



SUPPLEMENTAL

City of Oakland

Meeting Agenda

Concurrent Meeting of the Oakland Redevelopment Agency / City Council

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

Tuesday, October 04, 2011

5:30 PM

Oakland City Hall, 3rd Floor

- 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: United Nations Month
From: Councilmember Nadel
Recommendation: Adopt A Resolution Declaring October 2011 As "United Nations Month" And October 24, 2011 United Nations Day In The City Of Oakland And Authorizing The City Of Oakland To Serve As An Honorary Sponsor Of The United Nations Anniversary Flag Raising Ceremony
[\(11-0026\)](#)
 - 4.2 Subject: Honoring Peralta Elementary School
From: Councilmember Brunner
Recommendation: Adopt A Resolution Honoring Peralta Elementary School For Being Named A 2011 National Blue Ribbon School Award By The United States Department Of Education
[\(11-0053\)](#)
 - S-4.3 Subject: Youth Radio Proclamation
From: Office Of The Mayor
Recommendation: Hear A Proclamation Honoring Youth Radio On Its "Traffic" Radio Documentary
[\(11-0065\)](#)

This item was placed on this agenda pursuant to Rule 28a of Council's Rules of Procedures, Resolution 82580 C.M.S.

This item requires an Urgency Finding (2/3 majority vote) pursuant to

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Section 2.20.080 E(2) of the Sunshine Ordinance, prior to hearing the item.

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF
September 20, 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
(11-0048)
- 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
(11-0047)
- ~~7.3-CC Subject: Two Tier Retirement Amendment
From: Department Of Human Resources
Recommendation: Adopt The Following Pieces Of Legislation:~~
- ~~1) A CalPERS Resolution Of Intention To Approve An Amendment To The Contract
Between The Board Of Administration Of The California Public Employees' Retirement
System (CalPERS) And The City Of Oakland
(11-0044)~~

**This item has been relocated to the Non-Consent portion of the agenda,
and it bears the footer of 7.3.**

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~~2) 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 Provide 1) Section 20475, Different Level of Benefits, Section 21354.4 (2.5% @ 55 Full Formula) And Section 20037 (Three Year Final Compensation) Applicable To Local Miscellaneous Members Entering Membership For The First Time In The Miscellaneous Classification After The Effective Date Of This Amendment To Contract; 2) Section 20475, Different Level of Benefits, Section 21363.1 (3% @ 55 Full Formula and Section 20037 (Three Year Final Compensation) 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 (3 To Include Section 20516 (4% Employees Sharing Cost of Additional Benefits) For Second Tier Local Fire Members~~

~~(11-0044-1)~~

This item has been relocated to the Non-Consent portion of the agenda, and it bears the footer of 7.3.

7.4-CC

Subject: Planning Code Amendments
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance, Recommended By The Planning Commission,
To: 1) Update References, Reducing Redundancy, And Clarifying Language In Various Chapters Of The Planning Code; 2) Conditionally Permit Mini- And Micro- Telecommunications Facilities In Residential Areas Of The Central Business District; 3) Amend Chapter 17.112 Of The Planning Code To Allow Crop Growing As A Home Occupation; 4) Adjust The Sign Regulations In The RU-4 And RU-5 Zones To Be Consistent With Other Zones On The City's Major Transportation Corridors; 5) Create An Interim Combining Zone For The Core Of The Chinatown Commercial Area That Would Broaden The Range Of Allowed Ground Floor Uses; And 6) Improve Consistency Among Chapters And The Maps, Including Making The Zoning Ordinance Text Consistent With The Adopted Height Map For The Area Near Valdez, Harrison And 27th Streets.

(10-0794)

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

Introduction (First Reading) was passed on September 20, 2011;

7.5-CC

Subject: ~~Central District Urban Renewal Plan~~
From: ~~Community And Economic Development Agency~~
Recommendation: ~~Adopt A City Resolution Adopting Findings In Response To Written Objections To The Adoption Of The Seventeenth Amendment To The Central District Urban Renewal Plan~~

~~(10-0852-6)~~

This item was removed from this agenda pursuant to Rule 28a of Council's Rules of Procedures Resolution 82580 C.M.S.

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**PLEASE NOTE: ALL ITEMS DENOTED WITH AN "S" WERE ADDED PURSUANT TO
RULE 28a OF COUNCIL'S RULES OF PROCEDURES, RESOLUTION 82580 C.M.S.**

S-7.6-CC Subject: Sanitary Sewers Rehabilitation - Contract Award
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Mosto Construction, The Lowest Responsive And Responsible Bidder, For The Rehabilitation Of Sanitary Sewers In The Easement Between Sayre Drive And Paso Robles Drive And The Easement Between Chambers Drive And Saroni Drive (Project No. C329123) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of One Hundred Sixty-Five Thousand One Hundred Ninety-Eight Dollars (\$165,198.00)
[\(10-0837\)](#)

The September 27, 2011 Public Works Committee approved recommendations; 4 Ayes.

S-7.7-CC Subject: Ray's Electric Contract Award - Street Lighting
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Ray's Electric, The Lowest Responsive And Responsible Bidder, For The State Safe Routes To Schools (SR2S) Cycle 7 Project (City Project No. C357010) In Accordance With Project Plans And Specifications In The Amount Of Three Hundred Eighty-Two Thousand, Seven Hundred Two Dollars (\$382,702.00)
[\(11-0030\)](#)

The September 27, 2011 Public Works Committee approved recommendations; 4 Ayes.

S-7.8-CC Subject: Conditional And Revocable Permit - 1625 Clay Street
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting 1625 Clay LLC A Revocable And Conditional Permit For A Building Located At 1625 Clay Street To Allow An Existing Basement To Encroach Under The Public Sidewalk Along Clay Street And 17th Street
[\(11-0039\)](#)

The September 27, 2011 Public Works Committee approved recommendations; 4 Ayes.

S-7.9-CC Subject: City Auditor's Salary
From: Office Of The City Auditor
Recommendation: Adopt A Resolution Setting The Salary For The Newly Elected City Auditor Of The City Of Oakland Pursuant To The Oakland City Charter, Article IV, Section 403, Effective 2015
[\(10-0667\)](#)

The September 27, 2011 Finance and Management Committee approved recommendations as amended to set the City Auditor's Salary at \$128,674 effective 2015. ; 3 Ayes, 1 Absent - De La Fuente.

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S-7.10-CC Subject: Salary Ordinance Amendments - UK2 Unit Designation
From: Department Of Human Resource Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Change The Bargaining Unit Designation From U31 To UK2 For The Classifications Of Budget Director; Controller; City Attorney, Assistant; Human Resources Manager; And To Change The Bargaining Unit Designation From UMI To UK2 For The Classifications Of Affirmative Action Manager; Risk Manager; Revenue & Tax Administrator; And Treasury Manager
(11-0035)

The September 27, 2011 Finance and Management Committee approved recommendations; 3 Ayes, 1 Absent - De La Fuente.

S-7.11-CC Subject: Salary Ordinance Amendments - UM2 Unit Designation
From: Department Of Human Resource Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Change The Bargaining Unit Designation From UMI To UM2 For The Classifications Of City Council Office Administrator; Production Control Parking Supervisor; Recreation General Community Restoration Emergency Coordinator; Computer Operations Emergency Services Manager, Assistant; Supervisor; Supervisor; Planning Supervisor; Financial Analyst, PPT; Recreation Services Manager, Assistant To; Library Automation Supervisor; Recycling Supervisor; Police Program & Performance Auditor; Solid Waste/Recycling Program Supervisor; Volunteer Program Coordinator, Supervising; Environmental Program Supervisor; Chief Conservator; Community Housing Services Manager; Development/ Redevelopment Program Manager; Financial Analyst, Principal; Spatial Data Administrator; City Architect, Assistant; Inspection Services Manager; Librarian, Administrative; Real Estate Service Manager; Support Services Administrator
(11-0032)

The September 27, 2011 Finance and Management Committee approved recommendations; 3 Ayes, 1 Absent - De La Fuente.

S-7.12-CC Subject: Progressive Solutions Contract Extension - Tax Software
From: Finance And Management Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Extend The Term Of The Current Contract With Progressive Solutions Inc., (PSI) For An Automated Local Tax System Software Maintenance And Support Services For A Period Of Three Years In An Amount Not To Exceed \$100,000 Per Year With Two Optional Annual Extensions For An Amount Not To Exceed 10% Of The Prior Year's Maintenance And Support Services Cost
(11-0031)

The September 27, 2011 Finance and Management Committee approved recommendations; 3 Ayes, 1 Absent - De La Fuente.

S-7.13-CC Subject: Francisco Electric Contract Award - Street Lighting
From: Finance And Management Agency

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Recommendation: Adopt A Resolution Awarding A Contract To Francisco Electric, A Corporation, For The Purchase Of Street Lighting And Traffic Signal Standards In The Annual Amount Not To Exceed Eight Hundred Thirty Five Thousand Dollars (\$835,000.00) For The Period Of October 1, 2011 To October 31, 2012 Per Request For Quotation 1773-02, Specification No. 11- 550-85 03 And The General Conditions Therefor On File In The Purchasing Division And According To Contractor's Bid Submitted July 20, 2011

[\(11-0029\)](#)

The September 27, 2011 Finance and Management Committee approved recommendations; 3 Ayes, 1 Absent - De La Fuente.

S-7.14-CC Subject: 1111 Broadway - Communications Lease Extension
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Five Year Lease Extension With Two (2) Five Year Options To Renew The Existing Lease For City Owned Communications Equipment Located At 1111 Broadway, With OCC Venture, LLC, A Delaware Limited Liability Company, For An Initial Annual Rent Of \$120,000 And A 3% Increase Each Year Thereafter

[\(11-0040\)](#)

The September 27, 2011 Finance and Management Committee approved recommendations as amended to include the language, "and the ability to sublease" in the fifth Whereas of the resolution.; 3 Ayes, 1 Absent - De La Fuente.

S-7.15-CC Subject: Neighborhood Stabilization Program Funds
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Accepting And Appropriating Funds Totaling \$2,070,087 From The U.S. Department Of Housing And Urban Development (HUD) Neighborhood Stabilization Program

[\(11-0042\)](#)

The September 27, 2011 Community and Economic Development Committee approved recommendations and directed staff to schedule through rules a report of the progress of NSP 1 funds at the same time that the NSP 3 spending plan comes to committee; 3 Ayes, 1 Absent - De La Fuente

S-7.16-CC Subject: 980 - 8th Street Land Sale
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Sale Of Surplus Vacant Land Containing 9,385 Square Feet Located Adjacent To 980 8th Street, Assessor Parcel Number 004-0007 001-01, To The Abutting Property Owner 5500 Foothill Association, LLC, For The Appraised Value Of \$130,000, And Authorizing Seller Financing Of The Transaction

[\(11-0041\)](#)

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**The September 27, 2011 Community and Economic Development
Committee approved recommendations; 3 Ayes, 1 Absent - De La Fuente**

S-7.17-CC Subject: Buffer Zone Protection Program Grant Award
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To: 1) Enter Into A Buffer Zone Protection Program (BZPP) Grant Agreement With The Alameda County Sheriff's Office (ACSO) To Accept And Administer Fiscal Year 2010 Buffer Zone Protection Program (BZPP) Grant Equipment And Supplies For The City Of Oakland Fire And Police Departments, In An Amount Up To One Hundred And Ninety Nine Thousand Eight Hundred And Twenty Dollars (\$199,820); And 2) Approve The 2010 BZPP Grant Preliminary Spending Plan Which Would Require That Funds Be Expended For The Purchase Of Hazardous Materials Detection And Monitoring Equipment, Intrinsically Safe Radios And Other Related Haz Mat Equipment, Supplies And Training Related To The BZPP Proposal Which ACSO Will Purchase On Behalf Of The Oakland Fire And Police Departments And Transfer Ownership Of Such Equipment To Oakland Fire And Police Departments Until Such 2010 BZPP Grant Funding Of \$199,820, Is Expended Or By January 1, 2013 At The Latest
[\(11-0036\)](#)

**The September 27, 2011 Public Safety Committee approved
recommendations; 4 Ayes**

S-7.18-CC Subject: Physio-Control Contract Award - Paramedic Services Equipment
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To: 1) Dispense With Advertising And Bidding And Award A Contract To Physio-Control Incorporated To Furnish Cardiac Monitors, Chest Compression Devices, Automatic External Defibrillators, All Necessary Accessories And A Five-Year LifeNet Transmission Subscription, In An Amount Not To Exceed Nine Hundred Seventy Six Thousand Dollars (\$976,000) And Appropriate The Same Amount From Fund Balance For This Purpose, And; 2) Appropriate Additional Fund Balance From The Paramedic Services Act Of 1997 Fund (Measure N) In An Amount Not To Exceed One Million Nineteen Thousand Dollars (\$1,019,000) For Equipment Purchase And Delivery Of Program Services In Accordance With The Measure N Preliminary Spending Plan Without Further Council Authorization, Including Purchases, Provided The City's Purchasing Programs And Policies Are Followed
[\(11-0028\)](#)

**The September 27, 2011 Public Safety Committee approved
recommendations and directed staff to provide in a supplemental report a
status on the defibrillators located in City buildings and the name of the
vendor that maintains the equipment; 4 Ayes**

S-7.19-CC Subject: Shotspotter Contract Award
From: Vice Mayor Desley Brooks

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Recommendation: Receive A Report Providing An Overview Of The Shotspotter Gunshot Location System and Additionally Provide An Explanation On The Delay In Implementation Of The Shotspotter Gunshot Location System And Adopt A Resolution Authorizing The City Administrator To Enter Into A New Contract With Shotspotter, Inc. For The Implementation Of An Updated Gunshot Location System In The City Of Oakland In An Amount Not To Exceed Eighty-Four Thousand, One Hundred Fifty-One Dollars (\$84,151)

(10-0839)

The September 27, 2011 Public Safety Committee approved recommendations; 4 Ayes

S-7.20-CC Subject: 911 System Upgrade
From: Department Of Information Technology
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute Contracts With AT&T To Acquire Necessary Equipment And Services To Upgrade The City Of Oakland's 9-1-1 System Customer Premise Equipment (CPE) And Related Equipment For An Amount-Not-To-Exceed Eight Hundred Thousand Eight Hundred Twenty Dollars And Sixty-Seven Cents (\$800,820.67)

(11-0027)

The September 27, 2011 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 Subject: Consistency Among Building Inspectors
From: Councilmembers Brunner And Kaplan
Recommendation: Receive An Informational Report And/ Or Action On Recommendations To Require Consistency Among Building Inspectors In Order To Prevent Conflicting Directions To Business And/Or Property Owners

(10-0813)

The September 27, 2011 Community and Economic Committee received and forwarded this report and directed staff prepare a follow up report that 1) provides training for inspectors regarding identifying blight; 2) implement and consistently enforce a policy preventing a subsequent inspector from overturning a previous inspector's ruling unless it is a "serious safety issue" until the independent 3rd party's report is available;

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3) work with the City Administrator's office to identify the agency responsible for enforcing removal of overgrown vegetation identified by Oakland Fire Department; 4) work with the Oakland Fire Department to establish a partnership and coordinate inspections of properties when both OFD and CED inspectors are required, to prevent conflicts and return in January with the Building Services - Grand Jury Compliance Follow Up Report; 3 Ayes, 1 Absent - De La Fuente

11 Subject: Mayor's Recess Ratification
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Ratifying Action Taken By The Mayor During The Oakland City Council 2011 Annual Recess In Conformance With Council's Rules Of Procedures, Resolution No. 82580 C.M.S., Dated March 10, 2010
(11-0057)

12 Subject: Port Commission Appointments - Uno And Imani
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Victor Uno And Jakada Imani To The Board Of Port Commissioners
(11-0019)

This item was withdrawn from the September 20, 2011 City Council agenda placed on this agenda pursuant to Rule 7(6) of Resolution 82580 C.M.S.

13 Subject: Loitering Ordinance
From: Council President Reid And President Pro Tem De La Fuente
Recommendation: Adopt An Ordinance Adding OMC Chapter 9.58 Prohibiting Loitering In Public For The Purpose Of Engaging In Illegal Drug Activity
(11-0049)

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

Final Passage (Second Reading) is scheduled for October 18, 2011

14 Subject: Juvenile Protection Curfew Ordinance
From: Council President Reid And President Pro Tem De La Fuente
Recommendation: Adopt An Ordinance (1) Adding Article II To Chapter 9.12 Of The Oakland Municipal Code (OMC) To Establish A Juvenile Protection Curfew Program And (2) Amending OMC Section 1.28.020 To Codify The Penalties For Violations Of The Curfew Ordinance , And (3) Repealing Oakland Municipal Code Sections 9.12.020 And 9.12.030 Prohibiting Minors From Loitering In Public Places
(11-0050)

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

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Final Passage (Second Reading) is scheduled for October 18, 2011

15 Subject: East And West Oakland Gang Injunction
From: President Pro Tem De La Fuente
Recommendation: Adopt A Resolution Amending The Policy The City Council Adopted On May 17, 2011, Which Policy Precludes Further Gang Injunctions Until The City Conducts A Study Of The Effectiveness Of The Fruitvale And North Oakland Gang Injunctions, To Authorize And Direct The City Attorney And The City Administrator To Evaluate And Bring Back Options To The Council To Initiate Gang Injunction Litigation In East And West Oakland
(11-0051)

S-16 Subject: Two Tier Retirement Amendment
From: Department Of Human Resources
Recommendation: Adopt The Following Pieces Of Legislation:

1) A CalPERS Resolution Of Intention To Approve An Amendment To The Contract Between The Board Of Administration Of The California Public Employees' Retirement System (CalPERS) And The City Of Oakland
(11-0044)

2) 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 Provide 1) Section 20475, Different Level of Benefits, Section 21354.4 (2.5% @ 55 Full Formula) And Section 20037 (Three-Year Final Compensation) Applicable To Local Miscellaneous Members Entering Membership For The First Time In The Miscellaneous Classification After The Effective Date Of This Amendment To Contract; 2) Section 20475, Different Level of Benefits, Section 21363.1 (3% @ 55 Full Formula and Section 20037 (Three-Year Final Compensation) 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 (3 To Include Section 20516 (4% Employees Sharing Cost of Additional Benefits) For Second Tier Local Fire Members
(11-0044-1)

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

Final Passage (Second Reading) is scheduled for October 18, 2011

This item has been moved from the Consent portion of the agenda, and bears the footer of 7.3.

Continuation of Open Forum

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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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Office of the City Clerk - Agenda Management Unit

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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**