



SUPPLEMENTAL

City of Oakland

Meeting Agenda

Concurrent Meeting of the Oakland Redevelopment Agency / City Council

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

Tuesday, April 05, 2011

5:30 PM

Oakland City Hall, 3rd Floor

- 1 Pledge of Allegiance
- 2 Roll Call / ORA & Council
COUNCIL MEMBERS: Jane Brunner, Dist. 1; Patricia Kernighan, Dist. 2; Nancy Nadel, Dist. 3; Libby Schaaf, Dist. 4; Ignacio De La Fuente, Dist. 5; Desley Brooks, Dist. 6; Rebecca Kaplan, At-Large, and 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: Women's Cancer Resource Center Anniversary
From: Councilmember Brunner
Recommendation: Adopt A Resolution Honoring The Women's Cancer Resource Center On Their 25th Anniversary
[\(10-0502\)](#)
- 5 APPROVAL OF THE DRAFT MINUTES FROM THE SPECIAL AND REGULAR CONCURRENT MEETINGS OF March 3, 2011, March 7, 2011 and March 15, 2011
- 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 AIDS Epidemic
[\(10-0490\)](#)
- 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

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Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland
(10-0491)

7.3-CC Subject: Execution Of A License - Cingular Wireless PSC
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Approving And Authorizing The Execution Of A License Agreement Between New Cingular Wireless PCS And The Oakland Alameda County Coliseum Authority And Certain Related Matters (Office Of The City Administrator)
(10-0488)

This item was not heard in closed session.

7.4-CC Subject: Settlement Agreement - Mary Flood
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Mary Flood V. City Of Oakland, Alameda County Superior Court Case No. RG09-455340 In The Amount Of \$77,500.00 As A Result Of A Trip And Fall Accident At Near 3878 Fruitvale Avenue. (Public Works Agency)
(10-0489)

7.5-CC Subject: Leonard Hanley - Settlement
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Leonard Hanley V. City Of Oakland, et al., Alameda County Superior Court Case No. RG10-532238 In The Amount Of \$15,000.00 As A Result Of An Auto Accident Wherein An OPD Vehicle Spun Out Of Control While Mr. Hanley Was A Passenger. (Oakland Police Department)
(10-0506)

This item was not heard in closed session.

7.6-CC Subject: Peter Lee - Settlement
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Peter C. Lee V. City Of Oakland, United States District Court Case No. C09-06033 WHA, Our File No. X03578, In The Amount Of \$55,000.00 (Community And Economic Development Agency)
(10-0507)

7.7-CC Subject: Weco Industries Contract Award
From: Department Of Contracting And Purchasing
Recommendation: Adopt A Resolution Awarding A Contract To Weco Industries, A Corporation, In An Amount Not To Exceed Two Hundred Forty Thousand Eight Hundred Ten Dollars And Sixteen Cents (\$240,810.16) To Retrofit Three (3) Closed Circuit Television (CCTV) Vans, By Converting Single Conductor System To Multi

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Conductor System, In Accordance With Specification No. 11-840-84-01/Request For
Quote (RFQ) No. 926
(10-0500)

**The March 22, 2011 Finance and Management Committee approved
recommendations; 4 Ayes**

7.8-CC Subject: Financial And Membership Status (PFRS)
From: Department Of Human Resources Management
Recommendation: Receive An Updated Informational Report On The Financial And
Membership Status Of The Police And Fire Retirement System (PFRS) As Of December
31, 2010
(10-0363)

**The March 22, 2011 Finance and Management Committee received and
forwarded the report with the direction to staff to work with the PFRS
Board to determine what cost saving measures could be implemented. The
Committee also directed staff to schedule the return of the item through
Rules as an action item; 4 Ayes**

7.9-CC Subject: Bay Construction Company Contract Award
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Contract To Bay Construction
Company, The Lowest, Responsible, Responsive Bidder, For The Construction Of The
Morcom Rose Garden Improvement Project (No. C377710) In Accord With Project
Plans And Specifications And Contractor's Bid Therefore In The Amount Of One
Million Ninety Four Thousand Eight Hundred Twenty Dollars (\$1,094,820.00)
(10-0469)

**The March 22, 2011 Public Works Committee approved recommendations;
3 Ayes; 1 Excused - Reid**

7.10-CC Subject: Global Era Conference, Seattle, WA - Brooks Travel
From: Vice Mayor Desley Brooks
Recommendation: Adopt A Resolution Authorizing Vice Mayor Desley Brooks To
Travel To Seattle, Washington To Attend The National League Of Cities Leadership
Academy On Local Economic Competitiveness In A Global Era Conference From April
19-21, 2011
(10-0516)

7.11-CC Subject: Settlement Agreement - Raymond Castillo
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney
To Compromise And Settle The Case Of Raymond Castillo V. City Of Oakland, Et Al.
United States District Court Case No. C09-04679-PJH, City Attorney's File No. 27019,
In The Amount Of Four Hundred Twelve Thousand Five Hundred Dollars And No Cents
(\$412,500.00), As A Result Of Injuries Suffered Incident To Being Taken Into Custody
By City Of Oakland Police Officers (Oakland Police Department

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(10-0521)

7.12-CC Subject: Amending the Salary Schedule of Ordinance No. 12187 C.M.S
From: Department of Human Resources Management
Recommendation: Adopt An Ordinance To Make Corrections To Ordinance No. 12985
C.M.S. And Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. (The
Salary Ordinance) To Add The Permanent Part Time (PPT) And Part Time (PT)
Equivalent Classifications Of: Real Estate Agent, PPT; Real Estate Agent, PT;
Receptionist To The City Auditor, PPT; Receptionist To The City Auditor, PT; Contract
Compliance Officer, PPT; And Police Records Specialist, PPT

(10-0298)

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

Introduction (First Reading) was heard on March 15, 2011

7.13-CC Subject: Commission On Persons With Disabilities Appointment
From: Mayor Jean Quan
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Kevin
Alan Mann To The Commission On Persons With Disabilities

(10-0522)

7.14-CC Subject: Head Start Advisory Board Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Re-Appointment Of
Krishen Laetsch, Jo-Ellen Spencer, Dr. Stacy Thompson, Aisha Brown, Alexandra J.
Caraballo, Robert Beggs, And Dr. Linda Perez To The Head Start Advisory Board, Term
Beginning March 12, 2011 And Ending March 11, 2014

(10-0524)

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: MacArthur Transit Village Stage One
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A
Resolution Approving The MacArthur Transit Village (a) Stage One (1) Final
Development Plan Permit, Which Would Allow For Development Of A New BART
Parking Garage And Site Infrastructure, As Part Of The MacArthur Transit Village
Planned Unit Development (PUD060058), Pursuant To City Council Resolution No.
81422 C.M.S. Condition Of Approval No. 27, And (b) Vesting Tentative Tract Map

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8047
(10-0108)

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 10 Subject: Special Municipal Election
From: Office of the City Attorney
Recommendation: Adopt An Ordinance Adding Section 3.08.015 To Chapter 3.08 Of
The Oakland Municipal Code, Entitled "Elections," To Authorize The City Council To
Call A Special Municipal Election On July 12, 2011

(10-0530)

Pursuant to Rule 28(a) Council of Resolution 82580 C.M.S., this item was added to this agenda.

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.

ACTION ON THIS ORDINANCE WILL RESULT IN INTRODUCTION (FIRST READING) OF THE ORDINANCE.

Final Passage (Second Reading) has been tentatively scheduled for April 12, 2011

- 11 Subject: Cypress Private Security Contract Award
From: Public Works Agency
Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Awarding The Security Services Contract For City Facilities For A Term Period Of Two Years With A One Year Extension Option, To Cypress Private Security In An Amount Not-To-Exceed Two Million Dollar(2,000,000), Annually; And, Authorizing The City Administrator To: (1) Increase The Contract By An Additional Ten Percent (10%) To Cover Increased Labor Costs During The Term Of The Contract, And (2) Extend The Contract On A Month-To-Month Basis Upon Expiration Until A New Request For Proposal Process Is Completed And Contract Awarded [TITLE CHANGE];OR

(10-0304)

2) A Resolution Awarding The Security Services Contract For City Facilities For A Term Period Of Two Years With A One Year Extension Option, To ABC Security Services Inc. In An Amount Not-To-Exceed Two Million Dollars (\$2,000,000), Annually; And, Authorizing The City Administrator To: (1) Increase The Contract By An Additional Ten Percent (10%) To Cover Increased Labor Costs During The Term Of The Contract, And (2) Extend The Contract On A Month-To-Month Basis Upon Expiration Until A New Request For Proposal Process Is Completed And Contract Awarded

(10-0304-1)

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The Committee amended the resolution to award the security services contract to ABC Security; 2 Ayes, 1 No - Kernighan, 1 Absent - Brooks

12 Subject: Ranked - Choice Voting Follow Up
From: Office Of The City Clerk/Alameda County Registrar Of Voters
Recommendation: Action And Discussion On A Follow Up Report Regarding Ranked-Choice Voting For The City Of Oakland's November 2, 2010 Election, A Review Of The Outreach And Education Program And Presentation By The Alameda County Registrar Of Voters Office Responses To Questions Submitted By The City Of Oakland
(10-0514)

13 Subject: 8135 Earhart Road Lease Agreement
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Two-Year Lease Agreement With Three Additional One -Year Renewal Options With The Port of Oakland For Property Located At 8135 Earhart Road To Use As A Storage Facility For Urban Search and Rescue Equipment For The Initial Amount Of \$24,517 Plus An Annual Rent Escalator Not To Exceed 5%
(10-0413)

The March 22, 2011 Finance and Management Committee approved recommendations and directed staff to provide a report to Council that explains the search criteria for the storage space and whether the City of Oakland currently has a space that meets that criteria; 2 Ayes, 1 Abstain - Brunner, 1 Absent - Kernighan

14 Subject: Measure C Report
From: Finance And Management Agency
Recommendation: Receive An Informational Report Presenting The Measure C - Oakland Hotel Tax Audit And Program Status Report
(10-0465)

The March 22, 2011 Finance and Management Committee received and forwarded; 4 Ayes

15 Subject: Adult And Dislocated Worker Training And Employment Services
From: Community Of Economic Development Agency
Recommendation: Discussion And Possible Action On The Status Of Oakland Workforce Investment Act Contracts, Allocations, And Spending In The Current Fiscal Year, And A Resolution Amending Resolution No. 83122 C.M.S. Authorizing Contracts Under The Workforce Investment Act For Adult And Dislocated Worker Training And Employment Services, To Change The Initial Contract Completion Dates From June 30, 2012, To December 31, 2011, And Allow For A Negotiated Six-Month Extension
[TITLE CHANGE]
(10-0510)

S-16 Subject: Development Of Infrastruture - Cost Sharing Agreement

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From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Agency Administrator To Negotiate And Execute A Cost Sharing Agreement Between The Redevelopment Agency And The Port Of Oakland For The Development Of Infrastructure Including Public Utilities, And Public Streets On The Former Oakland Army Base; And
(10-0412)

2) A City Resolution Authorizing The City Administrator To Negotiate And Execute A Cost Sharing Agreement Between The City And The Port Of Oakland For The Development Of Infrastructure Including Public Utilities And Public Streets On The Former Oakland Army Base
(10-0412-1)

The March 29, 2011 Special Community and Economic Development Committee approved recommendations as amended and directed staff to make the following revisions to both the Agency and City resolutions: 1) remove the word "execute" from the last Resolved and add the word "negotiate"; and 2) add "shall bring the proposed final form of the Cost Sharing Agreement back to the CED Committee and the Agency Board for approval and to request authority to execute the final agreement"; 4 Ayes

Pursuant to Rule 28b Committee of Resolution 82580 C.M.S., this item was added to this agenda.

S-17

Subject: Exclusive Negotiating Agreement Amendment
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing: (1) The Agency Administrator To Negotiate And Execute A Second Amendment To The Exclusive Negotiating Agreement (ENA) With AMB Property, L.P./California Capital Group ("AMB/CCG") For A Development On The Former Oakland Army Base ("Base") To: A. Extend The ENA Term From April 22, 2011 To The Earlier Of April 22, 2012 Or The Execution Of A Lease Disposition And Development Agreement, With The Provision For An Automatic Extension Of The Term Of Up To April 22, 2013 If There Is A Delay In Completing A Certification For The Project Under The California Environmental Quality Act Or The National Environmental Policy Act; And B. Provide For: (A) Reimbursement To California Capital Group ("CCG") Of Up To A Maximum Amount Of \$14,100,000 For The Third Party Consultants Cost Of The Planning And Design Work For The Base's Infrastructure, Public Utilities, And Public Streets; (B) Approval Of CCG's Proposal For A Development Team, Scope Of Work, Budget, And Schedule For The Planning And Design Work; (C) Elimination Of The Requirement To Accommodate The Oakland Produce Market And The Oakland Film Center As Part Of The Development; (D) Expansion Of The Development Area To Include The Former Oakland Maritime Support

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Services ENA Site In The East Gateway Area; And (E) Release Of AMB Property, L.P. From Responsibility For The Planning And Design Work, And Designating CCG As The Sole Party Responsible For The Planning And Design Work (2) A Waiver Of The Advertising And Request For Proposal/Qualifications Process And An Award Of The Planning And Design Of Infrastructure Improvements For The Port-Oriented Railyard And 7th Street Overpass Work, In An Amount Not-To-Exceed \$3,850,212.00, To CCG [TITLE CHANGE]; AND
(10-0495)

The March 29, 2011 Special Community and Economic Development Committee approved recommendations as amended and directed staff to include the following additional terms: 1) The Agency and CCG will prioritize locating Oakland Maritime Support Services on the Base as soon as possible after the master planning process; 2) CCG will require its third party consultants to track and report to the Agency the number of Oakland residents the consultants employ; 3) CCG will encourage its third party consultants to voluntarily create openings for internships and summer jobs for Oakland youth and young adults; and 4) CCG is encouraged to make an accommodation for the Oakland Film Center at market rate rents in the master planning process.

Staff further directed to return to the committee with a progress report regarding ENA implementation approximately six (6) months before the ENA Term is set to expire; 4 Ayes

2) A City Resolution Authorizing: (1) The City Administrator To Negotiate And Execute An Exclusive Negotiating Agreement Between The City Of Oakland And AMB Property, L.P./California Capital Group (AMB/CCG) For A Development On The Former Oakland Army Base Without Returning To City Council; And (2) A Waiver Of The Advertising And Request For Proposal/Qualifications Process And An Award Of The Planning And Design Of Infrastructure Improvements For The Port-Oriented Railyard And 7th Street Overpass Work, In An Amount Not-To-Exceed \$3,850,212.00, To CCG [TITLE CHANGE]
(10-0495-1)

Pursuant to Rule 28b Committee of Resolution 82580 C.M.S., this item was added to this agenda.

Continuation of Open Forum

Adjournment

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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**