



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

Tuesday, January 17, 2012

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: National Blood Donor Month
From: Councilmember Brunner
Recommendation: Adopt A Resolution Proclaiming The Month Of January As "National Blood Donor Month" For Oakland And Urging All Citizens To Pay Tribute To Those Among Us Who Donate For Others In Need
[\(11-0197\)](#)

4.2 Subject: Press Room Reopening
From: Council President Larry Reid
Recommendation: Adopt A Resolution Re-Opening The Press Room Located On The First Floor Of City Hall (1 Frank Ogawa Plaza, Oakland, California 94612) And Naming The Press Room As The Sanjiv Handa City Of Oakland Press Room (In His Memory)
[\(11-0220\)](#)

5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF December 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:

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- 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
[\(11-0207\)](#)
- 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
[\(11-0208\)](#)
- 7.3-CC Subject: Authorizing Sale Of 319 Chester Street
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:
- 1) An Ordinance Authorizing The Sale Of A City-Owned Parcel At 319 Chester Street To
The Alliance For West Oakland Development For The Purchase Price Of \$94,000.00,
Authorizing Seller Financing For The Purchase Price, Authorizing A \$400,000.00
Construction Loan, And Authorizing A Disposition And Development Agreement With
The Developer To Develop The Parcel With A Two-Family Home
[\(10-0096\)](#)
- 2) An Ordinance, As Recommended By The City Planning Commission, Rezoning From
Open Space/Active Minipark (.OS-AMP) To Mixed Housing Type Residential (Rm-2)
The Property At 319 Chester Street, Oakland Ca. (Case No. RZLL1-053; APN
004-0103-035-00)
[\(10-0096-1\)](#)

**ACTION ON THESE ITEMS WILL RESULT IN FINAL PASSAGE
(Second Reading) OF THESE ORDINANCES**

Introduction (First Reading) was passed on December 20, 2011; 8 Ayes

- 7.4-CC Subject: Settlement Agreement - OUSD
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Claim Of Oakland Unified School District In The Amount
Of \$89,000.00 As A Result Of Property Damage Sustained Due To A Sewer Back Up
And Spill On November 11, 2010 (Public Works - Maintenance Services)
[\(11-0221\)](#)

This matter was not discussed in Closed Session.

- 7.5-CC Subject: Settlement Agreement - Pamer Town Car Service

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From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Property Damage Claim Of Scottsdale Insurance Company As Subrogee Of Pamer Town Car Service, In The Amount Of \$12,831.38, As A Result Of Property Damage Sustained In A Traffic Collision With A City Vehicle On June 23, 2011. (Oakland Fire Department)
(11-0222)

This matter was not discussed in Closed Session.

7.6-CC Subject: Settlement Agreement - Ayrault
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Bonnie Ayrault V. City Of Oakland, Alameda County Superior Court Case No. RG11-555472 In The Amount Of \$142,000.00 As A Result Of A Trip And Fall Accident On 16th Street & Telegraph Avenue. (Office Of Public Works - OPW)
(11-0223)

This matter was discussed at the December 20, 2011 Closed Session.

S-7.7-CC Subject: Change Order Limit Increase - 12th St Reconstruction Project
From: Public Works Agency
Recommendation: Adopt A Resolution Waiving Advertising And Competitive Bidding And Increasing The Change Order Limit For The Contract With McGuire & Hester For The 12th Street Reconstruction Project (Project No. C241610) From Ten Percent To Twenty Percent Of The Original Contract Amount For A Total Contract Amount Not-To-Exceed Thirty-Eight Million Four Hundred Forty-Three Thousand Seven Hundred One Dollars And Seventy-Seven Cents (\$38,443,701.77)
(11-0097)

**The January 10, 2012 Public Works Committee approved
recommendations; 4 Ayes**

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

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: Emergency Interim Ordinance - Demolition Permits
From: Councilmember Jane Brunner
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An

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Emergency Interim Ordinance Amending The Oakland Municipal Code, Chapter 15.36 "Demolition Permits" In Order To Add Restrictions On The Demolition Of A Structure Without A Building Permit For A Replacement Structure, Where The Owner Intends To Create A Vacant Lot

(11-0103)

This item was continued from the October 18, 2011 City Council Agenda.

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION AND FINAL PASSAGE OF THIS ORDINANCE

7 votes required for passage

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 10 Subject: Measure Y Violence Prevention Strategy Report
From: Department Of Human Services
Recommendation: Receive A Report And Request For The City Council To Approve Recommendations For Funding Measure Y Violence Prevention Program Strategies And The Request For Proposal Process For The Funding Cycle For Fiscal Years 2012-2015
(11-0075)

The January 10, 2012 Public Safety Committee approved recommendations as amended and directed staff to separate the mental health funding for ages 0-5 from the Family Violence Center and also to encourage clinics to do outreach to small centers. The Committee further directed staff to provide an explanation of the population served under the re-entry specialist vs. the population that would be served under the proposed structure to the January 17, 2012 City Council; 4 Ayes

- 11 Subject: Two Tier Retirement Amendment - Safety
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 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) ; And
(11-0191)

- 2) An Ordinance Of The City Of Oakland To Approve An Amendment To The Contract

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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)

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

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

12

Subject: Parking Grace Period
From: Councilmember Jane Brunner
Recommendation: Adopt A Resolution Establishing A Five-Minute Grace Period For Parking At Public Pay-And-Display Parking Meters In The City Of Oakland

(11-0139)

The December 13, 2011 Finance and Management Committee approved recommendations as amended to alternatively: 1) Direct the City Administrator to implement a five-minute grace period for parking at public pay and display meters as a six-month pilot program, 2) Ensure the grace period will only apply to cars who properly display a receipt issued from one of the City's pay-and-display meters, 3) Return to Council after a six-month trial period, to report back on the results of the pilot program, and 4) Include a provision for single space meters such that if the driver arrives at his vehicle before the ticket is completed, no ticket will be issued; 4 Ayes

S-13

Subject: Broadway Shuttle Agreement Extension
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing An Extension Of An Agreement With AC Transit To Operate the Broadway Shuttle Until December 31, 2013

(11-0229)

This item was placed on the agenda by Pursuant to Rule 28a of Resolution 82580 C.M.S., Council's Rules Of Procedure

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.

S-14

Subject: Zero Waste System Design
From: Public Works Agency

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Recommendation: Adopt A Resolution Adopting The Recommended System Design To Meet The Adopted Zero Waste Strategy - Develop A New Waste Management System Design In Preparation Of Oakland's Next Collection And Disposal Contracts
(11-0104)

The January 10, 2012 Public Works Committee approved recommendations; 3 Ayes, 1 Abstain - Reid

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

S-15 Subject: 16th Street Train Station Matching Funds
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing An Owner Participation Agreement With The 16th Street Train Station LLC To Grant Up To \$1,300,000 In Matching Funds For Phased Improvements To The Historic 16th Street Train Station, Including Improvements To The Baggage Wing
(11-0231)

This item was placed on the agenda by Pursuant to Rule 28a of Resolution 82580 C.M.S., Council's Rules Of Procedure

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.

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)

**THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY
MATERIAL ON OR OVER THE GALLERY BANNISTERS IS**

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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**

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