



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

* Meeting of the Oakland City Council

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

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

Tuesday, March 20, 2012

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 / ORA & Council
COUNCIL MEMBERS:

Desley Brooks, Dist. 6; Jane Brunner, Dist. 1, Ignacio De La Fuente; Dist. 5; Rebecca Kaplan, At-Large; Pat Kernighan, Dist. 2; Nancy Nadel, Dist. 3; Libby Schaaf, Dist. 4; Council President Larry Reid, Dist. 7

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

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

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- 4.1 Subject: ~~Marcel Uzegbu Retirement~~
From: ~~Vice Mayor Brooks, Council President Reid, and Pro Tem De La Fuente~~
Recommendation: ~~Adopt A Resolution Acknowledging The Retirement Of Marcel Uzegbu After Twenty Six Years Of Dedicated Service To The City Of Oakland~~
(11-0323)

This item was withdrawn and rescheduled to the April 3, 2012 City Council Agenda pursuant to Rule 28a of Resolution 82580 C.M.S., Council's Rules of Procedure.

- 4.2 Subject: Oakland Walk Of Fame
From: Council Member Nancy Nadel
Recommendation: Adopt A Ceremonial Resolution Commending And Recognizing The "Music They Played On 7th Street, Oakland Walk Of Fame" As A Permanent Historical Piece Of 7th Street In The City Of Oakland
(11-0328)

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING HELD on March 6, 2012

- 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 AN S- WERE ADDED PURSUANT TO RULE 28a OF RESOLUTION 82580 C.M.S., COUNCIL'S RULES OF PROCEDURE

- 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
(11-0318)
- 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
(11-0319)
- 7.3-CC Subject: Parks And Recreation Advisory Commission Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Judith Belcher, Barry Miller And Ellen Wu And Appointment Of Paul Rosenbloom,

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Toshia Marshall, Mandolin Kadera-Redmond And Faith Du Bois To The Parks And Recreation Advisory Commission

[\(11-0320\)](#)

7.4-CC

Subject: PFRS Board Designation

From: Office Of The Mayor

Recommendation: Adopt A Resolution (1) Rescinding Resolution Number 83195 C.M.S. Which Authorized The Director Of The Finance And Management Agency To Serve As The Mayor's Designee On The Police And Fire Retirement Board And (2) Approving The Mayor's Designation Of The Controller To Serve In The Mayor's Place And Stead As A Member Of The Police And Fire Retirement Board

[\(11-0326\)](#)

7.5-CC

Subject: Public Art Advisory Committee Appointment - Cummings

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Allison Cummings As A Member Of The Public Art Advisory Committee

[\(11-0325\)](#)

7.6-CC

Subject: Settlement Agreement - DeGuzman

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Deguzman V. City Of Oakland, Et Al, Alameda County Superior Court Case No. RG07355626, City Attorney's File No. 25715, In The Amount Of Three Hundred Ninety-Eight Thousand Five Hundred Dollars (\$398,500.00). (Public Works Agency) - Inverse Condemnation/Dangerous Condition

[\(11-0346\)](#)

This matter was heard at the March 6, 2012 Closed Session.

S-7.7-CC

Subject: Housing Related Parks Program

From: Department Of Housing And Community Development

Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate Grant Funds From The California Department Of Housing And Community Development In An Amount Not To Exceed \$600,000 For The Housing Related Parks Program (Program Years 2010-2011)

[\(11-0299\)](#)

The March 13, 2012 Community and Economic Development Committee approved recommendations; 4 Ayes.

S-7.8-CC

Subject: Cultural Services Grants

From: Office Of Neighborhood Investment

Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into Sixty-Two (62) Cultural Services Grants To Fifty-Two (52) Oakland-Based Nonprofit Organizations And Individual Artists Providing Arts And Cultural Services In Oakland During Fiscal Year 2011-2012 In A Total Amount Not To Exceed \$854,862.00

[\(11-0312\)](#)

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The March 13, 2012 Life Enrichment Committee approved recommendations; 3 Ayes, 1 Excused - Brooks.

S-7.9-CC Subject: Mccullum Youth Court Agreement
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Accept And Appropriate Grant Funds In An Amount Not To Exceed \$172,141 From The State Of California, Corrections Standards Authority, Title II Formula Grant Program To The Oakland Police Department, 2) Waive The Competitive Request For Proposals/Qualifications (Rfp/Q) Process, And 3) Enter Into A Professional Services Agreement With Mccullum Youth Court For The Period January 1,2012 Through December 31, 2012, With Two-One Year Options To Extend, In An Amount Not To Exceed \$83,638 Annually For Continued Program Implementation Of The Oakland Youth Court
(11-0298)

The March 13, 2012 Public Safety Committee approved recommendations; 4 Ayes.

S-7.10-CC Subject: Measure Y Violence Prevention Report
From: Finance And Management Agency
Recommendation: Receive An Informational Report Presenting The Measure Y - Violence Prevention & Public Safety Act Of 2004 Audit And Program Status Report For Fiscal Year Ended June 30, 2011
(11-0268)

The March 13, 2012 Public Safety Committee approved recommendations; 4 Ayes.

S-7.11-CC Subject: Newly Built Fire Truck Purchase
From: Oakland Fire Department
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator Or Her Designee To Accept And Appropriate Grant Funds From The U.S. Department Of Homeland Security's Federal Emergency Management Agency (FEMA) Assistance To Firefighters Grant (AFG) Program For The Period Of December 30, 2011 To December 29, 2012 In The Amount Of Seven Hundred Eighty-Nine Thousand Three Hundred Sixty Dollars (\$789,360) With Matching City Of Oakland Funds In The Amount Of One Hundred Ninety-Seven Thousand Three Hundred Forty Dollars (\$197,340) For The Purchase Of A Newly Built Fire Truck; 2) Approving The Expenditure Of Matching City Of Oakland Funds In The Amount Of One Hundred Ninety Seven Thousand Three Hundred Forty Dollars (\$197,340); 3) Waiving The Advertising And Competitive Bidding Requirements; And 4) Awarding A Contract To Pierce Manufacturing Incorporated Via Golden State Apparatus, Incorporated In An Amount Not To Exceed Nine Hundred Thirty-Two Thousand Dollars (\$932,000), For The Purchase Of A Newly Built Fire Truck And In Compliance With City Of Oakland Purchasing Policies And Procedures.
(11-0296)

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**The March 13, 2012 Public Safety Committee approved recommendations;
4 Ayes.**

This item bears the footer 9.1.

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: Newly Built Fire Truck Purchase
From: Oakland Fire Department
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator Or Her
Designee To Accept And Appropriate Grant Funds From The U.S. Department Of
Homeland Security's Federal Emergency Management Agency (FEMA) Assistance To
Firefighters Grant (AFG) Program For The Period Of December 30, 2011 To December
29, 2012 In The Amount Of Seven Hundred Eighty Nine Thousand Three Hundred Sixty
Dollars (\$789,360) With Matching City Of Oakland Funds In The Amount Of One
Hundred Ninety Seven Thousand Three Hundred Forty Dollars (\$197,340) For The
Purchase Of A Newly Built Fire Truck; 2) Approving The Expenditure Of Matching
City Of Oakland Funds In The Amount Of One Hundred Ninety Seven Thousand Three
Hundred Forty Dollars (\$197,340); 3) Waiving The Advertising And Competitive
Bidding Requirements; And 4) Awarding A Contract To Pierce Manufacturing
Incorporated Via Golden State Apparatus, Incorporated In An Amount Not To Exceed
Nine Hundred Thirty Two Thousand Dollars (\$932,000), For The Purchase Of A Newly
Built Fire Truck And In Compliance With City Of Oakland Purchasing Policies And
Procedures.
(11-0296)~~

**This item will be adopted under the Consent Calendar as item S-7.11 and
bears the footer 9.1.**

9.2 Subject: Local Hazard Mitigation Plan
From: Department Of Planning And Neighborhood Preservation
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A
Resolution Approving The Association Of Bay Area Governments' Report "Taming
Natural Disasters" As Oakland's Local Hazard Mitigation Plan
(11-0313)

**The March 13, 2012 Public Safety Committee approved recommendations;
4 Ayes.**

9.3 Subject: Amending Master Fee For Mobile Food Vending Parking Use
From: Office Of The City Administrator

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Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Amending Ordinance No. 13078 C.M.S., The Master Fee Schedule, As Amended, To Establish Or Modify Fees Assessed By The Office Of The City Administrator To Establish An Interim Mobile Food Vending Parking Use Fee For Permits Issued Pursuant To Chapter 5.51
[\(11-0292-1\)](#)

The Committee bifurcated the second ordinance, approving the mobile food vending parking use fee but holding the fees for second hand jewelry dealers and pawn brokers in committee.

This item was rescheduled from the March 6, 2012 City Council Agenda.

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

Final Passage (Second Reading) is scheduled for April 3, 2012.

9.4 Subject: Secondhand Jewelry Dealers Moratorium Extension
From: Office Of The City Administrator
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt 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 September 4, 2012 Or Whenever Permanent Regulations Are Adopted, Whichever Occurs First
[\(11-0337\)](#)

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION AND FINAL PASSAGE OF THIS ORDINANCE

7 votes required for adoption

9.5 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
[\(11-0321\)](#)

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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

[\(11-0321-1\)](#)

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

[\(11-0321-2\)](#)

9.6

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

[\(11-0322\)](#)

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

[\(11-0322-1\)](#)

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

[\(11-0322-2\)](#)

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: Oakland High School Career Pathway And Community Collaborative
From: Office Of The Mayor

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Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Execute Grant Agreements With The Spanish Speaking Citizens Foundation In An Amount Not To Exceed \$226,241, Oakland Unified School District In An Amount Not To Exceed \$8,000, Laney College In An Amount Not To Exceed \$10,000 And Private Industry Council In An Amount Not To Exceed \$26,000, And To Appropriate \$19,639 For Fiscal Management Costs To The City Of Oakland To Administer The Grant, Provide Project Oversight, Management And Liaison Work With State Grant Administrators, From The California Emergency Management Agency (Cal-EMA) Grant Funds For The Oakland High School Career Pathway And Community Collaborative At Fremont High School And Castlemont High School
[\(11-0343\)](#)

12 Subject: Vice Mayor Appointment
From: Council President Larry Reid
Recommendation: Adopt A Resolution For The City Council To Appoint _____ As Vice Mayor For The City Of Oakland, Term Commencing From _____, 2012, Until _____, 2012
[\(11-0311\)](#)

13 Subject: Supporting Assembly Bill 828
From: Councilmember Nadel
Recommendation: Adopt A Resolution In Support Of AB 828 (Swanson), Which Would End The Lifetime Ban On Benefits And Services Provided Through The CalFresh Program, Formerly Known As Food Stamps, For People Who Have A Prior Drug-Related Felony Conviction
[\(11-0344\)](#)

14 Subject: Supporting Senate Bill 1060
From: Councilmember Nadel
Recommendation: Adopt A Resolution In Support Of SB 1060 (Hancock), Which Would End The Lifetime Ban On Benefits And Services Provided Through The California Work Opportunity And Responsibility To Kids (CalWORKS) Program For People Who Have A Prior Drug-Related Felony Conviction As Long As They Are Participating In Or Have Successfully Completed A Government Recognized Treatment Program
[\(11-0345\)](#)

15 Subject: Support Of Senate Bill 1545
From: Council President Reid And Councilmember Kaplan
Recommendation: Adopt A Resolution In Support Of Senate Bill 1545 (DeSaulnier) That Would Prohibit Public Money From Being Used On The Development Or Improvement Of An Office Building At 390 Main Street, San Francisco, Until After The State Auditor Has Completed A Specified Audit Relating To The Move Of The Headquarters Of The Metropolitan Transportation Commission
[\(11-0324\)](#)

16 Subject: Support Of Assembly Bill 1831
From: Council Member Nancy Nadel

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Recommendation: Adopt A Resolution In Support Of AB 1831 (Dickinson/Swanson), Which Expands California's "Ban The Box" Policy For State Public Employees To City And County Workers Across The State
(11-0327)

- 17 Subject: Sanjiv Handa Sunshine Ordinance
From: President Reid and Vice Mayor Brooks
Recommendation: Adopt An Ordinance Amending Ordinance No. 11957 C.M.S., As Amended By Ordinance No. 12483 C.M.S., To Change The Citation And Title Of The "Oakland Sunshine Ordinance" To The "Sanjiv Handa Oakland Sunshine Ordinance" In Memory Of Sanjiv Handa, A Longtime Oakland Resident Who Devoted More Than 20 Years Of His Life To Advocating For Open Government And Transparency To Assure That Deliberations Of The City's Council, Commissions, Boards, And Advisory Bodies And The City's Operations Were Open To The Public
(11-0236)

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

Introduction (First Reading) was passed on February 21,2012; 5 Ayes, 3 No - De La Fuente, Nadel, Schaaf

- 18 Subject: Regional Sustainable Communities Strategy
From: Community And Economic Development Agency
Recommendation: Receive A Report And Approve Recommendations To Provide An Update On The Development Of The Regional Sustainable Communities Strategy (SCS) Pursuant To California Senate Bill 375, Including Alternative Land Use And Transportation Scenarios, The OneBayArea Grant Program, Results Of The Performance Targets And Equity Analyses, And Key Considerations For The City Of Oakland
(11-0271)

- 19 Subject: Central District Plan
From: Office Of Neighborhood Investment
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance, By The City Of Oakland Under Its Own Auspices, Adopting The Seventeenth Amendment To The Central District Redevelopment Plan, Designated And Adopted As The "Central District Urban Renewal Plan" In 1969, To (1) Extend The Time Limits On Plan Effectiveness And The Receipt Of Tax Increment Revenues By Ten Years, (2) Increase The Cap On Tax Increment Revenues, (3) Extend The Time Limit For Use Of Eminent Domain And Restrict Eminent Domain To Nonresidential Properties, (4) Amend Affordable Housing Provisions, And (5) Make Other Required Changes; And
(11-0341)

2) An Ordinance, By The City Under Its Own Auspices, Adopting The Eighteenth Amendment To The Central District Redevelopment Plan, Designated And Adopted As The "Central District Urban Renewal Plan" In 1969, To Extend The Time Limits On

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Plan Effectiveness And The Receipt Of Tax Increment Revenues By One Year; And
(11-0341-1)

**ACTION ON THESE ITEMS WILL RESULT IN INTRODUCTION
(First Reading) OF THESE ORDINANCES**

Final Passage is scheduled for April 3, 2012.

3) A Resolution Certifying And Making Findings As To The Final Environmental Impact Report On Proposed Amendments To The Central District Redevelopment Plan, Designated And Adopted As The "Central District Urban Renewal Plan" In 1969, And Adopting Mitigation Measures And A Mitigation Monitoring And Reporting Program
(11-0341-2)

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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(TTD)

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MATERIAL ON OR OVER THE GALLERY BANNISTERS IS
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THOSE ATTENDING MEETINGS.**

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

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LaTonda Simmons
City Clerk and
Clerk of the Council