



SUPPLEMENTAL City of Oakland Meeting Agenda

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

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

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

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

Tuesday, February 19, 2013

5:30 PM

City Council Chambers, 3rd Floor

DEFINITION OF TERMS:

CONSENT ITEM: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee. These items are heard on the 5:30 P.M. portion of the agenda.

NON-CONSENT ITEM: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee. These items are heard on the 6:30 P.M. portion of the agenda.

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

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

1 Pledge of Allegiance

2 Roll Call / City Council

COUNCILMEMBERS: Desley Brooks, District 6; Noel Gallo, District 5; Lynette Gibson McElhaney, District 3; Dan Kalb, District 1; President Pro Tempore Rebecca Kaplan, At-Large; Vice Mayor Larry Reid, District 7; Libby Schaaf, District 4; Council President Pat Kernighan, District 2

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

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

4.1 Subject: Recognition Of Service: Mary Miles
From: Office Of The City Attorney

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Recommendation: Adopt A Resolution Commending Mary Miles For Over 28 Years Of Outstanding And Dedicated Service And Congratulating Her On The Occasion Of Her Retirement
(12-0284)

4.2 Subject: Recognition Of Service - Deputy Fire Chief James Williams
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Recognizing And Honoring Deputy Fire Chief James Williams For 22 Years Of Dedicated Services To The City Of Oakland
(12-0277)

4.3 Subject: Oakland Open Data Day
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Recognizing February 23, 2013 As Open Data Day In Oakland, California
(12-0304)

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF February 5, 2013

6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS
(Requests to: Reschedule items from consent to Non-Consent to the next Council Agenda, Speak on Consent Calendar, Register Votes, Change order of Items, Reconsiderations, Pull Items held in Committee):

7. CONSENT CALENDAR (CC) ITEMS:

ALL ITEMS DENOTED WITH A "S-" WERE ADDED PURSUANT TO RULE 28(a) OF RESOLUTION 82580 C.M.S., COUNCIL'S RULES OF PROCEDURES.

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
(12-0273)

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
(12-0274)

7.3-CC Subject: Complete Streets Policy
From: Department Of Public Works
Recommendation: Adopt An Ordinance Amending Title 12 And 16 Of The Oakland

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

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

Introduction (First Reading) was passed on February 5, 2013; 8 Ayes

- 7.4-CC Subject: Commission On Aging Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Corinne Jan As A Member Of The Commission On Aging
(12-0276)
- 7.5-CC Subject: Violence Prevention And Public Safety Oversight Committee Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Jahaziel Bonilla As A Member Of
The Violence Prevention And Public Safety Oversight Committee
(12-0275)
- 7.6-CC Subject: Library Advisory Commission Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Roy
Chan As A Member Of The Library Advisory Commission
(12-0297)
- 7.7-CC Subject: Children's Fairyland Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of
Nashwa Emam To The Children's Fairyland Board
(12-0283)
- 7.8 Subject: Settlement Agreements - OPD Unlawful Searches
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Claim For Attorneys' Fees And Costs Incurred In Legal
Motions In The Following Cases (Oakland Police Department - Unlawful Search) In
Amount Of One Hundred Seventy-nine Thousand Nine Hundred Sixty-Nine Dollars And
Ninety-Seven Cents (\$179,969.97): James Taylor And Robert Forbes v. City Of Oakland,
et al., United States District Court No. C04-04843 SI; City Attorney's File No. SS26446;
Darnell Foster, Rafael Duarte And Yancie Young v. City Of Oakland, et al. United States
District Court No. C05-03110 SI; City Attorney's File No. SS02705; Jimmy Rider v. City
Of Oakland, et al. United States Distrcit Court No. C05-03204 SI; City Attorney's File
No. SS02719; Tyrone Moore And Deandre Wash v. City Of Oakland, et al., United States

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District Court No. C06-02426SI; City Attorney's File No. SS24386; Jeffrie Miller, Richard Tillman, Jason Cagler, Jomal Reed, Curtis Freeman, Glenn Lovely And Kevin Bradley v. City Of Oakland, et al., United States District Court No. C07-01773 SI; City Attorney's File No. SS25571; John Smith, Robert Davis, Meheret Aneteneh, Jamel Parrish, Yusef Morris, Elbert Owens, Raheem Hill And Sherman Dunn v. City Of Oakland, et al., United States District Court No. C07-06298 SI; City Attorney's File No. SS25818; David Ward, James Tyson, And Tony Armstrong v. City Of Oakland, et al., United States District Court No. C07-04179 SI; City Attorney's File No. SS25880; Terrell Turner, Robert Young, Orlando Moore And Anthony Jackson v. City Of Oakland, et al., United States District Court No. C08-03114 SI; City Attorney's File No. SS26566; Lawrence Coley v. City Of Oakland, et al., United States District Court No. C08-04255 SI; City Attorney's File No. SS26767; Rahsan Kountz v. City Of Oakland, et al, United States District Court No. C09-05318 SI; City Attorney's File No. SS27508; Courtney Brown v. City Of Oakland, et al, United States District Court No. C11-04904; City Attorney's File No. SS26767-1; Larry Noble, Jr. v. City Of Oakland, et al., United States District Court No. C11-04906 SI; City Attorney's File No. SS26767-2; Nkukwe Okoli v. City Of Oakland. et al., United States District Court No. C11-04907 SI; City Attorney's File No. SS26767-3; Quincy Smith v. City Of Oakland, et al., United States District Court No. C11-04909 SI; City Attorney's File No. SS26767-4; Thomas Romerson v. City Of Oakland, et al., United States District Court No. C11-04908 SI; City Attorney's File No. SS27508-1; Stephen Johnson v. City Of Oakland, et al., United States District Court No. C11-04905; City Attorney's File No. SS27508-2; B. M., A Minor, By And Through His Next Friend, Felicia Williams v. City Of Oakland, et al., United States District Court No. C11-04903 SI; City Attorney's File No. SS27508-3
(12-0298)

- 7.9-CC Subject: Travel Authorization - Brooks National League Of Cities
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To Travel To Washington, D.C. To Attend The 2013 National League Of Cities Congressional City Conference From March 9-13, 2013
(12-0301)
- 7.10-CC Subject: Citizens' Police Review Board Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Denise K. Top, Dominic V. Signorotti And Derrick H. Muhammad And Appointment Of Chris Brown As Members Of the Citizens' Police Review Board
(12-0305)
- S-7.11-CC Subject: Divest Investments In Weapons Companies
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Of The Oakland City Council (1) Declaring A City Policy Prohibiting The City From Holding Any Investment Or Ownership Stake In Any Manufacturer Of Firearms Or Ammunition, (2) Directing The City Administrator To

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Examine The City's Holdings And Future Investments To Assure That The City Complies With This City Policy, (3) Urging The Police And Fire Retirement System Board And The Oakland Municipal Employees Retirement System Board To Adopt A Similar Policy, And (4) Urging Other State And Local Jurisdictions To Prohibit Investment Of Their Public Funds In Manufacturers Of Firearms Or Ammunition.

[\(12-0254\)](#)

The February 13, 2013 Special Finance and Management Committee approved recommendations; 3 Ayes, 1 Excused - Brooks

S-7.12-CC Subject: CAFR Year Ended June 30, 2012 And Management Letter
From: Offices Of The City Administrator And The Controller
Recommendation: Receive An Informational Report Presenting The Comprehensive Annual Financial Report For The Year Ended June 30, 2012 And The Management Letter
[\(12-0260\)](#)

The February 13, 2013 Special Finance and Management Committee approved recommendations;3 Ayes, 1 Excused - Brooks

S-7.13-CC Subject: ORA And ORSA Audited Financial Statements For FY 2011-2012
From: Offices Of The City Administrator And The Controller
Recommendation: Receive An Informational Report Presenting The Oakland Redevelopment Agency ("ORA") Audited Financial Report For The Period July 1, 2011 Through January 31, 2012 And The Oakland Redevelopment Successor Agency ("ORSA") Audited Financial Report For The Period Inception (February 1, 2012) Through June 30, 2012
[\(12-0268\)](#)

The February 13, 2013 Special Finance and Management Committee approved recommendations; 3 Ayes, 1 Excused - Brooks

S-7.14-CC Subject: Wildfire Prevention Audit Report For FY 2011-2012
From: Offices Of The City Administrator And The Controller
Recommendation: Receive An Informational Report Presenting The Wildfire Prevention Assessment District Audit Report For The Year Ended June 30, 2012
[\(12-0261\)](#)

The February 13, 2013 Special Public Safety Committee approved recommendations; 4 Ayes

S-7.15-CC Subject: Citizens Options For Public Safety Grant FY 2011
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Accept And Appropriate A Fiscal Year 2011-2013 State Of California Citizens Options For Public Safety Grant (State Cops Grant Fiscal Year 2011-2013) In An Amount Not To Exceed Six Hundred Thirty Four Thousand And Six Hundred Seventeen Dollars (\$634,617) To Fund Equipment Purchase, Equipment Repair And Maintenance, And Personnel Training For the Oakland Police Department In Accordance With The

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Spending Plan
(12-0270)

**The February 13, 2013 Special Public Safety Committee approved
recommendations; 4 Ayes**

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

**COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE
THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:**

**9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING
REQUIREMENTS:**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

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

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

**A motion was made by Vice Mayor Nadel, seconded by Councilmember
Schaaf to adopt the resolution upholding the appeal of the Planning
Commission's decision and grant the permit application for the New Dog
Park Play Area. The motion failed with a vote of 4 Ayes, 3 Noes - Brooks,
Kernighan, Reid, 1 Excused - Brunner.**

**A second motion was made by Councilmember Brooks, seconded by
Councilmember Kernighan to deny the appeal and the application of a
permit application for the New Dog Park Play Area. The motion failed with
a vote of 3 Ayes, 4 Noes - De La Fuente, Kaplan, Nadel, Schaaf, 1 Excused -
Brunner.**

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Due to a lack of 5 affirmative votes to pass either of the noticed options, this item was automatically rescheduled to the next regularly scheduled City Council meeting.

Pursuant to Oakland Planning Code Section 17.152.180(B) this item shall appear for a vote on each regular meeting of the Council until a decision has been reached.

- 12 Subject: Support For AB 187: Taxing Ammunition
From: President Pro Tempore Rebecca Kaplan
Recommendation: ~~Adopt A Resolution Supporting AB 187 Establishing A Tax On All Ammunition Sold In Retail Stores And Gun Shows In The State And Direct The Revenue From The Tax To A High Crime Prevention Fund For Crime Prevention Efforts In High Crime Areas Of The State~~
(12-0285)

This item was withdrawn from this agenda pursuant to Rule 28(a) of Resolution 82580 C.M.S., Council's Rules of Procedures.

- S-13 Subject: Recognized Obligation Payment Schedule
From: Offices Of The City Administrator And Neighborhood Investment
Recommendation: Adopt An Oakland Redevelopment Successor Agency (ORSA) Resolution Approving The Submission Of A Recognized Obligation Payment Schedule And Successor Agency Administrative Budget For July Through December 2013 To The Oakland Oversight Board, The County, And The State
(12-0269)

The February 13, 2013 Special Community and Economic Development Committee approved recommendations; 4 Ayes

- S-14 Subject: Solar Conversion Report
From: Public Works Agency
Recommendation: Adopt One Of The Following Pieces Of Legislation:
1) A Resolution Authorizing The City Administrator Or Her Designee To: (A) Implement A Solar Power Procurement Project By Signing A Memorandum Of Understanding With Alameda County For The Regional Renewable Energy Procurement Project; And (B) Enter Into Solar Power Purchase Agreements With Contractor(s) Selected Through The County's Regional Renewable Energy Request For Proposals In An Amount Not To Exceed Three Million Two-Hundred Twenty-Five Thousand Dollars (\$3,225,000) During The Term Of The Agreement; And (C) Appropriate Related Incentives; All Without Returning To Council
(12-0121)
2) A Resolution Authorizing The City Administrator Or Her Designee To: (A) Waive The Competitive Request For Proposal/Qualification Requirements; And Enter Into An Exclusive Negotiation Agreement For A Solar Power Purchase Agreement With NRG

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Solar LLC; And (B) Enter Into A Solar Power Purchase Agreement With NRG Solar LLC In An Amount Not To Exceed Three-Million Two hundred Twenty-Five Thousand Dollars (\$3,225,000) During The Term Of The Agreement; And (C) Enter Into Professional Services Agreements With Solar Power Consultants In An Amount Not To Exceed Seventy Five Thousand Dollars (\$75,000); And Waive The Formal Competitive Request For Proposal/Qualification Process Requirements, Small And Local Business Enterprise Program Requirements For Professional Services; And (D) Appropriate Related Incentives; All Without Returning To Council

(12-0121-1)

3) A Resolution Authorizing The City Administrator Or Her Designee To: (A) Enter Into Professional Services Agreements With Solar Power Consultants In An Amount Not To Exceed Ninety Thousand Dollars (\$90,000); And Waive The Formal Competitive Request For Proposal/ Qualification Process Requirements, Small And Local Business Enterprise Program Requirements For Professional Services; And (B) Enter Into A Power Purchasing Agreement With A Design-Build Contractor Selected According To A Formal Competitive Request For Proposal/Qualifications Process In An Amount Not To Exceed Three-Million Two-Hundred Twenty-Five Thousand Dollars (\$3,225,000) During The Term Of The Agreement; And (C) Appropriate Related Incentives; All Without Returning To Council

(12-0121-2)

The February 13, 2013 Special Public Works Committee approved recommendations under Option A as amended to further direct staff to include a process to allow for bids on all possible sites rather than the 20 potential sites identified in Attachment A of the Supplemental Report; 3 Ayes, 1 Abstain-Reid

S-15

Subject: Crime Suppression Assistance - CHP

From: Office Of The City Administrator

Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Enter Into A Memorandum Of Understanding With The California Highway Patrol (CHP) For Sixty (60) Days Of Crime Suppression Assistance Whereby CHP Will Deploy 10 Officers In Five, Double Unit Patrol Vehicles And Two Sergeants In A Supervisor Vehicle, Two Days Per Week, At A Cost Not To Exceed One Hundred And Sixty Two Thousand Dollars (\$162,000).

(12-0306)

This item was placed on the agenda Pursuant to Rule 28a of Resolution 82580 C.M.S., Council's Rules of Procedure

This item requires an Urgency Finding (2/3 majority vote) pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance, prior to hearing the item.

Continuation of Open Forum

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ADJOURNMENT OF COUNCIL SESSION

(Meeting shall conclude no later than 12:00 a.m., unless extended by Majority Vote of the Council)

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(TTD)

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MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30AM TO 5:00PM

**LaTonda Simmons
City Clerk and
Clerk of the Council**