



# SUPPLEMENTAL

## City of Oakland

### Meeting Agenda

#### Meeting of the Oakland City Council

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

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

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

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**Tuesday, February 07, 2012**

**5:30 PM**

**Oakland City Hall, 3rd Floor**

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#### ***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.

***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.

***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):

4.1 Subject: Commending Jo-Ellen Spencer And Arlyce Currie  
From: Councilmember Jane Brunner  
Recommendation: Adopt A Resolution Recognizing And Commending Jo-Ellen Spencer And Arlyce Currie On The Occasion Of Their Retirement For Their Work At Bananas And Their Service To Parents And Child Care Providers Of Oakland

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[\(11-0254\)](#)

5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF  
January 17, 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:**

7.1-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

[\(11-0251\)](#)

7.2-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

[\(11-0250\)](#)

7.3-CC Subject: Supporting The California Cancer Research Act  
From: Councilmember Brunner  
Recommendation: Adopt A Resolution Supporting Proposition 29 "The California  
Cancer Research Act Of 2012" To Reduce Smoking, Especially Among Children And  
Fund Critical Research To Prevent And Treat Cancer, Heart Disease And Stroke, Lung  
Disease And Other Tobacco-Related Illnesses

[\(11-0234\)](#)

7.4 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 INTRODUCTION (First  
Reading) OF THIS ORDINANCE**

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**Final Passage (Second Reading) is scheduled for February 21, 2012**

7.5-CC Subject: Two Tier Retirement Amendment—Safety  
From: Department Of Human Resources  
Recommendation: ~~Adopt An Ordinance Of The City Of Oakland To Approve An Amendment To The Contract Between The City Of Oakland And The Board Of Administration Of The California Public Employees' Retirement System (CalPERS) To: 1) Provide New City Of Oakland Safety Members Different Level Of Benefits (California Government Code Section 20475), 3% At 55 Full Formula And Government Code Section (California Government Code Section 21363.1), Three Year Final Compensation (California Government Code Section 20037) Applicable To Local Safety Members Entering Membership For The First Time In The Safety Classification After The Effective Date Of This Amendment To Contract; And 2) Include For City Of Oakland Fire Members A 4% Employees Cost Sharing Of Additional Benefits For Second Tier Local Fire Members (California Government Code Section 20516)~~  
[\(11-0191-1\)](#)

**This item has been moved to number 15 of the Non-Consent portion of the agenda and bears the footer 7.5.**

7.6-CC Subject: Zero Waste Contract Amendment - R3 Consulting  
From: Public Works Agency  
Recommendation: Adopt A Resolution Waiving The Advertising And Competitive Request For Proposal/Qualification Requirements And Authorizing The City Administrator To Amend An Agreement With R3 Consulting Group To Provide Zero Waste System Technical Assistance Services Increasing The Amount Not To Exceed By Two Hundred Thousand Dollars (\$200,000.00) For A Total Contract Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) And Extending The Term By Two Years To September 1, 2015  
[\(11-0212\)](#)

**The January 24, 2012 Public Works Committee approved recommendations; 3 Ayes, 1 Abstain - Reid.**

7.7-CC Subject: Professional Services Contract Amendment - URS Corp  
From: Public Works Agency  
Recommendation: Adopt A Resolution Waiving The Request For Proposal/Request For Qualifications ("RFP/RFQ") Competitive Selection Requirement And Authorizing The City Administrator To Amend The Professional Services Contract With URS Corporation To Add Design And Engineering Services For Bridge Seismic Retrofit Projects And Increase The Contract Amount By Six Hundred Thousand Dollars (\$600,000.00) For A Total Contract Amount Not To Exceed Eight Hundred Twenty-Nine Thousand Four Hundred Dollars (\$829,400.00)  
[\(11-0215\)](#)

**The January 24, 2012 Public Works Committee approved recommendations; 4 Ayes.**

7.8-CC Subject: Contract Increase - Design Community And Environment

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From: Public Works Agency  
Recommendation: Adopt A Resolution Waiving The Competitive Request For Proposal/Qualification Process And Authorizing An Amendment To Increase The Agreement With Design Community And Environment For As-Needed Landscape Architectural Services For An Amount Not-To-Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), Bringing The Total Contract Amount To Eight Hundred Fifty Thousand Dollars (\$850,000.00)  
[\(11-0218\)](#)

**The January 24, 2012 Public Works Committee approved recommendations; 4 Ayes.**

7.9-CC Subject: Fox Theater Renovation Audit  
From: Council President Larry Reid  
Recommendation: Receive An Informational Report On The Performance Audit Of The Fox Theater Renovation Project Released October 4, 2011 From The Office Of The City Auditor  
[\(11-0196\)](#)

**The January 24, 2012 Community and Economic Development Committee received and forwarded this item and directed staff to develop tighter contract oversight policies; 4 Ayes.**

7.10-CC Subject: Community Services Block Grant Renewal  
From: Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Accept And Appropriate A Renewal Grant In An Anticipated Amount Of \$1,253,958 In Anti-Poverty Community Services Block Grant (CSBG) Funds For Calendar Year 2012 From The State Of California Department Of Community Services And Development (CSD) And Any Additional CSBG Funding That May Become Available Without Returning To Council; And 2) Negotiate, Execute, And Amend Grant Agreements/Contracts With Service Providers In Alignment With The City's 2012-2013 State Approved Community Action Plan [TITLE CHANGE]  
[\(11-0216\)](#)

**The January 24, 2012 Life Enrichment Committee approved recommendations; 4 Ayes.**

7.11-CC Subject: Oakland PATH Re-Housing Initiative Funding  
From: Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing An Agreement With The Oakland Housing Authority (OHA) To Accept Housing Assistance Program Funds In The Amount Of \$810,000 To Continue Implementing The Oakland PATH Re-Housing Initiative (OPRI) For The Period Of October 1, 2011 Through June 30, 2012; And Authorizing The City To Continue Its Collaboration With The OHA To Accept OHA Funds And Enter Into Contracts With OHA And Housing And Service Providers To Maintain And Expand The OPRI Program In Subsequent Years Without Returning To The City Council  
[\(11-0217\)](#)

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**The January 24, 2012 Life Enrichment Committee approved recommendations; 4 Ayes.**

7.12-CC Subject: Software And Support Contract Agreement - Foray Technologies  
From: Oakland Police Department  
Recommendation: Adopt A Resolution 1) Waiving The Advertising And Bidding Requirements And The Request For Proposal/Qualifications Process, 2) Waiving The Local And Small Local Business Enterprise Program Provisions, And 3) Awarding A Contract To Foray Technologies In An Amount Not To Exceed One Hundred Fifty Thousand Dollars (\$150,000.00) For The Purchase Of Commercial Information Technology Equipment, Software Licensing, Management, Installation And Support Services For A Two Year Period  
(11-0213)

**The January 24, 2012 Public Safety Committee approved recommendations; 4 Ayes.**

7.13-CC Subject: Sobriety Check Points Grant Award  
From: Oakland Police Department  
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In The Amount Of Thirty Six Thousand Five Hundred Dollars (\$36,500) From The Regents Of The University Of California, Berkeley, School Of Public Health, Traffic Safety Center, Serving As The Fiscal Agent For The State Of California, Office Of Traffic Safety, To The Oakland Police Department For The 2011 Sobriety Checkpoint Program for The Project Term Of October 1, 2011 Through September 30, 2012, And 2) Waiving The Central Services Overhead (CSO) Charges Associated With This Grant In The Amount Of Four Thousand Nine Hundred Seventy Nine Dollars (\$4,979)  
(11-0214)

**The January 24, 2012 Public Safety Committee approved recommendations; 4 Ayes.**

7.14-CC Subject: Budget Advisory Committee Appointment - Houston  
From: Vice Mayor Desley Brooks  
Recommendation: Adopt A Resolution Appointing Ken Houston As A Member Of The Budget Advisory Committee  
(11-0248)

7.15-CC Subject: Settlement Agreement - Burgardt  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Burgardt V. City Of Oakland, Alameda County Superior Court Case No. RG11555191 In The Amount Of \$23,000.00 (Public Works Agency - Inverse Condemnation)  
(11-0259)

**This item was not discussed in Closed Session.**

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7.16-CC Subject: Settlement Agreement - City Of Berkeley  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of City Of Berkeley V. City Of Oakland (Gail Lowry V. City Of Berkeley, Et Al.), Alameda County Superior Court Case No. RG10552946 In The Amount Of \$10,000.00 (Public Works Agency - Trip And Fall)  
[\(11-0260\)](#)

**This item was not discussed in Closed Session.**

7.17-CC Subject: Settlement Agreement - Eagles  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing and Directing the City Attorney to Compromise and Settle the Claim of Fannie Eagles, in the Amount of \$6,100.00 as a Result of Property Damage Sustained When Roots From a City Tree Damaged the Claimant's Sewer Lateral on October 5, 2011. (PWA)  
[\(11-0261\)](#)

**This item was not discussed in Closed Session.**

7.18 Subject: Economic Development Strategy For The City Of Oakland  
From: Councilmember Brunner  
Recommendation: A Follow-Up Report And Proposed Action On The Community And Economic Development Director's Economic Development Strategy For The City Of Oakland  
[\(10-0814\)](#)

**The January 24, 2012 Community and Economic Development Committee received and forwarded this report and directed staff to separate the policies of business attraction to business retention of growth and to provide and analysis of existing infrastructure, available space (industrial and commercial) and the opportunities and challenges they present. The Committee also directed staff to look into strategies to encourage banks and homeowners to fix and utilize blighted properties. The Committee further directed staff to provide a picture of what is working in Oakland and a timeline for returning to Council.**

7.19-CC Subject: Commending Andrea Youngdahl  
From: Council President Larry Reid  
Recommendation: Adopt A Resolution Commending Andrea Youngdahl, Director Of The Department Of Human Services, For 11 Years Of Outstanding Service And Congratulating Her On The Occasion Of Her Retirement  
[\(11-0258\)](#)

7.20-CC Subject: Resolution In Favor Of A.B. 1148  
From: Councilmembers Kernighan And Schaaf  
Recommendation: Adopt A Resolution In Favor Of A.B. 1148, The California Disclosure Act  
[\(11-0224\)](#)

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**The January 19, 2012 Rules and Legislation 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: Declaring Property Interests - Alameda Ave, High St., Jensen St.  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) A Resolution Of Necessity Declaring Property Interests At 600 High Street (Portions Of Apn 034-2295-001-03) Necessary For Public Use In The 42nd Avenue And High Street Access Improvement Project And Authorizing The City To Initiate Condemnation Proceedings For The Acquisition Of Those Property Interests.

[\(11-0230\)](#)

2) A Resolution Of Necessity Declaring Property Interests At 4200 Alameda Avenue (Portions Of Apns 033-2203-006-00 And 033-2203-004-02) Necessary For Public Use In The 42nd Avenue And High Street Access Improvement Project And Authorizing The City To Initiate Condemnation Proceedings For The Acquisition Of Those Property Interests.

[\(11-0230-1\)](#)

3) A Resolution Of Necessity Declaring Property Interest At Jensen Street (Between Apns 033-2250-013-01 And 033-2203-002) Necessary For Public Use In The 42nd Avenue And High Street Access Improvement Project And Authorizing The City To Initiate Condemnation Proceedings For The Acquisition Of Those Property Interests.

[\(11-0230-2\)](#)

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

**ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:**

- 10 Subject: Port of Oakland Shut-Downs  
From: President Pro Tem De La Fuente and Councilmember Schaaf  
Recommendation: Adopt A Resolution Opposing Any Purposeful Upcoming Or Future Port Of Oakland Shut-Downs, Directing The City Administrator And Urging The Mayor To Use Whatever Lawful Tools We Have, Including Enforcement Of State Laws And Local Municipal Code Regulations And Requirements, To Prevent Future Shut Downs Or Disruptions Of Any Port Operations

[\(11-0206\)](#)

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- 11 Subject: Employment-Related Community Benefits - Former Oakland Army Base  
From: Community And Economic Development Agency  
Recommendation: Report and Recommendations from the Jobs Working Group on Employment-Related Community Benefits for the Development and Operations at the Former Oakland Army Base  
(11-0177-2)

**The January 24, 2012 Community and Economic Development Committee approved recommendations; 4 Ayes.**

- 12 Subject: Army Base Development and Operations  
From: Community and Economic Development Agency  
Recommendation: Action On A Report And Recommendation On Community Benefits Policy Framework Associated With The Development And Operations At The Former Oakland Army Base  
(11-0177)

**The January 24, 2012 Community and Economic Development Committee approved recommendations as amended to accept all of staff's recommendations with exception to recommendation #4 as stated in the staff report which will return at a later date.**

**The Committee also directed staff to return to a future Community and Economic Development Committee meeting with additional information regarding environmental contracting.**

- 13 Subject: Oakland Fund for Children and Youth Improvement Plan  
From: Department of Human Services  
Recommendation: An Informational Report on the Oakland Fund for Children and Youth Program Quality Initiative and Improvement Plans for Service Providers  
(10-0335-4)

**The January 24, 2012 Life Enrichment Committee received and forwarded this report and directed staff to include in a future report that will go to Council, which of 15 programs have turned in their Quality Initiative and Improvement plans thus far; 4 Ayes**

- 14 Subject: Sustainable Communities Planning Grant  
From: Community And Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Up To One Million Dollars (\$1,000,000) From The State Of California Strategic Growth Council For The Sustainable Communities Planning Grant And Incentive Program Funds For The International Boulevard Transit-Oriented Development Implementation Plan  
(11-0255)

**This item was placed on this agenda by the January 26, 2012 Rules and Legislation Committee.**

- S-15 Subject: Two Tier Retirement Amendment - Safety

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From: Department Of Human Resources  
Recommendation: Adopt An Ordinance Of The City Of Oakland To Approve An Amendment To The Contract Between The City Of Oakland And The Board Of Administration Of The California Public Employees' Retirement System (CalPERS) To: 1) Provide New City Of Oakland Safety Members Different Level Of Benefits (California Government Code Section 20475), 3% At 55 Full Formula And Government Code Section (California Government Code Section 21363.1), Three-Year Final Compensation (California Government Code Section 20037) Applicable To Local Safety Members Entering Membership For The First Time In The Safety Classification After The Effective Date Of This Amendment To Contract; And 2) Include For City Of Oakland Fire Members A 4% Employees Cost Sharing Of Additional Benefits For Second Tier Local Fire Members (California Government Code Section 20516)  
[\(11-0191-1\)](#)

**This item has been moved from the Consent portion of the agenda and bears the footer 7.5.**

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

**Introduction (First Reading) was passed on January 17, 2012 8 Ayes**

S-16

Subject: Registration Of Foreclosed And Vacant Residential Buildings  
From: Council President Reid  
Recommendation: Adopt An Ordinance Re-Enacting Oakland Municipal Code Chapter 8.54 Requiring The Registration Of Foreclosed And Vacant Residential Buildings  
[\(11-0274\)](#)

**This item was placed on the agenda by the February 2, 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.**

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

**Final Passage (Second Reading) is scheduled for February 21, 2012**

## 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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City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk - Agenda Management Unit

Phone: (510) 238-3226

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[\(TTD\)](#)

**THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY 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**