



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, March 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: Introduction Of New BART Directors
From: Council President Patricia Kernighan

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Recommendation: Receive An Introduction Of Two New Bay Area Rapid Transit (BART) Directors: Zakhary Mallett Representing District 7 And Rebecca Saltzman Representing District 3
(12-0282)

4.2 Subject: Resolution Honoring Kevin Grant
From: Councilmember Libby Schaaf And Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Honoring Kevin Grant For His Work Preventing Violence And For Being Awarded The 2012 California Peace Prize By The California Wellness Foundation
(12-0332)

4.3 Subject: Resolution Honoring The Late Dr. Su Yon Park
From: Councilmember Libby Schaaf And Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Honoring the Late Dr. Su Yon Park of Children's Hospital and Research Center Oakland as a Recipient of the California Wellness Foundation's 2012 California Peace Prize for her work creating the Youth UpRising Mental Health Clinic
(12-0346)

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF March 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:

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
(12-0341)

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
(12-0342)

7.3-CC Subject: Salary Ordinance Amendment - New Classifications
From: Department of Human Resources Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance

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No. 12187 C.M.S. ("Salary Ordinance") To Add The Classifications Of Revenue Analyst, Principal; Pool Technician; Pool Technician, PPT; And Pool Technician, PT
(12-0286)

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

Introduction (First Reading) was passed on March 5, 2013; 7 Ayes, 1 Excused - Reid

7.4-CC Subject: Salary Ordinance Amendment - UM1/UM2 Classifications
From: Department Of Human Resources Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Change The Bargaining Unit Designation From UM 1 To UM2 For The Classifications Of Administrative Services Manager II; Business Analyst IV; Manager, Marketing Program; Open Government Coordinator; Project Manager II; And Manager, Zoning; And To Add The Classifications Of Manager, Sustainability Program; Manager, Oracle Operations; Manager, Technology Program; Manager, Rent Adjustment Program; And Manager, Human Services
(12-0287-1)

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

Introduction (First Reading) was passed on March 5, 2013; 7 Ayes, 1 Excused - Reid

7.5-CC Subject: Electronic Filing Of Campaign Statements
From: Offices Of Councilmember Schaaf, The City Attorney, And The City Clerk
Recommendation: Adopt An Ordinance Amending Title Three Chapter 3.12 Articles I, II, VI And VII Of The Oakland Municipal Code And Adding Article IX Requiring Electronic Filing Of Campaign Statements For (1) Candidates Seeking Election In The City Of Oakland, (2) Committees Formed Or Existing Primarily To Support Or Oppose An Oakland Candidate(s) Or To Support Or Oppose The Qualification Of Or Passage Of, An Oakland Ballot Measure, And (3) General Purpose Committees Active Only In Oakland
(12-0258)

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

Introduction (First Reading) was passed as amended to amend Paragraph H to read as follows:"At minimum, offer trainings, at no cost, on the electronic filing system prescribed by the City during the First Semi-Annual and First Pre-election reporting periods during election years."and Paragraph I to read as follows:"Provide with nomination

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packets given to candidates an advisory sheet on locations of computers with internet access made available by the City for free public use." on March 5, 2013; 7 Ayes, 1 Excused - Reid

7.6-CC Subject: Settlement Agreement (Florencia L. Mendoza)
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Florencia L. Mendoza v. City Of Oakland, Alameda County Superior Court Case No. RG11584968, City Attorney's File No. 27746, In The Amount Of Fourteen Thousand Dollars And No Cents (\$14,000.00) (Oakland Police Department)
[\(12-0344\)](#)

This item is currently placed on the March 19, 2013 Closed Session Agenda.

7.7-CC Subject: Settlement Agreement (Pratt)
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Sedina Pratt v. City Of Oakland, In The Amount Of \$47,000.00 As A Result Of Wrongful Termination (Public Library - OPL)
[\(12-0343\)](#)

This item is currently placed on the March 19, 2013 Closed Session Agenda.

7.8-CC Subject: Professional Service Contract - Renne Sloan Holtzman Sakai, LLP
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Waiving Advertising And The Request For Proposals Process, And Authorizing The City Administrator To Amend The September 2012 Services Contract With Renne Sloan Holtzman Sakai, LLP, Public Law Group, For Assistance With Miscellaneous Employees Union Negotiations, To Increase The Amount Of Negotiations Work, Extend The Term Of The Contract To March 31, 2014, And Increase The Contract By An Amount Not To Exceed One Hundred Thousand Dollars (\$100,000.00), For A Total Contract Amount Of One Hundred Ninety Thousand Dollars (\$190,000)
[\(12-0338\)](#)

This item was placed on this agenda by the March 7, 2013 Rules and Legislation Committee.

S-7.9-CC Subject: Cash Management Report
From: Office Of The City Administrator
Recommendation: Receive A Cash Management Report For The Quarter Ended December 31, 2012
[\(12-0278\)](#)

The March 12, 2013 Finance and Management Committee received and

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forwarded this report; 3 Ayes, 1 Excused - Brooks.

S-7.10-CC Subject: Appropriate Funds for City's Network & Telephone Upgrades
From: Department Of Information Technology
Recommendation: Adopt A Resolution: (1) Waiving Formal Advertising And Competitive Bidding And The Request For Proposals/Request For Qualifications ("RFP/RFQ") Requirements And Authorizing The City Administrator, Or Her Designee, To Negotiate And Enter Into A Contract With Shoretel Or An Authorized Reseller For Professional Services, Hardware And Software To Upgrade The Shoretel Telephone System And Annual Maintenance For An Amount Not To Exceed \$275,000.00 Annually Or \$825,000.00 For A Contract Term Of 3 Years, And 2) Waiving Formal Advertising And Competitive Bidding And The Request For Proposals/Request For Qualifications ("RFP/RFQ") Requirements And Authorizing The City Administrator, Or Her Designee, To Negotiate And Enter Into A Contract With Enterasys Networks Or An Authorized Reseller For The Upgrade Of Hardware, Software, Professional Services And Maintenance Of The City Services Enterasys Network For An Implementation Cost Not-To-Exceed \$1,200,000.00 And An Annual Maintenance Amount Not To Exceed \$150,000.00 Per Year For A Term Of 5 Years, For A Grand Total Contract Amount Of \$1,950,000.00; And 3) Authorizing The City Administrator Or Her Designee To Appropriate Current And Future Funds In Internal Services Fund 4210 For The Ongoing Cost Associated With The Delivery Of Telephone, Network And Telecommunications Services Without Return To Council. These Costs Include Upgrade Of The Telephone And Network Equipment, Maintenance And Support, Telephone Lines And Installation Services.
(12-0290)

The March 12, 2013 Finance and Management Committee approved recommendations as amended to amend the resolution to:

- 1. Clarify actions being taken in regards to procuring the professional services, hardware and software contracts**
- 2. Change the Enterasys maintenance contract term to 3 years**
- 3. Change the City Administrator's appropriation authority to 3 years to match the length of the contracts; 3 Ayes, 1 Excused - Brooks.**

S-7.11-CC Subject: City Audits Since November 2011
From: Office Of The City Auditor
Recommendation: Receive An Informational Report From The Office Of The City Auditor On All Audits Issued Since November 2011
(12-0315)

The March 12, 2013 Finance and Management Committee received and forwarded this report.

S-7.12-CC Subject: Realignment Of Existing Harbord Drive Sewer Easement
From: Department Of Building, Planning And Neighborhood Preservation
Recommendation: Adopt A Resolution Approving A Realignment Of An Existing

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Sanitary Sewer Easement Located At 4845, 4851, And 4857 Harbord Drive And
Accepting Offers Of Dedication From The Property Owners To Widen The Easement To
Facilitate Maintenance By The City
(12-0329)

**The March 12, 2013 Public Works Committee approved recommendations;
4 Ayes.**

S-7.13-CC Subject: 2148 Broadway, Existing Under-Sidewalk Basement Encroachment
From: Department Of Building, Planning And Neighborhood Preservation
Recommendation: Adopt A Resolution Granting Dudley Franklin Investors LLC A
Conditional And Revocable Permit To Allow An Existing Under-Sidewalk Basement For
The Goldwater Building Located At 2148 Broadway To Encroach Into The Public
Right-Of-Way Along The Building's Frontage On Broadway
(12-0330)

**The March 12, 2013 Public Works Committee approved recommendations;
4 Ayes.**

S-7.14-CC Subject: Renne Sloan Holtzman Sakai, LLP Second Contract Amendment
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend
The Contract With Renne Sloan Holtzman Sakai, LLP To Complete Additional
Investigation-Related Work On Police Misconduct Claims Resulting From Occupy
Oakland Protest Incidents, Increasing The Budget By Twenty Five Thousand Dollars
(\$25,000) For A Total Contract Amount Of One Hundred Forty-Five Thousand Dollars
(\$145,000)
(12-0316)

**The March 12, 2013 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:**

9.1 Subject: Delinquent Transient Occupancy Taxes
From: Office Of The City Administrator
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 Transient Occupancy Taxes And

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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

[\(12-0308\)](#)

2) 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; Or

[\(12-0308-1\)](#)

3) 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

[\(12-0308-2\)](#)

9.2

Subject: Mandatory Garbage Fees

From: Office Of The City Administrator

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

[\(12-0309\)](#)

2) 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; Or

[\(12-0309-1\)](#)

3) 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

[\(12-0309-2\)](#)

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9.3 Subject: Delinquent Real Property Transfer Taxes
 From: Office Of The City Administrator
 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 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
[\(12-0310\)](#)

2) 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; Or
[\(12-0310-1\)](#)

3) 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
[\(12-0310-2\)](#)

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)
 [\(11-0624-1\)](#)

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This item was heard by the December 4, 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.

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 17.134.070(A) this item shall appear for a vote on each regular meeting of the Council until a decision has been reached.

- 12 Subject: ABAG Appointments
From: Council President Kernighan
Recommendation: Adopt A Resolution Appointing The Following To Positions To The Executive Board And General Assembly Of The Association Of Bay Area Governments: Oakland Mayor Jean Quan And Councilmember Libby Schaaf To The Executive Board, Councilmembers Lynette Gibson McElhaney And Dan Kalb As Alternate Members Of The Executive Board, To Complete The Two-Year Terms That Commenced On July 1, 2012 And End On June 30, 2014, And Councilmember Libby Schaaf As An Alternate Member To The General Assembly
(12-0317)

This item was withdrawn and rescheduled from the March 5, 2012 City Council Agenda.

- 13 Subject: ACTC Alternate Appointment
From: Council President Kernighan
Recommendation: Adopt A Resolution Appointing Councilmember Dan Kalb As An Alternate To The Alameda County Transportation Commission
(12-0318)

This item was withdrawn and rescheduled from the March 5, 2012 City Council Agenda.

- 14 Subject: ACWMA Appointment

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From: Council President Kernighan
Recommendation: Adopt A Resolution Appointing Councilmember Dan Kalb As A
Member Of The Alameda County Waste Management Authority (ACWMA) And
Appointing President Pro Tem Rebecca Kaplan As An Alternate Member Of The
ACWMA
(12-0319)

**This item was withdrawn and rescheduled from the March 5, 2012 City
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15 Subject: BRT Policy Steering Committee Appointment
From: Council President Kernighan
Recommendation: Adopt A Resolution Appointing Councilmember Noel Gallo As A
Member And Councilmember Dan Kalb As An Alternate Member To The
Alameda-Contra Costa Transit District's Bus Rapid Transit (BRT) Policy Steering
Committee
(12-0320)

**This item was withdrawn and rescheduled from the March 5, 2012 City
Council Agenda.**

16 Subject: CalTrans Grant Application For Complete Streets Design Guidelines
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee
To Apply For, Accept, And Appropriate A Grant From The California Department Of
Transportation (CalTrans), Community-Based Transportation Planning (CBTP) Grant
Program In An Amount Up To Three Hundred Thousand Dollars (\$300,000.00) To
Develop A Complete Streets Action Agenda And Design Guidelines; And To Commit A
Ten-Percent Local Match From Fund 2211 Measure B For The Grant Amount Actually
Received For A Maximum Total Of Up To Thirty Thousand Dollars (\$30,000.00)
(12-0348)

**This item was placed on this agenda by the March 7, 2013 Rules and
Legislation Committee.**

S-17 Subject: MOU For 6701 San Pablo Avenue
From: Department Of Planning And Building
Recommendation: Adopt A Resolution Authorizing A Memorandum Of Understanding
By And Among The City Of Oakland, The City Of Berkeley And The City Of Emeryville
For The Development Of 6701 San Pablo Avenue, A Property Located Within Each Of
The Three Jurisdictions
(12-0313)

**The March 12, 2013 Community and Economic Development Committee
approved recommendations as amended to amend the resolution to Add
CEQA exemption 15183, ensuring conformity to General Plan and 15332
Infill Development and Adding language authorizing city administrator to**

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negotiate MOU without returning to City Council except for matters of public safety; 4 Ayes

S-18 Subject: First Friday Security Report
From: Vice Mayor Larry Reid
Recommendation: Receive An Informational Report On The Costs Of Providing Security For The First Friday Events In Downtown Oakland And An Informational Report On The Existing Contract Agreement For The Private Security Company Providing Services For The Frank Ogawa Plaza And/Or For First Friday Events
(12-0323)

The March 12, 2013 Public Safety Committee recieved and forwarded this report; 4 Ayes.

The Committee directed staff to schedule through Rules a report regarding the City's Policies and Procedures surrounding public Special Events.

S-19 Subject: Public Safety Interagency Partnership Priorities List
From: Office Of Councilmember Noel Gallo
Recommendation: Adopt A Resolution Establishing Oakland's Public Safety Interagency Partnership Priorities List For 2013 To Support Safety And Order In The City Of Oakland
(12-0340)

The March 12, 2013 Public Safety Committee approved recommendations as amended to to amend the resolution to add the following language:

- 1. "Resolved in the event that the City Administrator makes changes to the City's priorities list, the City Administrator shall report such changes to the Public Safety Committee following such changes including the reason for such changes."**
- 2. "Resolved This priorities list shall in no way limit the aggressive pursuit of all Public Safety resources for Oakland."**

The Committee further directed staff to change the title of the resolution to " Law Enforcement Interagency Partnership Priorities List For 2013"; 4 Ayes

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)

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environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

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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**