



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, December 18, 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 / City 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):
 - 4.1 Subject: Honoring Ignacio De La Fuente
From: Council President Larry Reid
Recommendation: Adopt A Resolution Honoring President Pro Tem Ignacio De La Fuente For 20 Years For Exemplary Service To The People Of Oakland As A

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Distinguished Member Of The Oakland City Council
[\(12-0201\)](#)

- 4.2 Subject: Honoring Jane Brunner
 From: Council President Larry Reid
 Recommendation: Adopt A Resolution Honoring Jane Brunner For 16 Years For
 Exemplary Service To The People Of Oakland As A Distinguished Member Of The
 Oakland City Council
 [\(12-0200\)](#)
- 4.3 Subject: Honoring Nancy Nadel
 From: Council President Larry Reid
 Recommendation: Adopt A Resolution Honoring Vice Mayor Nancy Nadel For 16
 Years For Exemplary Service To The People Of Oakland As A Distinguished Member Of
 The Oakland City Council
 [\(12-0203\)](#)
- 4.4 Subject: Honoring Ron Snyder
 From: Council President Reid
 Recommendation: Adopt A Resolution Honoring Ron Synder For Almost 40 Years Of
 Exemplary Dedication And Outstanding Community Service
 [\(12-0209\)](#)
- 4.5 Subject: Jeffrey P. Levin - Commendation
 From: Council President Reid and Councilmember Brunner
 Recommendation: Adopt A Resolution Commending Jeffrey P. Levin, Housing Policy &
 Programs Manager, For Over 28 Years Of Service As An Affordable Housing
 Professional With The City Of Oakland
 [\(12-0215\)](#)
- 4.6 Subject: Recognizing The Apollo Class of 1981 & Establishing January 2013 As
 Martin Luther King, Jr. Month
 From: Councilmember Brunner
 Recommendation: Adopt A Resolution Recognizing The Apollo Class Of 1981 From
 Oakland Technical High School, On The 30th Year Observance Of California's Dr.Martin
 Luther King, Jr. Holiday, For Their Significant Role In The Creation Of The Martine
 Luther King Jr. Day Holiday, And Their Further Effort To Establish January As
 National King Month, By Establishing "Oakland's Martin Luther King, Jr. Month"
 Beginning January 2013.
 [\(12-0214\)](#)
- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF DECEMBER 4,
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- 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
(12-0196)
- 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
(12-0197)
- 7.3-CC Subject: Mobile Food Vending Regulations Extensions
From: Department Of Planning And Building
Recommendation: Adopt The Following Pieces Of Legislation:
1) An Ordinance Extending Interim Regulations With Minor Amendments 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 Until The City
Council Adopts New Permanent Mobile Food Vending Regulations.
(12-0136)
2) An Ordinance Amending The Master Fee Schedule (Ordinance No. 13133 C.M.S. As
Amended) To Reduce The Interim Food Vending Group Site Operation Date Fee
(12-0136-1)

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

First Reading was passed on December 4, 2012.

- 7.4-CC Subject: Oakland Coliseum Board Of Commissioners - Reid
From: Council President Pat Kernighan
Recommendation: Adopt A Resolution Appointing Council Member Larry E. Reid As A
Member Of The Oakland-Alameda County Coliseum Authority Board Of
Commissioners Replacing Outgoing Council Member Ignacio De La Fuente Beginning
January 21, 2013 And Ending January 20, 2015

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[\(12-0198\)](#)

**This item was added to this agenda pursuant to Rule 28(a) of Resolution
82580 C.M.S.**

7.5-CC Subject: Settlement - Ruth Ann Binder
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Claim Of Ruth Ann Binder, In The Amount Of \$10,158.02,
As A Result Of Property Damage Sustained Caused By A City Tree (Public Works
Agency)
[\(12-0199\)](#)

7.6-CC Subject: Settlement - Dan Kitamura
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Claim Of Dan Kitamura, In The Amount Of \$40,533.61, As
A Result Of Property Damage Sustained Caused By An Obstructed City Sewer Main.
(Public Works Agency)
[\(12-0207\)](#)

7.7-CC Subject: Settlement - John Weston Osborn
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of John Weston Osborn V. City Of Oakland, Alameda
County Superior Court Case No. RG11587945 In The Amount Of \$13,300.00 (Police
Department)
[\(12-0205\)](#)

7.8-CC Subject: Settlement - Paul Crum
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Paul Crum V. City Of Oakland, Alameda County
Superior Court Case No. RG12622606 In The Amount Of \$15,000.00 As A Result Of
Wrongful Termination (Office Of Public Works - OPW)
[\(12-0206\)](#)

7.9-CC Subject: Settlement Agreement - Laube
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Chloe Ann Laube V. City Of Oakland, Et Al,
Alameda County Superior Court Case No. RG11609016, In The Amount Of \$55,000.00
As A Result Of A Fall At The Redwood Heights Recreation Center On January 27, 2011
(Parks & Recreation)
[\(12-0211\)](#)

7.10-CC Subject: Port Of Oakland Conflict Of Interest Code

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From: Office Of The City Attorney
Recommendation: Adopt A Resolution Approving A Conflict Of Interest Code For Designated Employees And Consultants Of The Port Of Oakland
(12-0204)

7.11-CC Subject: Conflict Of Interest Code Amendment
From: Office Of The City Attorney
Recommendation: Adopt An Ordinance Amending The City Of Oakland's Conflict Of Interest Code (Ordinance Number 11562 C.M.S Adopted March 23, 1993, As Amended, Oakland Municipal Code Chapter 3.16) Enacting A Conflict Of Interest Code For City Of Oakland Employees, Members Of Boards And Commissions, And Consultant Positions To Update The Designation Of Positions Covered By The Code
(12-0202)

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

Final Passage (Second Reading) has been scheduled for January 22, 2013.

S-7.12-CC Subject: Montclair Garage Management
From: Department Of Public Works
Recommendation: Adopt A Resolution Waiving Formal Advertising And Request For Proposals/Request For Qualifications ("RFP/RFQ") And Authorizing The City Administrator To 1) Extend The Existing Contract On A Month-To-Month Basis For A Period Not-To-Exceed Twelve Months From December 31, 2012 Through December 31, 2013 At A Compensation Rate Of Up To \$15,900.00 A Month (Including A \$900.00 Per Month Management Fee And Up To \$15,000.00 A Month In Garage Operating Expenses) And 2) Negotiate A New Contract For An Initial Period Of Three Years, With A Two-Year Extension, Contingent Upon Satisfactory Evaluation Of Performance, With The Montclair Village Association For The Operation And Management Of Montclair Garage Located On 6235 La Salle And Scout Lot Located On 2250 Mountain Boulevard
(12-0177)

The December 11, 2012 Public Works Committee approved recommendations; 4 Ayes

S-7.13-CC Subject: Encroachment Permit - 2101 Telegraph
From: Department Of Planning And Building
Recommendation: Adopt A Resolution Granting 2101 Telegraph Avenue Associates A Conditional And Revocable Permit To Allow An Existing Under Sidewalk Basement And Portions Of The Building Facade Of The Hamilton Hotel Apartments Located At 2101 Telegraph Avenue To Encroach Into The Public Right-Of-Way Along Telegraph Avenue And 21st Street
(12-0184)

The December 11, 2012 Public Works Committee approved recommendations; 4 Ayes

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S-7.14-CC Subject: Civil Service Board Recommendations
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution Recommending To The Civil Service Board The
Exemption Of The Following Classifications From The Operation Of The Civil Service:
Engineer, Civil Principal; Performance Audit Manager; Manager, Crime Laboratory; And
Controller
(12-0145)

**The December 11, 2012 Finance and Management Committee approved
recommendations; 4 Ayes**

S-7.15-CC Subject: Salary Schedule Amendment -Mayor's Office 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 Title Of Administrative Assistant
To The Mayor To Special Assistant To The Mayor I; And To Change The Title Of Special
Assistant To The Mayor To Special Assistant To The Mayor II; And To Add Permanent
Part Time And Part Time Designations For The Classifications Of Special Assistant To
The Mayor I And Special Assistant To The Mayor II; And To Add The Classification Of
Special Assistant To The Mayor III; And To Remove The Classifications Of Mayor's
Public Service Employee 14 (CONF), Mayor's Public Service Employee 51, Mayor's
Public Service Employee 51 PPT, Mayor's Public Service Employee 51 Pt, Public
Service Employee 14, Public Service Employee 14 Pt, Public Service Employee 51,
Public Service Employee 51 PPT, Public Service Employee 51 PT, Public Service
Employee 51 (CONF), And Public Service Employee 51 PPT (CONF)
(12-0178)

**The December 11, 2012 Finance and Management Committee approved
recommendations; 4 Ayes**

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

Final Passage (Second Reading) is scheduled for January 22, 2013

S-7.16-CC Subject: Ordinance Nos. 13125 And 13130 C.M.S. Correction
From: Department Of Human Resources Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance
No. 12187 C.M.S. ("Salary Ordinance") To Make Corrections To Ordinance No. 13125
C.M.S. And Ordinance No. 13130 C.M.S.
(12-0179)

**The December 11, 2012 Finance and Management Committee approved
recommendations; 4 Ayes**

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First

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Reading) OF THIS ORDINANCE

Final Passage (Second Reading) is scheduled for January 22, 2013

S-7.17-CC Subject: 2011 - 2012 ORSA Annual Report
From: Office Of Neighborhood Investment
Recommendation: Receive An Informational Report Presenting The Oakland
Redevelopment Successor Agency (Agency) Fiscal Year 2011-2012 Annual Reports On
Blight, Housing Activity, Loans, Property, And Time Limits In Accordance With The
Reporting Requirements Of The California Community Redevelopment Law
(12-0188)

**The December 11, 2012 Finance and Management Committee approved
recommendations; 4 Ayes**

S-7.18-CC Subject: CalTrans Purchase Agreement
From: Office Of Neighborhood Investment
Recommendation: Adopt An Ordinance Authorizing The City Administrator To
Negotiate And Execute A Purchase And Sale Agreement With Caltrans For The Sale Of
An Approximately 3-Acre Fee-Owned Parcel And 3-Acre Easement Area Located At The
Former Oakland Army Base For 5,750,000, Less Any Costs For Required Easements;
And
(12-0118)

**The December 11, 2012 Community and Economic Development
Committee approved recommendations; 4 Ayes**

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

Final Passage (Second Reading) is scheduled for January 22, 2013

2) A Successor Agency Resolution Authorizing The Agency Administrator To Negotiate
And Execute A Purchase And Sale Agreement With Caltrans For The Sale Of An
Approximately 3-Acre Fee-Owned Parcel And 3-Acre Easement Area Located At The
Former Oakland Army Base For \$5,750,000, Less Any Costs For Required Easements
(12-0118-1)

**The December 11, 2012 Community and Economic Development
Committee directed staff to provide the previously adopted resolution that
allocates the anticipated funds in a Supplemental report to the December
18, 2012 City Council**

S-7.19-CC Subject: Affordable Housing Trust Fund Project Fund Staffing
From: Department Of Housing And Community Development
Recommendation: Adopt A Resolution Appropriating \$966,709 From The Affordable
Housing Trust Fund For Housing Development Project Funding And \$240,000 From The

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Affordable Housing Trust
Fund For Project Staffing
(12-0183)

**The December 11, 2012 Community and Economic Development
Committee approved recommendations; 4 Ayes**

S-7.20-CC Subject: Owner Participation Agreement - SKS Broadway
From: Office Of Neighborhood Investment
Recommendation: Adopt The Following Pieces Of Legislation:
1) An Oakland Redevelopment Successor Agency Resolution Authorizing An
Amendment To An Owner Participation Agreement With SKS Broadway LLC To Extend
Development Deadlines For A Mixed-Use Project At 1100 Broadway; And
(12-0185)

**The December 11, 2012 Community and Economic Development
Committee approved recommendations; 4 Ayes**

2) An Ordinance Authorizing An Amendment To A Purchase And Sale Agreement With
SKS Broadway LLC For Sale Of The Public Parking Garage At 409 - 12th Street To
Extend Purchase Deadlines
(12-0185-1)

**The December 11, 2012 Community and Economic Development
Committee approved recommendations; 4 Ayes**

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

Final Passage (Second Reading) is scheduled for January 22, 2013

S-7.21-CC Subject: Housing Board Policy Committee
From: Department Of Housing And Community Development
Recommendation: Adopt A Resolution Authorizing The Housing, Residential Rent And
Relocation Board To Establish A Standing Policy Committee
(12-0175)

**The December 11, 2012 Community and Economic Development
Committee approved recommendations as amended to amend the
resolution adding a Further Resolved that says “ recommendations made
to full Rent Board shall come to City Council for approval except for “just
cause” evictions”**

S-7.22-CC Subject: Anti-Poverty Community Services Block Grant Renewal
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To 1)
Accept, Appropriate, And Allocate A Renewal Grant In An Anticipated Amount Of
\$1,281,473 In Anti-Poverty Community Services Block Grant (CSBG) Funds For

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Calendar Year 2013 From The State Of California Department Of Community Services And Development (CSD) For Oakland And The Surrounding Alameda County (Excluding Berkeley); 2) Accept Any Additional CSBG Funding That May Become Available For Existing Programming Without Returning To Council; 3) Waive All Central Services Overhead Charges Associated With The Grant; 4) Extend And Amend Calendar Year 2012 Grant Agreements And Contracts In Amounts Not To Exceed \$50,000 Total For Each Agreement; And 5) Negotiate, Execute, Extend And Amend Calendar Year 2013 Grant Agreements And Contracts With Service Providers In Alignment With The City's 2012-2013 State Approved Community Action Plan In Amounts Not To Exceed \$50,000 Each

[\(12-0190\)](#)

The December 11, 2012 Life Enrichment Committee approved recommendations and directed staff to provide the names on the 18 member CAP board roster as well as requirements for board membership to the December 18, 2012 City Council. ; 4 Ayes

S-7.23-CC Subject: California Environmental Protection Agency Grant Funds
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate Grant Funds From The California Environmental Protection Agency (CalEPA) To The Oakland Fire Department (OFD) In The Amount Of Seventy-Eight Thousand Seven Hundred And Fifty-Six Dollars (\$78,756) To Purchase California Electronic Reporting System (CERS) Compatible Software and Computers To Provide A Means For Business Workshops For Oakland Companies To Submit Hazardous Materials Reporting Information To The Certified Unified Program Agency (CUPA) As Required By AB 2286

[\(12-0170\)](#)

The December 11, 2012 Public Safety Committee approved recommendations; 4 Ayes

S-7.24-CC Subject: Cal Fire Grant Funds - US&R Training
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Apply For, Accept, And Appropriate Funds From The State Of California Fire And Rescue Training Authority (CFRTA) To The Oakland Fire Department In The Amount Of One-Hundred Thousand Dollars (\$100,000) For A Scheduled Mobilization Exercise To Meet Personnel And Supply Expenses For The Training Of The Oakland Fire Department's Urban Search And Rescue (US&R) Team

[\(12-0159\)](#)

The December 11, 2012 Public Safety Committee approved recommendations; 4 Ayes

S-7.25-CC Subject: MHN Contract Extension - Counseling Services
From: Oakland Police Department

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Recommendation: Adopt A Resolution Authorizing The City Administrator To Exercise The Option To Extend The Contract With Managed Health Network (MHN) To Continue Providing Psychological Counseling Services For Sworn Members Of The Police Department And Their Dependents For An Additional Term, For The Period Of December 1, 2012 Through June 30, 2014, In The Amount Of \$100,000 (One Hundred Thousand Dollars)
[\(12-0167\)](#)

**The December 11, 2012 Public Safety Committee approved
recommendations; 4 Ayes**

S-7.26-CC Subject: Juvenile Accountability Block Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee, To: 1) Enter Into A Grant Program Administration Agreement With The State Of California, Corrections Standards Authority, For Juvenile Accountability Block Grant (JABG) Funds; 2) Accept, Appropriate, And Administer JABG Direct Allocation Funds Fiscal Year 2012-2013 To The Oakland Police Department In The Amount Of \$42,227 For The School Safety Policing Project For The Period July 1, 2012 - June 30, 2013; And 3) Waive The Central Services Overhead (CSO) Charges Of \$1,541
[\(12-0189\)](#)

**The December 11, 2012 Public Safety Committee approved
recommendations; 4 Ayes**

S-7.27-CC Subject: Juvenile Justice And Delinquency Prevention
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator 1) To Accept And Appropriate A Second Chance Act Juvenile Offender Reentry Evaluation Grant In An Amount Not To Exceed \$750,000 From The U.S. Department Of Justice, Office Of Juvenile Justice And Delinquency Prevention (OJJDP) And 2) To Enter Into Two Year Grant Agreements With Various Public And Non Profit Partners Named In The Grant For An Estimated Amount Not To Exceed \$576,800 From January 1, 2013 Through December 31, 2014
[\(12-0186\)](#)

**The December 11, 2012 Public Safety Committee approved
recommendations; 4 Ayes**

S-7.28-CC Subject: Contract Award - Resource Development Associates
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Contract Between The City Of Oakland And Resource Development Associates In An Amount Not To Exceed Three Hundred And Five Thousand Dollars (\$305,000) Annually For Outcome And Process Evaluation Services For Measure Y Violence Prevention And Community Policing Programs With Two One-Year Options To Renew For The FY 2012-15 Funding Cycles

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(12-0161)

**The December 11, 2012 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: 2013-2014 Rockridge Business Improvement District Assessment
From: Office Of Economic And Workforce Development
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 2013/14

(12-0139-1)

- 9.2 Subject: 2013-2014 Montclair Business Improvement District Assessment
From: Office Of Economic And Workforce Development
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 2013/14

(12-0138-1)

- 9.3 Subject: Wireless Telecommunication Facility Appeal
From: Department Of Planning And Building
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution
Denying The Appeal (A12-172) Of The Decision Of The Oakland Planning Commission,
To Grant Approval Of An Application For A Major Conditional Use Permit And Regular
Design Review To Make Alterations To An Existing Wireless Telecommunication
Facility Located In A Commercial Zone Property, At 5745 Thornhill Drive (Planning
Case File: CMD12-056)

(12-0210)

**This item was added to this agenda pursuant to Rule 28a of Resolution
82580 C.M.S., Council's Rules of Procedures**

- 9.4 Subject: Safeway Project Appeal
From: Department Of Planning And Building
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution
Denying The Appeals A12-146 & A12-148, And Approving The Major Conditional Use
Permits, Design Review And Minor Variances For A Revised Project Based Upon An

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Agreement Between The Appellants And The Applicant That Includes A New Safeway Grocery Store Of No More Than 45,500 Square Feet And Retail Of No More Than 9,500 Square Feet Under Case Numbers CMDV09-107, TPM-09889, ER09-0006 And Certification Of The EIR And Addendum For The College Avenue Safeway Project Located At 6310 College Avenue(TITLE CHANGE)
(12-0085)

This item was continued from the November 13, 2012 Special City Council Agenda.

9.5 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)

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 City Council meeting of December 18, 2012.

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.

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ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

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.

That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting.

- 10 Subject: Goldman Sachs Debarment
 From: Councilmember Desley Brooks
 Recommendation: Motion Requesting The City Administrator To Initiate Debarment Proceedings Pursuant To Oakland Municipal Code (OMC) Chapter 2.12 Against Goldman Sachs, And To Provide A Report Status Of The Proceedings At The Second Council Meeting In March 2013
[\(12-0218\)](#)
- 11 Subject: November 6, 2012 Election Results
 From: Office Of The City Clerk
 Recommendation: Adopt A Resolution Declaring The Results Of The City Of Oakland General Municipal Election Held On Tuesday, November 6, 2012
[\(12-0208\)](#)
- 12 Subject: Architectural Services Agreements
 From: Public Works Agency
 Recommendation: Adopt The Following Pieces Of Legislation:
- 1) A Resolution Authorizing The City Administrator, Or Her Designee, To Enter Into Professional Services Agreements In An Amount Not To Exceed One-Hundred Fifty Thousand Dollars (\$150,000.00) Each With 1) Architecture Dimensions, 2) Devi-Dutta-Choudhury, 3) Hibser Yamauchi Architects, And 4) Vargas Greenan Architecture For On-Call Architectural Services Over A Period Of Three Years
[\(12-0157\)](#)
- 2) A Resolution Authorizing The City Administrator, Or Her Designee, To Enter Into Professional Services Agreements In An Amount Not To Exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00) Each With 1) Byrens Kim Design Works, 2) Dougherty & Dougherty Architects, 3) Group 4 Architects Research, 4) Mve Institutional , Inc., 5) Muller Caulfield Architects, 6) Murakami & Nelson, 7) Noll & Tam Architects, 8) RPR Architects, And 9) Shah Kawasaki Architects For Oncall Architectural Services Over A Period Of Three Years
[\(12-0157-1\)](#)

Pursuant to Rule 7(6) of Resolution 82580 C.M.S., Council's Rules of Procedure this item was withdrawn from the Consent Calendar of the

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**December 4, 2012 City Council Agenda and rescheduled on the
Non-Consent portion of this agenda.**

**The November 27, 2012 Public Works Committee approved
recommendations; 3 Ayes; 1 Absent - Reid**

13 Subject: Modification of the Taxi Vehicle Permit (Medallion) Fee
From: Vice Mayor Reid and Pro Tempore De La Fuente
Recommendation: Adopt An Ordinance Amending Ordinance No. 13078 C.M.S., The
Master Fee Schedule, As Amended, To Modify The Annual Fee Of The Taxi Vehicle
Permit (Medallion) Assessed By The Office Of The City Administrator
(12-0216)

**ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First
Reading) OF THE ORDINANCE**

Final Passage (Second Reading) has been scheduled for January 22, 2013.

S-14 Subject: Graffiti Enforcement
From: Vice Mayor Nadel And The Office Of The City Attorney
Recommendation: Adopt An Ordinance Amending And Restating Oakland Municipal
Code Chapter 8.10 To Provide Comprehensive Enforcement Of Vandalism By
Defacement Of Property (Graffiti) Through Oakland And State Law, Establishing New
Remedies Against Violators, Providing For Restorative Justice For Offenders, A Fund
For Rewards And To Assist Victims, And Incorporating State Law Allowing For Liens
Against Property Of Offenders
(12-0112)

**The December 11, 2012 Public Works Committee approved
recommendations as amended to amend the ordinance to:**

- 1. provide 15 days for business owners to remove graffiti before fines are imposed**
- 2. duplicate language in section 8.10.010 (G) in a Whereas**
- 3. Amend the Oakland Municipal Code title to replace word "graffiti"**
- 4. Remove 8.10.370 (B) where the Office of the City Administrator solely makes the determination of Restorative Justice remedies and create a separate section to allow for an agreement between victim and the accused. The Committee further directed staff to work with the community groups on the implementation plan; 4 Ayes**

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

Final Passage (Second Reading) is scheduled for January 22, 2013

S-15 Subject: Cityworks Contract Amendment

SUPPLEMENTAL

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

Tuesday, December 18, 2012

From: Public Works Agency
Recommendation: Adopt A Resolution: (1) Amending The Contract With Azteca Systems, Inc., For The Purchase Of Licensing, Software Maintenance Services And Software Upgrades For The City's Cityworks Computerized Maintenance Management System, (2) Increasing The Contract Amount By \$550,000.00 And Extending The Contract For An Additional Five-Year Term, And (3) Authorizing The City Administrator To Waive Advertising, Competitive Bidding And The Request For Proposals/Qualifications Requirements
(12-0131)

The December 11, 2012 Finance and Management Committee directed staff to return to the 12-18-12 council meeting with two alternative resolutions. One that reflects the actual costs and the specific departments affected; and another that outlines the anticipated uses for the additionally requested funds; 4 Ayes

S-16 Subject: Army Base Interim Leasing Report
From: Office Of Neighborhood Investment
Recommendation: Receive An Informational Report Regarding The Oakland Army Base Interim Leasing Program
(12-0143)

The December 11, 2012 Community and Economic Development Committee received and forwarded this item, but also directed staff to return to the January 15, 2013 Community and Economic Development Committee with an action item that covers all Army Base tenants; 4 Ayes.

S-17 Subject: Tenant Leases In The City Administration Building Complex
From: Office Of Neighborhood Investment
Recommendation: Adopt An Ordinance, Amending Ordinance No. 12079 C.M.S., Authorizing The City Administrator To Negotiate And Execute Tenant Leases In The City Administration Building Complex
(12-0181)

The December 11, 2012 Community and Economic Development Committee bifurcated the item to allow for a dissenting vote on the office rents decrease and approved the recommendations for reductions in retail and office space rents. The Committee directed staff to provide the current office rental rates and the amount of vacant office space in a supplemental report to the December 18, 2012 City Council.

A motion was made by Vice Mayor Nadel, seconded by Councilmember Kernighan to approve the recommendation to decrease office space rents by 30%. The motion passed with vote of 3 Ayes, 1 No - Brunner.

A motion was made by Vice Mayor Nadel, seconded by Councilmember

SUPPLEMENTAL

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

Tuesday, December 18, 2012

Kernighan to approve the recommendation to decrease retail space rents by 30%. The motion passed with vote of 4 Ayes

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

Final Passage (Second Reading) is scheduled for January 22, 2013

S-18

Subject: Allocating Funds From The Measure Y Reserve
From: Department Of Human Services
Recommendation: Adopt A Resolution Allocating \$590,000 From The Measure Y Reserve From Fiscal Year 2012-2013 Through Fiscal Year 2014-2015 For Various Non-Profit Agencies, Consistent With The Current Measure Y Program Strategy Areas.
(12-0180)

The December 11, 2012 Public Safety Committee approved recommendations; 4 Ayes

This item was placed on the agenda by the December 13, 2012 Rules and Legislation Committee

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.

That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting.

S-19

Subject: Sales And Use Tax Records Representative
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Of The City Council Of The City Of Oakland Designating And Authorizing Douglas R. Boyd Of The Law Office Of Douglas R. Boyd A Counsel, As A City Representative To Examine Sales And Use Tax Records
(12-0217)

S-20

Subject: Billboard Franchise Revenue Allocation
From: Office Of Economic And Workforce Investment
Recommendation: Adopt A Resolution Appropriating And Allocating Revenue Generated From The Oakland Army Base Billboard Franchise And Lease Agreement To The West Oakland Job Resource Center And Other Oakland Army Base Community Benefits-Related Uses Including Staff
(12-0195)

The December 11, 2012 Community and Economic Development Committee approved recommendations as amended to amend the

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resolution delete all of the resolves and replace with a resolved that says
"Council accepts in concept that billboard revenue can be used for the job
center and other community benefits, however a detailed budget must be
presented to the full Council prior to obtaining funding" ; 4 Ayes

The Committee further directed staff to explore other funding options.

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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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**