The Full Time Equivalent Classifications Of
Forensic Technician; Outreach Developer; Treasury Analyst I; And Treasury Analyst II; And
To Change The Title Of Treasury Analyst To Treasury Analyst III And Increase The Salary
Schedule For The Retitled Treasury Analyst III Classification
[11-0034](#)

**A motion was made that this matter be Approved for Final Passage. The
motion carried by the following vote:**

Votes: ORA\Councilmember Noes: 1 - Councilmember Brunner
ORA\Councilmember Ayes: 7 - Vice Mayor Brooks, President Pro Tempore De
La Fuente, Councilmember Kaplan, Councilmember Kernighan,
Councilmember Nadel, Councilmember Schaaf and President of the Council
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7.6-CC 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 And, For The Purposes Of This Program, Adding Eligibility Screening Requirements To Be Considered An "Oakland" Firm
[11-0045](#)

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

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

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7.7-CC Subject: Younger - 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 Pearl Younger V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG10541304, City Attorney's File No. 27464, In The Amount Of Twenty Thousand Dollars (\$20,000.00) (PW-Trip And Fall)
[11-0156](#)

This Matter was Adopted on the Consent Agenda.

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

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7.8-CC Subject: Citywide Vacancies/Status Updates ("Golden Handshake")
From: Department Of Human Resources Management
Recommendation: Receive A Quarterly Report On Citywide Vacancies And A Status Update
On Positions Vacated Under The 2009 CalPERS Two Years Additional Service Credit
Retirement Incentive Program ("Golden Handshake")
[10-0654](#)

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

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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7.9-CC Subject: Contract Extension - Townsend Public Affairs
From: Office Of The Mayor
Recommendation: Adopt A Resolution Recommending That Townsend Public Affairs' State Lobbyist Contract Get Extended For The Period Of October 31, 2011 Through October 31, 2012 At A Cost Of One Hundred Thirty Thousand Dollars (\$130,000), And Authorizing An Option To Renew On A Month To Month Basis For A Six Month Period Until April 31, 2013, At The City's Discretion, And To Increase The Agreement Up To An Amount-Not-To Exceed One Hundred Thirty Thousand Dollars (\$130,000), As Needed, For A Total Agreement Not-to-Exceed Five Hundred Eighty Five Thousand Dollars (\$585,000)
[11-0102](#)

This Matter was Withdrawn and Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the December 20, 2011 meeting on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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S-7.10-CC Subject: Professional Services Agreement - Kennedy And Associates
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing A Waiver Of The Advertising And Request For Proposal/Qualifications Process And A Request To Authorize The Agency Administrator To Negotiate And Execute An Amendment To The Professional Services Agreement With Kennedy And Associates To Increase The Contract By An Amount Not To Exceed One Hundred Fifty Thousand Dollars (\$150,000) For A Total Contract Amount Of Three Hundred Thousand Dollars (\$300,000) For Additional Civil Engineering Services For The Former Oakland Army Base Project; And
[11-0085](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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2) A Resolution Authorizing A Waiver Of The Advertising And Request For Proposal/Qualifications Process And A Request To Authorize The City Administrator To Negotiate And Execute An Amendment To The Professional Services Agreement With Kennedy And Associates To Increase The Contract By An Amount Not To Exceed One Hundred Fifty Thousand Dollars (\$150,000) For A Total Contract Amount Of Three Hundred Thousand Dollars (\$300,000) For Additional Civil Engineering Services For The Former Oakland Army Base Project
[11-0085-1](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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S-7.11-CC Subject: Replacement Housing Plan - California Hotel
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Approving The Replacement Housing Plan For The California Hotel Project, And Amending Agency Resolution No. 2003-54 C.M.S. To Exempt The California Hotel Project From The Agency's Replacement Housing Policy For Single Room Occupancy Units

[11-0074](#)

A motion was made that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Ayes: 7 - Vice Mayor Brooks, President Pro Tempore 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 Amending Agency Resolution No. 2011-0010 C.M.S. To Allow A Portion Of The Agency Loan To The California Hotel Project To Be Used To Establish A Trust Account In The Amount Of \$1.5 Million For An Operating Reserve; And

[11-0074-1](#)

A motion was made that this matter be Adopted. The motion carried by the following vote:

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

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3) A Resolution Amending Resolution No. 83252 C.M.S. To Change The Source Of Funds For A Portion Of An Affordable Housing Development Loan In An Amount Not To Exceed \$3,168,000 To The East Bay Asian Local Development Corporation For The California Hotel Project From HUD Home Funds To HUD Neighborhood Stabilization Funds And State Of California Local Housing Trust Fund Program Funds

[11-0074-2](#)

A motion was made that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Ayes: 7 - Vice Mayor Brooks, President Pro Tempore 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 Vice Mayor Brooks, 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 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, 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 Kernighan, to *Approve as Submitted the report of the City Attorney of 1 final decision made during closed session and no non-confidential closed session discussion. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, 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 7:00 p.m.

1 individual spoke on this item.

Agency/Councilmember De La Fuente made a motion, seconded by Agency/Councilmember Kaplan, 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: Delinquent Mandatory Garbage Fees
From: Finance And Management Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The
Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
[11-0145](#)

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

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

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2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
[11-0145-1](#)

No Action Taken

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Garbage Service Fees And The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code
[11-0145-2](#)

No Action Taken

Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 7:07 p.m.

No individuals spoke on this item.

Agency/Councilmember Kaplan made a motion, seconded by Agency/Councilmember De La Fuente, 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: Assessment Of Liens - Transient Occupancy Taxes
From: Finance And Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Transient Occupancy Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Transient Occupancy Taxes And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or [11-0144](#)

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

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

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2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Transient Occupancy Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over to The County Tax Collector For Collection; Or [11-0144-1](#)

No Action Taken

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Transient Occupancy Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code
[11-0144-2](#)

No Action Taken

Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at 7:08 p.m.

No individuals spoke on this item.

Agency/Councilmember Kaplan made a motion, seconded by Agency/Councilmember De La Fuente,, 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

9.3

Subject: Delinquent Business Taxes

From: Finance And Management Agency

Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Business Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County For Collection; Or
[11-0143](#)

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

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

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2) A Resolution Overruling Protests And Accepting And Confirming Reports Of The City Administrator On The Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For Collection; Or
[11-0143-1](#)

No Action Taken

3) A Resolution Continuing Hearing On Reports Of The City Administrator On The Delinquent Business Taxes And The Confirming Of The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code
[11-0143-2](#)

No Action Taken

Upon the reading of Item 9.4 by the City Clerk, the Public Hearing was opened at 7:09 p.m.

No individuals spoke on this item.

Agency/Councilmember De La Fuente made a motion, seconded by Agency/Councilmember Kaplan, 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

9.4 Subject: Delinquent Real Property Transfer Taxes
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Real Property Transfer Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary -Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or

[11-0142](#)

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

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

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2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or

[11-0142-1](#)

No Action Taken

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Real Property Transfer Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary-Pursuant To Chapter 4.20 Of The Oakland Municipal Code

[11-0142-2](#)

No Action Taken

Upon the reading of Item 9.5 by the City Clerk, the Public Hearing was opened at 7:10 p.m.

No individuals spoke on this item.

Agency/Councilmember Schaaf made a motion, seconded by Agency/Councilmember De La Fuente, 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

- 9.5 Subject: Montclair Business Improvement District Assessments
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Confirming The Annual Report Of The Montclair Business Improvement District Advisory Board And Levying The Annual Assessment For The Montclair Business Improvement District For Fiscal Year 2012/2013
[11-0154](#)

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

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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Upon the reading of Item 9.6 by the City Clerk, the Public Hearing was opened at 7:12 p.m.

No individuals spoke on this item.

Agency/Councilmember Brunner 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

9.6 Subject: Rockridge Business Improvement District Assessments
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution
Confirming The Annual Report Of The Rockridge Business Improvement District Advisory
Board And Levying The Annual Assessment For The Rockridge Business Improvement
District For Fiscal Year 2012/2013
[11-0155](#)

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

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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Upon the reading of Item 9.7 by the City Clerk, the Public Hearing was opened at 7:14 p.m.

27 individuals spoke on this item.

Agency/Councilmember Brunner made a motion, seconded by Agency/Councilmember Kaplan, 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

9.7 Subject: Mobile Food Vending Pilot Program
From: Councilmembers Brunner And Kaplan
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) A Resolution To Direct Staff To Develop A Pilot Special Permitting Process For Limited Mobile Vending Events In Districts 1, 2, 3 And 4 That Will Sunset Upon The Adoption Of A Comprehensive Mobile Food Vending Policy
[11-0081](#)

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

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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2) 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, Or Until The City Council Adopts New Permanent Mobile Food Vending Regulations, Whichever Comes First;

[11-0081-1](#)

A motion was made by Councilmember Brunner, seconded by Councilmember Kaplan, to Approved As Amended On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the December 20, 2011 meeting include language accordingly:

- the interim regulations shall remain in effect through January 1, 2013 and only at that time shall they transition into the permanent regulations to be adopted by Council;**
- the 100 feet separation requirement from existing restuarants shall include quick-service or fast food restuarants**
- Mobile food vending operating times shall be limited to 4 hours per event.**
- Business Improvement Districts or Community Benefit Districts must consent to proposed events within their boundaries prior to staff approval being granted.**
- in section 5.51.070(D) to require notice to the public before sites are approved**

Incorporation of the following 3 bullets on the staff slide presentation:

- Modify the frequency limitation ont eh iterim Group Site Permits to no more than two dates per week for the duration of the interim program**
- Eliminate cap on total number of event dates per Group Site Permit**
- Allow Group Site Organizers to specify all requested event dates during one visit to CAO**

and requesting a legal opinion from the City Attorney to address the issue of the Oakland vendors The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, 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](#)

A motion was made by Councilmember Brunner, seconded by Councilmember Kaplan, 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 December 20, 2011 meeting. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
[13099 CMS.pdf](#)

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 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](#)

A motion was made by President Pro Tempore De La Fuente, seconded by Councilmember Kaplan, 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 December 20, 2011 meeting. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - President of the Council Reid
ORA\Councilmember Noes: 1 - President Pro Tempore De La Fuente
ORA\Councilmember Ayes: 6 - Vice Mayor Brooks, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel and Councilmember Schaaf
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12 Subject: Brooklyn Basin Development Project
 From: Community And Economic Development Agency
 Recommendation: Adopt A Resolution Authorizing The City To Accept And Appropriate A
 Grant Of Up To Ten Million Dollars (\$10,000,000-00) From The State Of California Natural
 Resources Agency, Department Of Water Resources, For Improvements Of The Existing
 Shoreline Within The Brooklyn Basin; And Authorizing The City Administrator Or Designee
 To Designate Oakland Harbor Partners (OHP) As The Primary Sub-Grantee And To Authorize
 The City Administrator To Work With Oakland Harbor Partners To Secure The Grant, Utilize
 The Funding To Meet The Reporting And Contracting Requirements Of The State And The
 Development Agreement
 [11-0141](#)

A motion was made by Councilmember Kaplan, seconded by Councilmember Schaaf, that this matter be Adopted as Amended to amend the 2nd to last Further Resolved to add: "in place at the time the agreement is executed" The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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[83649 CMS.pdf](#)

13 Subject: Cash Management Report
 From: Finance And Management Agency
 Recommendation: Receive The Cash Management Report For The Quarter Ended September
 30, 2011
 [11-0152](#)

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

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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14 Subject: Contract Increase - VMA Security
 From: Office Of Contracting And Purchasing
 Recommendation: Adopt A Resolution Authorizing The City Administrator To Increase The
 Amount Of The Emergency Security Services Contract With VMA Security Or Other Security
 Services Provider(s) For The Provision Of Security Services As Needed At Frank Ogawa Plaza
 And Other Facilities In An Amount Not To Exceed Five Hundred Forty Five Thousand Dollars
 (\$545,000)
 [11-0153](#)

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

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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15 Subject: Port Commission Appointments - Uno
 From: Office Of The Mayor
 Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Victor Uno
 To The Board Of Port Commissioners [TITLE CHANGE]
 [11-0019](#)

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

Votes: ORA\Councilmember Noes: 3 - Vice Mayor Brooks, Councilmember Nadel and President of the Council Reid
ORA\Councilmember Ayes: 5 - President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan and Councilmember Schaaf
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[83655 CMS.pdf](#)

16 Subject: Small Local Business Enterprise Program
 From: Department Of Contracting And Purchasing
 Recommendation: Discussion And Action On A Report To:

(1) Adopt Changes To The City Of Oakland's Local And Small Local Business Enterprise (L/SLBE) Program, As Recommended By The Fairness In Purchasing and Contracting Disparity Study
[09-1651-1](#)

A motion was made by Councilmember Kernighan, seconded by Councilmember Schaaf, that this matter be *Approve with the following amendments set the maximum points at 12.5 with 5 points maximum for local contractors; years in Oakland at 2.5 points; Oakland Resident workforce 5 points maximum, 2) Eliminate new hire points, 3) Waive subcontracting requirements for prime contractors that are 100% local for professional services contracts only; and 4) approve recommendation from the staff report regarding the pilot program. The motion carried by the following vote:

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

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2) Adopt 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](#)

A motion was made by Councilmember Kernighan, seconded by Councilmember Schaaf, to Approved As Amended On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the December 20, 2011 meeting set the maximum points at 12.5 with 5 points maximum for local contractors; years in Oakland at 2.5 points; Oakland Resident workforce 5 points maximum, 2) Eliminate new hire points, 3) Waive subcontracting requirements for prime contractors that are 100% local for professional services contracts only; 4) Add pre construction to page 5 of the ordinance; 5) Add recommendation 8 from staff report stating pilot program in the ordinance; 6) ensure current SBA requirements are required within the ordinance. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, 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](#)

A motion was made by Councilmember Kernighan, 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 December 20, 2011 meeting. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
[13102 CMS.pdf](#)

S-17

Subject: General Obligation Refunding Bonds
From: Finance And Management Agency
Recommendation: Adopt A Resolution Authorizing The Issuance And Sale Of Not To Exceed \$95,000,000 Aggregate Principal Amount Of City Of Oakland General Obligation Refunding Bonds, Series 2012; Prescribing The Terms Of Sale Of Said Bonds; Approving The Form Of And Authorizing The Execution And Delivery Of A Fiscal Agent Agreement, Escrow Agreement, Continuing Disclosure Certificate And Bond Purchase Contract; Approving The Form Of And Authorizing The Distribution Of A Preliminary Official Statement And Authorizing The Execution And Delivery Of An Official Statement; And Authorizing Necessary Actions Related Thereto
[11-0140](#)

A motion was made by Vice Mayor Brooks, seconded by Councilmember Kaplan, that this matter be Adopted as Amended to amend the resolution to set the interest rate cap at 5%. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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S-18

Subject: Building Services-Priority Improvement
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving A Report From The City Administrator Implementing Building Services Division (“BSD”) Priority Improvement Items In Response To The Motion Of The City Council Adopted At The September 20, 2011 City Council Meeting, Including Neutral Appeals Process For Code Enforcement Appeals, Discontinuing Prospective Code Enforcement Liens, Revising Conflict Of Interest Policy For Outside Employment For The BSD, And Conducting An Further Investigation Of BSD, And Approving A Requirement To Rebid Change Orders Above Ten Percent For Certain BSD Contracts In Excess Of \$2,500 And Adopting An Amnesty Program For Certain BSD Penalties And Interest; And
[11-0137](#)

A motion was made by Councilmember Kaplan, seconded by Councilmember Brunner, that this matter be Adopted as Amended to amend the resolution to change the maximum amount of change order from \$2,500 to \$1,000. The Committee further directed staff to add a \$1000 per day fine as a penalty for commercial and industrial code violations and to develop a policy that requires a City staff member to disclose any outside work that may be related to his/her position at the City to avoid a conflict of interest. The motion carried by the following vote:

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

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2) A Resolution Creating A Building Services Improvement Advisory Task Force, Setting Procedures And Criteria For Appointment, And Providing The Terms And Responsibilities Of The Advisory Task Force Members
[11-0137-1](#)

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

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

The City Council moved, seconded and carried a motion to extend the meeting past 12:00 AM midnight.

[83653 CMS.pdf](#)

S-19 Subject: Agreement - Building Services Management Review
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Negotiate
And Execute An Amendment To An Agreement With Management Partners, Inc. For The
Management Review Of The Building Services Division Within The Community & Economic
Development Agency For A New Total Not To Exceed \$185,000; 2) Waive The Competitive
Procurement Process For This Agreement; And 3) Waive Local And Small Local Business
Enterprise Requirements
[11-0133](#)

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

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De
La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember
Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the
Council 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)**

*There being no further business, and upon the motion duly made, the
Agency/Council adjourned the meeting in memory of Patricia Ann Turner,
Hilda Gammage, Pureza Ortigosa Donelly, Clara Roberts and Jeannie Hunter
at 12:21 a.m.*

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