



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 05, 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):

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF February 19, 2013

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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
(12-0311)
- 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
(12-0312)
- 7.3-CC Subject: Settlement Agreement - Allen
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Settle Attorney Fees And Costs Arising Out Of The Receivership Proceedings In The
Case Of Delphine Allen, Et Al. V. City Of Oakland, Et Al., United States District Court
Case No. C00-4599-Teh, City Attorney's File No: R20752, In The Total Amount Of Six
Hundred Eighty-One Thousand Six Hundred Twenty-Eight Dollars And Forty Cents
(\$681,628.40) Made Payable, In Separate Drafts, To Plaintiffs' Counsel As Follows:
James B. Chanin, In The Amount Of Two Hundred Eighty-Five Thousand One Hundred
Forty Dollars And Twenty Cents (\$285,140.20); Julie M. Houk, In The Amount Of Two
Hundred Fifty-Two Thousand Six Hundred Three Dollars And No Cents (\$252,603.00);
And John L. Burris, In The Amount Of One Hundred Forty-Three Thousand Eight
Hundred Eighty-Five Dollars And Twenty Cents (\$143,885.20) (Police Services Agency)
(12-0321)

**This item was heard at the February 5, 2013 Closed Session. The motion
passed with the vote of 8 Ayes.**

- 7.4-CC Subject: Settlement Agreement - PFRS
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Single Issue Raised In The Appeal By The Police And Fire
Retirement System From Judgment In The Case Of City Of Oakland v. Oakland Police
And Fire Retirement System, et al., Alameda County Superior Court Case No. RG
11580626 In Exchange For The Parties Mutual Agreement To Follow Procedural Notice

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Protocols Prior To Filing A Lawsuit
(12-0322)

This item was heard at the February 19, 2013 Closed Session. The motion passed with the vote of 6 Ayes, 2 Absent - Gibson McElhaney, Reid

- 7.5-CC Subject: Measure Y Appointment - Barnett
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Peter D. Barnett As A Member Of The Violence Prevention And Public Safety Oversight Committee
(12-0326)
- 7.6-CC Subject: Housing, Residential Rent And Relocation Board Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Noah Frigault And Tyfahra D. Singleton And Reappointment Of Craig Castellanet And Beverly A. Williams To The Housing, Residential Rent And Relocation Board
(12-0327)
- S-7.7-CC Subject: Salary Ordinance Amendment - New 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 Add The Classifications Of Revenue Analyst, Principal; Pool Technician; Pool Technician, PPT; And Pool Technician, PT
(12-0286)

The February 26, 2013 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 March 19, 2013.

- S-7.8-CC Subject: Salary Ordinance Amendment - UM1/UM2 Classifications
From: Department Of Human Resources Management
Recommendation: Adopt The Following Pieces Of Legislation:
- 1) A Resolution Recommending To The Civil Service Board The Exemption Of The Following Classification From The Operation Of The Civil Service: Manager, Human Services; And
(12-0287)
- The February 26, 2013 Finance and Management Committee approved recommendations; 4 Ayes**
- 2) 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

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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)

**The February 26, 2013 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 March 19, 2013.

S-7.9-CC Subject: Appropriations Limits Amendment
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Amending The Appropriations Limits For Fiscal
Years (FY) 2010-2011, 2011-2012, And 2012-2013 Pursuant To Article XIII B Of The
California Constitution
(12-0302)

**The February 26, 2013 Finance and Management Committee approved
recommendations; 4 Ayes**

S-7.10-CC Subject: Coliseum Way Bridge Contract & Grant
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:
1) A Resolution Authorizing The City Administrator To Award A Construction Contract
For The Seismic Retrofit Of Coliseum Way Bridge (Project No. C346810) To Disney
Construction, Inc., The Lowest Responsive And Responsible Bidder, In The Amount Of
Two Million Eight Hundred Fourteen Thousand Nine Hundred Fourteen Dollars
(\$2,814,914.00) In Accord With The Project Plans And Specifications And The
Contractor's Bid; And
(12-0289)

**The February 26, 2013 Public Works Committee approved
recommendations; 4 Ayes**

2) A Resolution Authorizing The City Administrator To Accept And Appropriate Up To
Three Million Six Hundred One Thousand Fifty-Nine Dollars (\$3,601,059.00) Of
Federal Highway Administration And State Proposition 1B Funds For The Seismic
Retrofit Of Coliseum Way Bridge (Project No. C346810)
(12-0289-1)

**The February 26, 2013 Public Works Committee approved
recommendations; 4 Ayes**

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S-7.11-CC Subject: Master Lease-Purchase Agreement
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To: (1)
Execute A Master Lease-Purchase Agreement In The Amount Of \$11,850,000 To Replace
Approximately 153 Vehicles And Equipment Items And (2) Authorizing The Waiver Of
The Oakland Purchasing Ordinance's Formal Advertising And Competitive Bidding
Requirements For Items Available From Local Vendors And Allowing The City
Administrator To Solicit Bids From Three Vendors And Award Contracts For The
Purchase Of The Vehicles And Equipment Without Returning To Council And (3) For
Items Not Available From Local Vendors, Authorizing The City Administrator To Enter
Into Cooperative Purchase Agreements With Other Governmental Agencies To Purchase
The Needed Vehicles And Equipment
(12-0130)

**The February 26, 2013 Public Works Committee approved
recommendations; 4 Ayes**

S-7.12-CC Subject: Revise Neighborhood Stabilization Program Allocations
From: Department Of Housing And Community Development
Recommendation: Adopt A Resolution Amending Resolutions No. 81933 C.M.S. And
No. 83641 C.M.S. To Swap Up To \$750,000 Of HUD Neighborhood Stabilization
Program 1 (NSP1) Funds Allocated To Urban Strategies Council For The Oakland
Community Land Trust With Up To \$750,000 Of HUD Home Funds Allocated To East
Bay Asian Local Development Corporation For The California Hotel Rehabilitation
Project
(12-0291)

**The February 26, 2013 Community and Economic Development
Committee approved recommendations; 4 Ayes**

S-7.13-CC Subject: Housing NOFA Awards
From: Department Of Housing And Community Development
Recommendation: Adopt The Following Pieces Of Legislation:
1) A Resolution Appropriating \$29,884 From The Howie Investment Partnerships Fund
For Housing Development Project Funding;
(12-0292)
2) A Resolution Authorizing An Affordable Housing Development Loan In An Amount
Not To Exceed \$2,000,000 To East Bay Asian Local Development Corporation And The
Related Companies Of California For The Lion Creek Crossings Senior Phase V Rental
Project Located At 6710-6760 Lion Way;
(12-0292-1)
3) A Resolution Authorizing An Affordable Housing Development Loan In An Amount
Not To Exceed \$1,960,000 To Resources For Community Development For The 1701
Martin Luther King Jr. Way Project; And
(12-0292-2)

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4) A Resolution Amending A \$941,124 Loan To The Gamelin-California Association For The Providence House Affordable Housing Project To Extend The Maturity Date
(12-0292-3)

**The February 26, 2013 Community and Economic Development
Committee approved recommendations; 4 Ayes**

S-7.14-CC Subject: CalHome Grant Application
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 \$1.5 Million Under The CalHome Program For First-Time Homebuyer Mortgage Assistance Programs
(12-0294)

**The February 26, 2013 Community and Economic Development
Committee approved recommendations; 4 Ayes**

S-7.15-CC Subject: Library Telecommunications Proposal
From: Oakland Public Library
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Execute An "Authorization To Order" To Allow Oakland Public Library To Receive Local, Long Distance, Data Transmission, Internet and Voice Over Internet Protocol Telecommunications Services From AT&T In Fiscal Year 2013-2014 At A Cost To Be Determined By Usage Rates And To Receive Wide Area Network (WAN) Services In Fiscal Years 2013- 2018 With A Potential Deep Discount Using E-Rate And California Teleconnect Funds (CTF) At The Cost of \$6150 Per Month
(12-0295)

**The February 26, 2013 Life Enrichment Committee approved
recommendations; 4 Ayes**

S-7.16-CC Subject: Library Grant For Software Development
From: Oakland Public Library
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Grant Funds In The Amount of \$53,500 From The Bay Area Library And Information System (BALIS) And \$15,000 From Pacific Library Partnership (PLP) For The Development of A Library Software Platform Called "Play@Your Library".
(12-0296)

**The February 26, 2013 Life Enrichment Committee approved
recommendations; 4 Ayes**

S-7.17-CC Subject: Reallocation of Measure WW Funds
From: Office Of Parks And Recreation
Recommendation: Adopt A Resolution Approving The East Bay Regional Park District's Reallocation Of One Million Dollars (\$1,000,000.00) Of Local Grant Program Of The

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Open Space, Wildlife, Shoreline And Parks Bond (2008 Measure WW) From The City's Police Athletic League Camp To The Chabot Space And Science Center Outdoor Redwoods Camp And To Approve The Remittance Of Funds From The East Bay Regional Park District Directly To Chabot Space And Science Center
(12-0288)

The February 26, 2013 Life Enrichment Committee approved recommendations; 4 Ayes

S-7.18-CC Subject: Biennial Report Of The Cannabis Regulatory Commission
From: Office Of The City Administrator
Recommendation: Receive A Biennial Report From The Cannabis Regulatory Commission (Formerly Named The Measure Z Oversight Committee) To The Oakland City Council For Calendar Years 2011 And 2012
(12-0279)

The February 26, 2013 Public Safety Committee received and forwarded this report; 4 Ayes

S-7.19-CC Subject: SAFER Grant 2012
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To: 1) Enter Into A Grant Agreement With The Federal Emergency Management Agency (FEMA) To Accept Staffing For Adequate Fire Emergency Response (Safer) Grant Funds In The Amount Of Seven Million Seven Hundred Eighty Two Thousand Two Hundred And Forty Dollars (\$7,782,240), And 2) Accept, Appropriate, And Administer Safer Grant Funds, And 3) Expend Funds To Hire Twenty-Four Firefighters For The Oakland Fire Department From March 9, 2013 Through March 8, 2015, Provided The City's Hiring Policies Are Followed
(12-0280)

The February 26, 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:

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: New Dog Play Area Appeal

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From: Department Of Planning And Building

Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Upholding The Appeal (A12-062), Of The Decision Of The Oakland Planning Commission, And Granting Approval Of An Application For A Minor Conditional Use Permit For The Creation Of A New Dog Play Area At Lakeview Park (Planning Case File No. Cull-208); Or
(11-0624)

2) A Resolution Denying The Appeal (A12-062), Of The Decision Of The Oakland Planning Commission And Denying The Application For A Minor Conditional Use Permit For The Creation Of A New Dog Play Area At Lakeview Park (Planning Case File No. Cull-208)
(11-0624-1)

This item was heard by the December 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 17.152.180(B) this item shall appear for a vote on each regular meeting of the Council until a decision has been reached.

12 Subject: Divest Investments In Weapons Companies

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Of The Oakland City Council (1) Declaring A City Policy Prohibiting The City From Holding Any Investment Or Ownership Stake In Any Manufacturer Of Firearms Or Ammunition, (2) Directing The City Administrator To Examine The City's Holdings And Future Investments To Assure That The City Complies With This City Policy, (3) Urging The Police And Fire Retirement System Board And The Oakland Municipal Employees Retirement System Board To Adopt A Similar Policy, And (4) Urging Other State And Local Jurisdictions To Prohibit Investment Of

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Their Public Funds In Manufacturers Of Firearms Or Ammunition.

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

This item was withdrawn and rescheduled from the February 19, 2013 City Council Agenda pursuant to Rule 7(6) of resolution 82580 C.M.S., Council's Rules of Procedures.

Councilmember Kalb made a motion, seconded by Pro Tem Kaplan to withdraw this item from the Consent agenda of the February 19, 2013 City Council agenda and place it on the non-consent portion of the March 5, 2013 City Council agenda with a revised resolution that includes divestment from ammunition manufacturers.

13

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 to the March 19, 2013 City Council Agenda.

14

~~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 to the March 19, 2013 City Council Agenda.

15

~~Subject: ACWMA Appointment~~

~~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 to the March 19, 2013 City Council Agenda.

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16 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 to the March 19, 2013 City
Council Agenda.**

17 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)

**The February 21, 2013 Rules and Legislation Committee approved
recommendations; 3 Ayes, 1 Excused - Reid.**

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

Final Passage has been scheduled for March 19, 2013.

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)

Americans With Disabilities Act

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(TTD)

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MATERIAL ON OR OVER THE GALLERY BANNISTERS IS
STRICTLY PROHIBITED IN ORDER TO ENSURE THE SAFETY OF
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**

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