



# 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 Agency / City Council

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Tuesday, February 01, 2011

5:30 PM

Oakland City Hall, 3rd Floor

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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, 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):

5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF  
January 18, 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  
(10-0343)

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  
(10-0344)

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7.3-CC Subject: Enterprise Zone Increase  
From: Community And Economic Development Agency  
Recommendation: Adopt An Ordinance Amending Ordinance Number 13024 C.M.S.  
(Master Fee Schedule) To Increase The \$75 Enterprise Zone Processing Fee By \$5 To  
\$80, And To Increase The Expedited Enterprise Zone Processing Fees By \$15 To \$110  
And By \$35 To \$150  
[\(10-0251\)](#)

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

**Introduction (First Reading) was approved January 18, 2011; 8 Ayes**

7.4-CC Subject: Amending The Salary Schedule  
From: Department Of Human Resource Management  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance  
Number 12187 C.M.S. (The Salary Ordinance) To: Add The Permanent Part Time (PPT)  
And Part Time (PT) Equivalent Classifications Of: Case Manager, Supervising, PPT;  
Case Manager, Supervising, PT; Case Manager II, PPT; Case Manager II, PT; Case  
Manager I, PT  
[\(09-1513\)](#)

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

**INTRODUCTION (First Reading) was approved June 15, 2010; 8 Ayes**

7.5-CC Subject: Public Ethics Commission Appointment  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Aspen  
Baker To The Public Ethics Commission  
[\(10-0346\)](#)

7.6-CC Subject: Commission On Persons With Disabilities Appointment  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Eva M.  
Aguillard To The Commission On Persons With Disabilities  
[\(10-0347\)](#)

7.7-CC Subject: The Citizen's Police Review Board Appointment  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Paula  
White As A Member And Howard Tevelson As Alternate To The Citizen's Police Review  
Board  
[\(10-0341\)](#)

7.8-CC Subject: Housing, Residential Rent And Relocation Board Appointment  
From: Office Of The Mayor

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Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Edward M. Lai To The Housing, Residential Rent And Relocation Board  
[\(10-0345\)](#)

7.9-CC Subject: Reyes Briones - Settlement Agreement  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Louis And Reyes Briones In The Amount Of One Hundred Forty Four Thousand One Hundred Fifty Three Dollars And No Cents (\$144,153.00) (Public Works Agency).  
[\(10-0348\)](#)

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

7.10-CC Subject: Association Of Bay Area Governments Appointments  
From: Office Of Council President Reid  
Recommendation: Adopt A Resolution Appointing Councilmembers Jane Brunner, Desley Brooks, And Rebecca Kaplan To The Board Of The Association Of Bay Area Governments (ABAG)  
[\(10-0350\)](#)

7.11-CC Subject: City/Port Liaison Committee Appointments  
From: Office Of Council President Reid  
Recommendation: Adopt A Resolution Appointing Council President Larry E. Reid, Council Member Nancy Nadel, Council Member Libby Schaaf, And Councilmember Rebecca Kaplan To The City/Port Liaison Committee  
[\(10-0351\)](#)

7.12-CC Subject: Wildfire Prevention Assessment District Board Appointment  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Reappointing Diane A. Hill As Member Of The Wildfire Prevention And Assessment District Advisory Board  
[\(10-0352\)](#)

7.13-CC Subject: Oakland Alameda County Coliseum Authority Appointments  
From: Office Of Council President Reid  
Recommendation: Adopt A Resolution Appointing Councilmember And President Pro Tem Ignacio De La Fuente And Council Member And Vice Mayor Desley Brooks, To The Oakland Alameda County Coliseum Authority  
[\(10-0353\)](#)

7.14-CC Subject: Alameda County Transportation Board Appointments  
From: Office Of Council President Reid  
Recommendation: Adopt A Resolution Appointing Council President Larry E. Reid And Councilmember Rebecca Kaplan To The Alameda County Transportation Board  
[\(10-0354\)](#)

7.15-CC Subject: National League Of Cities Appointments  
From: Office Of Council President Reid

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Recommendation: Adopt A Resolution Appointing Councilmember And Vice Mayor Desley Brooks To The National League Of Cities And Council President Larry E. Reid As An Alternate Member  
[\(10-0355\)](#)

7.16-CC Subject: California League Of Cities Appointments  
From: Office Of Council President Reid  
Recommendation: Adopt A Resolution Appointing Council President Larry E. Reid To The California League Of Cities And Council Member And Vice Mayor Desley Brooks As An Alternate Member  
[\(10-0356\)](#)

7.17-CC Subject: Violence Prevention And Public Safety Oversight Committee Appointment  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Appointing Melanie Shelby, As A Member Of The Violence Prevention And Public Safety Oversight Committee  
[\(10-0340\)](#)

S-7.18-CC Subject: Rehabilitation Of Sanitary Sewers In The Easement By Knowland Park  
From: Public Works Agency  
Recommendation: Adopt A Resolution Awarding A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers In The Easement By Knowland Park (Project No. C329116) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Four Hundred Thirty-Seven Thousand Five Hundred Ninety-Two Dollars (\$437,592.00)  
[\(10-0293\)](#)

**The January 25, 2011 Public Works Committee approved  
recommendations; 4 Ayes**

S-7.19-CC Subject: Audit Services - Contracts  
From: Finance And Management Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A City Resolution Amending City Council Resolution No. 82682 C.M.S., Which Authorized A Contract With Macias Gini, & O'Connell, LLP To Provide Audit Services (Single Audit), To Increase The Contract For Single Audit Report By Nineteen Thousand Four Hundred Dollars (\$19,400), From Eighty-Seven Thousand Two Hundred Three Dollars (\$87,203) To One Hundred Six Thousand Six Hundred Three Dollars (\$106,603) To Cover Testing Of Two Additional Major Programs For Fiscal Year Ending June 30, 2010  
[\(10-0282\)](#)

**The January 25, 2011 Finance and Management committee approved  
recommendations and amended the resolution to 1) waive advertisement  
and Request for Proposal processes; 4 Ayes**

2) An Agency Resolution Amending City Council Resolution No. 2010-0048 C.M.S.,

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Which Authorized A Contract With Macias Gini, & O'Connell, LLP To Provide Audit Services, To Increase The Contract For Oakland Army Base Report By Sixty Thousand Dollars (\$60,000), From Three Thousand Sixty Dollars (\$3,060) To An Amount Not-To-Exceed Sixty Three Thousand Sixty Dollars (\$63,060) To Provide Comprehensive Financial Statements For The Years Ended June 30,2007, 2008, 2009 And 2010 And The Close-Out Period Ended August 7, 2010  
[\(10-0282-1\)](#)

**The January 25, 2011 Finance and Management committee approved recommendations and amended the resolution to 1) waive advertisement and Request for Proposal processes.**

S-7.20-CC Subject: Violence Prevention And Public Safety Direct Bill  
From: Finance And Management Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Sole- Source Service Agreement To Direct Bill The Property Owners For The Special Tax Imposed For The Purpose Of Violence Prevention And Public Safety Services In Accordance With The Violence Prevention Act Of 2004 (Measure Y) With A Cost Not To Exceed \$580,000; Or, To Place The Special Tax Levy On The Tax Roll On August 10, 2011  
[\(10-0303\)](#)

**The January 25, 2011 Finance and Management Committee approved recommendations; 4 Ayes**

S-7.21-CC Subject: Expansion of the Membership of the Project Area Committe  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Certifying The Expansion Of The Membership Of The Project Area Committee For The Broadway/Macarthur/San Pablo Redevelopment Project Area To Include Representatives Of The Lowell Street/Golden Gate/Gaskill Amendment Area, And Designating Lowell Street Connected As An Additional Community Organization Representative On The PAC  
[\(10-0271\)](#)

**The January 25, 2011 Community and Economic Development Committee approved recommendations; 4 Ayes**

S-7.22-CC Subject: Fireblast - Contract Award  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To 1) Dispense With Advertising And Bidding And Authorize A Limited Request For Proposal Process, And 2) Award A Contract To Fireblast 451, Inc. For The Purchase And Installation Of A Live Fire Simulator, And Training, Equipment, Supplies And Maintenance Associated With Implementation Of The Live Fire Training Program In An Amount Not To Exceed Three Hundred Sixty Eight Thousand, Five Hundred Four Dollars (\$368,504)  
[\(10-0302\)](#)

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**The January 25, 2011 Public Safety committee approved recommendations;  
3 Ayes, 1 Excused - Kaplan**

- 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: Combining Zone Regulations  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An  
Ordinance To 1) Extend The Broadway Retail Frontage Interim Combining Zone  
Regulations In Oakland Planning Code Chapter 17.101c Through February 15, 2013 Or  
Until City Council Adoption Of The Broadway/Valdez District Specific Plan, Whichever  
Comes First; And 2) Make Changes To The D-BR Zone Text, Including The D-BR Zone  
May Be Combined With Any Other Zone, Not Just A Commercial Zone, As  
Recommended By The City Planning Commission. The D-BR Zone Is Currently Located  
From 23rd St. In The South; Highway 580 In The North; Webster St. And Lots On Or  
Near Broadway In The West; And Brook St., Portions Of Valdez St., 27th, And Harrison  
St. In The East

(10-0246)

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

**Final Passage (Second Reading) is scheduled for February 15, 2011**

**This item was rescheduled to the February 15, 2011 as a Public Hearing**

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

- S-10 Subject: State Budget Status  
From: Budget Office  
Recommendation: Receive A Supplemental Report Regarding The Status Of The State's  
Budget Development And Its Potential Impacts On The City Of Oakland's Proposed  
Budget For Fiscal Year 2009 -2011 [TITLE CHANGE]  
(09-0439-1)

**The January 25, 2011 Finance and Management Committee received and  
forwarded the report to the February 1, 2011 Council Meeting and directed  
staff to prepare a supplemental report including the following: 1) an  
analysis of the Governor's budget on redevelopment; 2) a report of what  
other cities are doing about the redevelopment funds and 3) additional**

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**options for consideration. The Committee further directed staff to provide “real” information in future reports regarding the intended actions regarding redevelopment funds; 3 Ayes; 1 No - Brunner**

S-10.1 Subject: Medical Cannabis Cultivation Facility  
From: Council President Reid & Vice Mayor Desley Brooks  
Recommendation: Adopt An Ordinance Amending Business Licenses And Regulations, To Add Chapter 5.81, Pertaining To Medical Cannabis Cultivation Facility, Hereinafter Medical Cannabis Cultivation And Dispensing Facility  
(09-1619-3)

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

**FINAL PASSAGE(Second Reading) HAS BEEN SCHEDULED FOR  
February 15, 2010**

**This item was placed on this agenda pursuant to Rule 28 of the Council's  
Rules of Procedure Resolution 82580.**

**This item requires an urgency finding pursuant to Section 2.20.080 E(2) of  
the Sunshine Ordinance requiring a 2/3 majority vote.**

11 Subject: Measure K, Measure Y And Measure Q Performance Audits  
From: Office Of The City Auditor  
Recommendation: Receive A Follow Up Report On The Performance Audits For The Following : (1) Measure K, Kids First! The Oakland Fund For Children And Youth Act Of 1996, Baseline Funding For Children And Youth Services; (2) Measure Y, The Violence Prevention And Public Safety Act Of 2004, Administration Of Violence Prevention Grants; (3) And Measure Q, Library Services Retention And Enhancement Act Of 2004” [TITLE CHANGE]  
(10-0330)

12 Subject: 2011 Federal Legislative Agenda  
From: Office Of The Council President  
Recommendation: Action On A Report Requesting Approval Of The Proposed 2011 Federal Legislative Agenda For The City Of Oakland  
(10-0309)

**This item was withdrawn from the January 18, 2011 City Council agenda  
and rescheduled to this agenda.**

13 Subject: Museum Renovations Project  
From: Public Works Agency  
Recommendation: Adopt A Resolution Authorizing An Increase In The Construction Manager At-Risk Contract With Cahill Contractors, Inc. In The Amount Not To Exceed Six Million Nine Hundred Twenty Thousand Dollars (\$6,920,000) To Complete Phase 2 And Future Phases Of The Museum Renovations Project (Natural Science Gallery,

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Education Center, Support Spaces And Other Areas) As Private Or Public Funding  
Becomes Available For A Total Contract Amount Of Twenty Four Million Dollars  
(\$24,000,000), And Waiving Further Advertising And Request For Proposals Or Bids For  
This Contract  
(10-0339)

## **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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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**



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