



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

* Meeting of the Oakland City Council

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

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

Tuesday, March 06, 2012

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 / 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: Honoring Joseph T. Yew
From: Council President Reid, Councilmember Kernighan And Pro Tem De La Fuente

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Recommendation: Adopt A Resolution Honoring Joseph T. Yew, Jr. On Eight Years Of Dedicated And Distinguished Service To The City Of Oakland
(11-0297)

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING HELD February 21, 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: 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
(11-0294)

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
(11-0295)

7.3-CC Subject: Conflict Of Interest Waiver Shute Mihaly And Weinberger
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Approving A Conflict Of Interest Waiver For Shute Mihaly & Weinberger LLP ("SMW") Waiving Any Conflict Arising From SMW's Representation Of Clients With Interests Adverse To The City Of Oakland, Except For Any Client Whose Interests May Be Related To The Closure, Development And Reuse Of Properties Within The Boundaries Of The Former Oakland Army Base
(11-0288)

7.4-CC Subject: Vice Mayor Brooks Travel-Washington DC
From: Vice Mayor Desley Brooks
Recommendation: Adopt A Resolution Authorizing Vice Mayor Desley Brooks To Travel To Washington, D.C. To Attend The 2012 National League Of Cities Congressional City Conference From March 10-14, 2012
(11-0287)

7.5-CC 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

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"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 FINAL PASSAGE (Second Reading) ON THIS ITEM

Introduction (First Reading) was passed on February 21, 2012; 5 Ayes, 3 No - De La Fuente, Nadel, Schaaf

7.6-CC Subject: Settlement Agreement - OPOA
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of The Oakland Police Officers' Association V. City Of Oakland, Alameda Superior Court Case No. RG09437562, Which Challenged The City's Enactment Of Ordinance No. 12908 (Anti-Nepotism Ordinance) (Oakland Police Department)
[\(11-0302\)](#)

This item was discussed at Closed Session on February 21, 2011.

7.7-CC Subject: Recognizing International Women's Day
From: Councilmember Schaaf
Recommendation: Adopt A Resolution In Support Of International Women's Day
[\(11-0301\)](#)

7.8-CC Subject: Budget Advisory Committee Appointment - Nye
From: President Pro Tem De La Fuente
Recommendation: Adopt A Resolution Confirming Re-Appointment Of Bruce Nye To The Budget Advisory Committee
[\(11-0304\)](#)

7.9-CC Subject: Budget Advisory Committee Appointment - Bawa And Heidorn
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Kirin Bawa And Reappointment Of Nicolas Heidorn To The Budget Advisory Committee
[\(11-0307\)](#)

7.10-CC Subject: Measure Y Committee Appointment - Cruz
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Vicente R. Cruz II As A Member Of The Violence Prevention And Public Safety Oversight Committee
[\(11-0308\)](#)

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~~7.11 Subject: Parks And Recreation Advisory Commission Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of
Judith Belcher, Barry Miller And Ellen Wu And Appointment Of Paul Rosenbloom,
Toshia Marshall, Mandolin Kadera Redmond And Faith Du Boisto The Parks And
Recreation Advisory Commission
(11-0309)~~

This item was withdrawn at the request of the Mayor's office.

S-7.12-CC Subject: Beliveau Engineering Contract
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Beliveau
Engineering Contractors, Inc., The Lowest Responsive And Responsible Bidder, For The
Installation Of A Stormwater Trash Control Unit At 73rd Avenue And International
Boulevard (Project No. C390710) In Accordance With Plans And Specifications For The
Project And Contractor's Bid In The Amount Of Nine Hundred And Eighty-Three
Thousand, Five Hundred Dollars (\$983,500.00)
(11-0282)

**The February 28, 2012 Public Works Committee approved
recommendations; 3 Ayes, 1 Excused - Reid**

S-7.13-CC Subject: Measure C-Oakland Hotel Tax Audit
From: Finance And Management Agency
Recommendation: Receive An Informational Report Presenting Measure C-Oakland
Hotel Tax Audit And Program Status Report
(11-0289)

**The February 28, 2012 Finance and Management Committee received and
forwarded this report; 4 Ayes**

S-7.14-CC Subject: Sunfield Development Agreement
From: Office Of Neighborhood Investment
Recommendation: Adopt A Resolution Authorizing An Exclusive Negotiating
Agreement With Sunfield Development, LLC Or A Related Entity To Develop A
Mixed-Use Project On A City-Owned Property Located At 1800 San Pablo Avenue
(APN: 008-0642-018)
(11-0286)

**The February 28, 2012 Community and Economic Development
Committee approved recommendations as amended to amend the
resolution to include the language "good faith deposit is refundable"; 4
Ayes**

S-7.15-CC Subject: Maddie's Foundation
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her
Designee, On Behalf Of The City Of Oakland, To Accept A Donation In The Amount Of

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Ninety-Nine Thousand Dollars (\$99,000) From Maddie's Fund, And Appropriate Said Funds To The Oakland Police Department Animal Services Division To Help Fund Spay And Neuter Programs, Quality Of Life Projects For Animals, And Purchase Supplies/Equipment For The Volunteer Program
(11-0284)

The February 28, 2012 Public Safety Committee approved recommendations; 3 Ayes, 1 Excused - Reid

S-7.16-CC Subject: Wildfire Prevention Assessment Audit Report
From: Finance And Management Agency
Recommendation: Receive A Report Presenting The Oakland Wildfire Prevention Assessment District Audit Report For Fiscal Year Ended June 30, 2011
(11-0266)

The February 28, 2012 Public Safety Committee received and forwarded this report; 3 Ayes, 1 Excused - Reid

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: Amending Pawnbrokers And Secondhand Dealers Ordinance
From: Office Of The City Administrator
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Legislation:~~

~~1) An Ordinance Amending Oakland Municipal Code (OMC) Chapter 5.46 To: (1) Establish New Permitting And Operating Standards For "Secondhand Jewelry Dealers; And To (2) Revise Operating Standards For "Secondhand Dealers" And "Pawnbrokers"
(11-0292)~~

S-9.1 Subject: Amending Master Fee for Mobile Food Vending Parking Use
From: Office Of The City Administrator
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Legislation:

1) An Ordinance Amending Ordinance No. 13078 C.M.S., The Master Fee Schedule, As Amended, To Establish Or Modify Fees Assessed By The Office Of The City Administrator To: 1) Businesses Conducting Secondhand Jewelry Dealers, Secondhand Dealers, And Pawnbrokers Activities Pursuant To Chapter 5.46; And 2) To Establish An Interim Mobile Food Vending Parking Use Fee For Permits Issued Pursuant To Chapter 5.51
(11-0292-1)

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The February 28, 2012 Public Safety Committee approved recommendations as amended to hold the first ordinance in committee to provide staff additional time to ensure conformance with state law. The Committee bifurcated the second ordinance, approving the mobile food vending parking use fee but holding the fees for second hand jewelry dealers and pawn brokers in committee; 3 Ayes, 1 Excused - Reid

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

Second Reading (Final Passage) is scheduled for March 20, 2012.

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 10 Subject: Pulte Homes Contract Increase - Rainbow Teen Center
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Amending Resolution No. 83165 C.M.S. To Authorize An Increase In The Contract With Pulte Homes For The Construction Of The Rainbow Teen Center By \$30,699 From \$121,000 To \$151,699 To Pay For Prevailing Wage Costs; To Appropriate Pro-Rated Onetime Funds For FY 2011-2012 In The Amount Of \$67,000; And Amending Resolution 83344 C.M.S. For The FY 2011 Annual Action Plan, Submitted To The U.S. Department Of Housing And Urban Development (HUD) Which Included The FY 2011 Community Development Block Grant (CDBG) Allocations, To Assign \$48,000 Of \$62,250 Earmarked For The Oakland Citizens Committee For Urban Renewal (Occur) To The Office Of Parks & Recreation In Order To Provide Funding For The Rainbow Teen Center, If Permissible Under CDBG Regulations, For Expenditures For Period July 1, 2011 - June 30, 2013
(11-0090)

This item was placed on this agenda by the February 23, 2012 Rules and Legislation Committee.

- S-11 Subject: Alameda County Transportation Plan
From: Public Works Agency
Recommendation: Adopt A Resolution To Endorse And Support The Approval Of The Alameda County Transportation Expenditure Plan And Recommend To The Alameda County Board Of Supervisors Placement Of An Extension And Augmentation Of The Existing Transportation Sales Tax On The November 2012 Ballot
(11-0285)

The February 28, 2012 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Reid

- S-12 Subject: Parking Enforcement Vehicle Purchase
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Appropriate Four Hundred Thousand Dollars (\$400,000) Of Savings From The 2009-2011 Operating Budget In The Internal Equipment Service Fund 4100 To Purchase

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Thirteen Energy Efficient Vehicles For The Finance And Management Agency, Parking Enforcement Division, (PED)

(11-0204)

The February 28, 2012 Finance and Management Committee approved recommendations; 4 Ayes

S-13 Subject: Oakland-Alameda County Coliseum Complex
From: Office Of Neighborhood Investment
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing An Exclusive Negotiating Agreement With JRDV Urban International, HKS Sports And Entertainment, HKS Inc., And Forest City Real Estate Services LLC, Or Affiliated Entities, For Development Of The Coliseum City Project At The Oakland-Alameda County Coliseum Complex And Environs, And Authorizing Predevelopment Funding Of The Developer's Planning Work In An Amount Not To Exceed \$1.6 Million; And

(11-0291)

2) A Resolution Authorizing A Professional Services Contract With Lamphier-Gregory And Team Of Consultants, In An Amount Not To Exceed \$1,900,000, For Services Related To The Oakland Alameda Coliseum Complex And Environs And The Oakland Airport Business Park Specific Plans And Environmental Impact Report Without Return To Council

(11-0291-1)

The February 28, 2012 Community and Economic Development Committee approved recommendations; 4 Ayes

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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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**