



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

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

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

Tuesday, February 02, 2010

6:00 PM

Oakland City Hall, 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 / ORA & Council
COUNCIL MEMBERS: Patricia Kernighan, Dist. 2; Nancy Nadel, Dist. 3; Jean Quan, Dist. 4; Ignacio De La Fuente, Dist. 5; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; Rebecca Kaplan, At-Large, and President Jane Brunner, Dist. 1
- 3 Open Forum / Citizens Comments
(Time Available: 15 minutes)
- 4 Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.
- 5 Motion for 'Members' Requests for Reconsideration' of an Action taken at the preceding Council Meeting, shall be scheduled for the next-succeeding City Council meeting as a non-consent item. (Motion Maker must have voted on prevailing side)

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- 6 Requests from Councilmember(s) to schedule an Action Item considered by Committee but not forwarded to Council, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.
- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on January 19, 2010.

8. PRESENTATION OF CEREMONIAL MATTERS

- 8.1 Subject: Deputy Chief David Kozicki - Honorarium
From: Councilmember Reid
Recommendation: Adopt A Resolution Honoring Deputy Chief David Kozicki On His Retirement From The Oakland Police Department And For His Many Years Of Service To The Citizens Of Oakland
(09-1108)

Pursuant to Rule 28 of the Council's Rules of Procedure Resolution 79006 C.M.S. this item was placed on this agenda.

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

10. CONSENT CALENDAR (CC) ITEMS:

- 10.1-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
(09-1138)
- 10.2-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
(09-1139)
- 10.3-CC Subject: Conflict Of Interest Code Amendments
From: City Attorney's Office
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
(09-1113)

**ACTION ON THIS ITEM WILL RESULT IN THE FINAL PASSAGE
(SECOND READING) OF THIS ORDINANCE.**

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Introduction (First Reading) was passed January 19, 2010, with a vote of 7 Ayes, 1 Excused - Reid.

10.4-CC Subject: California Foundation For Independent Living Centers - Settlement Agreement
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Settle The Case Of California Foundation For Independent Living Centers, Et Al. V. City Of Oakland Et Al., U.S. District Court Action No. C 07-04608 EDL Our File No. X03060, In The Amount Of One Hundred Eighty Thousand Dollars (\$180,000) And Adoption Of A Mass Care And Shelter Plan Functional Needs Annex. This Case Involves Alleged Disability Discrimination (Office Of Emergency Services).
(09-1152)

This item was discussed in closed session. Motion to approve settlement passed with a vote of 4 Ayes, 1 No - De La Fuente, 2 Abstain - Brunner, Brooks, 1 Excused - Reid

10.5-CC Subject: Elton Lloyd - Settlement Agreement
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Elton Lloyd V. City Of Oakland, Et Al., United States District Court No. C-08-02942-MHP, Our File No. 26243, In The Amount Of \$35,000 (Oakland Police Department - Wrongful Arrest/Warrantless Entry)
(09-1153)

This item was discussed in closed session. Motion to approve settlement passed with a vote of 6 Ayes, 1 Abstain - Brooks, 1 Excused - Reid

10.6-CC Subject: Registration Of Foreclosed And Vacant Residential Buildings
From: Councilmembers Reid, Quan, and Kaplan
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending The Oakland Municipal Code To Establish A New Chapter 8.54 Requiring The Registration Of Foreclosed And Vacant Residential Building; And
(09-0953)

**ACTION ON THIS ITEM WILL RESULT IN THE FINAL PASSAGE
(SECOND READING) OF THIS ORDINANCE**

**INTRODUCTION (First Reading) was passed as amended January 5, 2010
with a vote of 8 Ayes**

2) An Ordinance Amending The Master Fee Schedule (Ordinance Number 12948 C.M.S.) To Establish New Fees For Registering Vacant Buildings
(09-0953-1)

**ACTION ON THIS ITEM WILL RESULT IN THE FINAL PASSAGE
(SECOND READING) OF THIS ORDINANCE**

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**INTRODUCTION (First Reading) was passed as amended January 5, 2010
with a vote of 8 Ayes**

10.7-CC Subject: Sewage Overflow Valves Installation
From: Councilmember Jean Quan
Recommendation: Adopt An Ordinance Amending Chapter 13.08 Of The Oakland
Municipal Code To Require The Installation Of Sewage Overflow Devices On Privately
Maintained Sewer Laterals
(09-0946)

**ACTION ON THIS ITEM WILL RESULT IN THE FINAL PASSAGE
(SECOND READING) OF THIS ORDINANCE**

**INTRODUCTION (First Reading) was passed as amended January 5, 2010
with a vote of 8 Ayes**

10.8-CC Subject: Quan Travel - Washington DC
From: Councilmember Quan
Recommendation: Adopt A Resolution Authorizing Council Member Jean Quan To
Travel To Washington, DC On March 13-17, 2010 To Attend The National League Of
Cities, Congressional City Conference
(09-1150)

**Pursuant to Rule 28 of the Council's Rules of Procedure Resolution 79006
C.M.S. this item was placed on this agenda.**

S-10.9-CC Subject: Unused Storm Drain Easement
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Summary Vacation Of An Unused Storm Drain
Easement Located At 70 Sotelo Avenue To The Ephraim Heller Separate Property Trust
(09-1092)

**Pursuant to Rule 28 of the Council's Rules of Procedure Resolution 79006
C.M.S. this item was placed on this agenda.**

**The January 26, 2010 Public Works Committee approved
recommendations; 3 Ayes, 1 Excused - Brooks**

S-10.10-C Subject: Unimproved Portion Of The 66th Avenue Right Of Way
C From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Summary Vacation An Unimproved Portion Of
The 66th Avenue Right-Of-Way Adjacent To The Oakland-Alameda County Coliseum
Complex For The Purchase And Future Development By The Oakland Redevelopment
Agency
(09-1093)

**Pursuant to Rule 28 of the Council's Rules of Procedure Resolution 79006
C.M.S. this item was placed on this agenda.**

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**The January 26, 2010 Public Works Committee approved
recommendations; 3 Ayes, 1 Excused - Brooks**

S-10.11-C Subject: Rockridge Business Improvement District Assessment
C From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For
Fiscal Year 2010/2011 For The Rockridge Business Improvement District, Approving
The Annual Report Of The Rockridge Business Improvement District Advisory Board,
And Scheduling A Public Hearing For February 16, 2010
(09-0837)

**Pursuant to Rule 28 of the Council's Rules of Procedure Resolution 79006
C.M.S. this item was placed on this agenda.**

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

**At the Community and Economic Development Committee meeting no
action was taken due to a lack of quorum**

S-10.12-C Subject: Leash Requirements For Grove Shafter Park Dog Play
C From: Council President Brunner
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Title 6,
Chapter 6.04, Section 6.04.080 "Dogs At Large In Parks", To Allow Dogs To Be
Off-Leash, Under Specific Conditions, In The Grove Shafter Park Dog Play Areas And
To Permit Dogs On A Six Foot Leash On Hardscape Paths In Grove Shafter Park As
Authorized By The Parks & Recreation Advisory Commission
(09-1098)

**Pursuant to Rule 28 of the Council's Rules of Procedure Resolution 79006
C.M.S. this item was placed on this agenda.**

**The January 26, 2010 Life Enrichment Committee approved
recommendations and amended the ordinance as follows:**

In Section 6.04.080 AI

**“Hardscape Paths in Grove Shafter Park specifically in the Northwest
Quadrant of the park which is bordered by Martin Luther King Jr. Way ,
37th Street, Grove Shafter Freeway and the Macarthur Freeway”**

**The amendment is to ensure that dogs are only allowed in a certain section
of the park; 4 Ayes**

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

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Final Passage (Second Reading) has been scheduled for February 16, 2010

S-10.13-C Subject: Improvements To Oakland's Gun Control Laws
C From: Councilmember Larry Reid
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.26, Known As The Firearms Dealer Permit Ordinance, To Enhance Existing Permit Requirements Pertaining To The Sale Of Firearms And Ammunition In Oakland;
(09-0857)

Pursuant to Rule 28 of the Council's Rules of Procedure Resolution 79006 C.M.S. this item was placed on this agenda.

The January 26, 2010 Public Safety Committee approved recommendations; 3 Ayes, 1 Excused- Reid

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

Final Passage (Second Reading) has been scheduled for February 16, 2010

2) An Ordinance Amending Oakland Municipal Code Chapter 9.20, Known As The Ammunitions Sales Registry Ordinance, To 1) Effective February 1, 2011, Remove The City Of Oakland Requirement For The Maintenance Of A Registry Of Handgun Ammunition Sales To Avoid Duplicating Requirements Of AB 962, And 2) Require Ammunition Purchasers To Submit A Thumbprint Along With Other Required Proof Of Identity At The Time Of Ammunition Sale, And;
(09-0857-1)

Pursuant to Rule 28 of the Council's Rules of Procedure Resolution 79006 C.M.S. this item was placed on this agenda.

The January 26, 2010 Public Safety Committee approved recommendations; 3 Ayes, 1 Excused- Reid

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

Final Passage (Second Reading) has been scheduled for February 16, 2010

3) An Ordinance Amending Oakland Municipal Code Chapter 9.36, To Require Reporting To The Oakland Police Department The Theft Or Loss Of A Firearm When The Owner Knew Or Should Have Known That A Firearm Has Been Lost Or Stolen
(09-0857-2)

Pursuant to Rule 28 of the Council's Rules of Procedure Resolution 79006

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C.M.S. this item was placed on this agenda.

The January 26, 2010 Public Safety Committee approved recommendations and directed staff to submit a separate follow-up report on the success of the gun task force; 3 Ayes, 1 Excused- Reid

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

Final Passage (Second Reading) has been scheduled for February 16, 2010

S-10.14-C Subject: Driving Simulator And Training - Professional Services Agreement
C From: Oakland Fire Department
Recommendation: Adopt A Resolution 1) Dispensing With Advertising And Authorizing A Limited Competitive Bid Process, And 2) Awarding A Contract To Doron Precision Systems, Inc. For The Purchase And Installation Of A Driving Simulator And Training, Equipment And Supplies Associated With Implementation Of The Driver's Training Program In An Amount Not To Exceed Seven Hundred Fifty Thousand Dollars (\$750,000), Which Meets The Requirements Of The 2008 Assistance To Firefighters Grant For Enhancements To The City Of Oakland Fire Department Driver's Training Program"
(09-0961)

**Pursuant to Rule 28 of the Council's Rules of Procedure Resolution 79006
C.M.S. this item was placed on this agenda.**

The January 26, 2010 Public Safety Committee approved recommendations and directed staff to prepare a Supplemental report with the following information: 1) Providing the names and bid amounts of the three different companies; and 2) What type of criteria was used to select Doron Precision Systems as the vendor? 3 Ayes, 1 Excused- Reid

- 11 An oral report from the Agency Counsel / City Attorney of final decisions made during Closed Session
- 12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 2.20.130 of the Sunshine Ordinance

**COMMENCING AT 7:00 P.M. OR AS SOON AS REASONABLY PRACTICAL
THEREAFTER:**

- 13 Reconsideration of Ordinances pursuant to Charter Section 216

14. Consideration of items with statutory Public Hearing Requirements:

ACTION ON NON-CONSENT ITEMS:

- 15 Subject: Ranked Choice Voting Implementation Progress Report

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From: Offices of the City Attorney and City Clerk
Recommendation: Action On A Report And Recommendation On The Draft Voter Outreach And Education Plan And Timeline And Responses To Questions Regarding The Implementation Of Ranked Choice Voting
(09-1142)

The January 5, 2010 City Council approved the MOU with the County of Alameda to conduct Rank Choice Voting election on behalf of the City of Oakland. The Council directed the City Clerk to work with Alameda County and return February 2, 2010 with an earlier timeline for the draft Voter Outreach and Education Plan and with written responses to the questions provided by Councilmember De La Fuente.

16 Subject: Oakland Golf LLC - Rent Relief
From: Office Of Parks And Recreation
Recommendation: Adopt A Resolution To Approve Fifty Percent (50%) Of The Minimum Rent Relief To Oakland Golf LLC For The Operation Of The Metropolitan Golf Links During Fiscal Year July 1, 2009 Through June 30, 2010 As Authorized In The First Sublease And Operating Agreement Approved By Resolution No. 81241 (C.M.S.) On May 6, 2008
(09-1011)

This item was rescheduled from the January 19, 2010 City Council Agenda.

The December 15, 2009 Life Enrichment Committee approved recommendations and directed staff to provide a supplemental report to the January 19, 2010 City Council regarding; 1) actual profits of the Metropolitan Golf Links course; 2) analysis of the usage and revenues generated based on usage 3) revenues and profits analysis, and 4) details on the cost cutting measures that have been implemented. The committee also approved amendment of the contract to require performance of an Audit in year 2 instead of year 3 as stated in the contract. The audit should consider the future of the city's golf courses and whether or not the city can afford all three; 4 Ayes

17 Subject: Exempting Certain Positions - Hiring Freeze
From: Office of the City Administrator
Recommendation: Adopt A Resolution Exempting Certain Positions Funded By The General Fund From The Hiring Freeze That The City Council Implemented On January 19, 2010 On All General Funded Positions
(09-1154)

Pursuant to Rule 28 of the Council's Rules of Procedure Resolution 79006 C.M.S. this item was placed on this agenda.

S-18 Subject: Historical Fox Theater Renovation
From: Community And Economic Development Agency

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Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To Apply For, Accept, And Appropriate Grant Funds From The California Cultural And Historical Endowment Program Under State Of California Clean Water, Clean Air, Safe Neighborhood Parks, And Costal Protection Act Of 2002, For The Historic Fox Theater Renovation In An Amount Not To Exceed One Million (\$1,000.000)

(09-1115)

Pursuant to Rule 28 of the Council's Rules of Procedure Resolution 79006 C.M.S. this item was placed on this agenda.

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

At the Community and Economic Development Committee meeting no action was taken due to a lack of quorum

S-19

Subject: Microwave Backbone System

From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Negotiate And Enter Into A Contract With Harris Stratex , Inc. In An Amount Not-To-Exceed One Million Four Hundred Thousand Dollars (\$1,400,000) To Upgrade, Expand, And Integrate Phase I Of The Public Safety Microwave Backbone System, 2) Enter Into Additional Competitively Bid Contracts To Purchase Networking And Security Equipment In An Amount Not-To-Exceed One Hundred And Seven Thousand Eight Hundred And Thirty Seven Dollars (\$107,837), 3) Purchase Annual Maintenance Services For The Public Safety Microwave Backbone System In An Amount Not-To-Exceed One Hundred Fifty Two Thousand Dollars (\$152,000) To Support The Public Safety Voice And Data Transmission And Related Support Services, And 4) Waive The City Of Oakland's Competitive Request For Proposal (RFP And Advertising And Bid Processes For The Above Described Contract, Without Further Council Action

(09-0962)

Pursuant to Rule 28 of the Council's Rules of Procedure Resolution 79006 C.M.S. this item was placed on this agenda.

The January 26, 2010 Public Safety Committee approved recommendations and directed staff to submit a Supplemental Report with further justification for the use of the \$332,988 of Police Unclaimed Cash Fund (7740) for the project and identification of alternative funding sources; 3 Ayes, 1 Excused- Reid

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting shall conclude no later than 10:30 p.m., unless extended by Majority Vote of the Council)

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[\(TDD\)](#)

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**LATONDA SIMMONS
Agency Secretary/City Clerk
and Clerk of the Council**

ORA - Oakland Redevelopment Agency
S - Supplemental Item