

City of Oakland Meeting Minutes 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

Tuesday	, March 06,	2012	5:30 PM	City Council Chambers, 3rd Floor
1	Pledge of	Allegiance		
		The Meeting of th	he Oakland City Council w of Allegiance, the meeting v	vas held on the above date. Opening was convened at 5:37pm
2		ORA & Council		
		ORA\Councilmen Brunner, Presider	nt Pro Tempore De La Fuer	ember Kaplan nember Brooks, Councilmember nte, Councilmember Kernighan, and President of the Council Reid
3	-	um / Citizens Comme ailable: 15 minutes) There were 7 spe	ents vakers during Open Forum.	
4	(Ceremon		DERS OF THE DAY ports/Presentations from th ements):	e Mayor, Council
			Schaaf took a point of pers rrned in memory of Jim Hil	onal privilege and requested that the ll.
		meeting be adjou	rned in memory of Sister H	al privilege and requested that the Pauline King
4.1		ndation: Adopt A Res	Reid, Councilmember Kerni	ighan And Pro Tem De La Fuente . Yew, Jr. On Eight Years Of and
			e La Fuente, that this mat	Kernighan, seconded by President ter be Adopted. The motion
	Vote	ORA\Councilmen		nber Brooks, Councilmember
				nte, Councilmember Kernighan, and President of the Council Reid

APPROVAL OF THE DRAFT MINUTES FROM THE MEETING HELD February 21, 2012
A motion was made by President Pro Tempore De La Fuente, seconded by Vice Mayor Nadel, to *Approve as Submitted. The motion carried by the following vote:
Votes: ORA\Councilmember Absent: 1 - Councilmember Kaplan ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid
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): <i>At this time, it was announced that item 7.11 on the Consent Calendar and the</i> <i>Public Hearing under item 9.1 would be withdrawn from this evening's agenda</i>
and rescheduled to the March 20, 2012 City Council agenda.
T CALENDAR (CC) ITEMS:
Subject:Declaration Of A Local Emergency Due To AIDS EpidemicFrom:Office Of The City AttorneyRecommendation:Adopt A Resolution Renewing And Continuing The City Council'sDeclaration Of A Local Emergency Due To The Existence Of A Critical Public Health CrisisWith Regard To The Human Immunodeficiency Virus ("HIV")/Acquired ImmunodeficiencySyndrome ("AIDS") Epidemic11-0294
This Matter was Adopted on the Consent Agenda.
Votes: ORA\Councilmember Absent: 2 - Councilmember Brunner and Councilmember Kaplan ORA\Councilmember Ayes: 6 - Councilmember Brooks, President Pro Tempore De La Fuente, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid View Report.pdf 83731 CMS.pdf
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Meeting of Council	of the Oakla	and City	Meeting Minutes	March 6, 2012			
7.2-CC	Subject: From:		nabis Health Emergency e 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						
		This Matte	r was Adopted on the Consent Agenda.				
	Vot	es: ORA\Cound Kaplan	cilmember Absent: 2 - Councilmember Brunner and	l Councilmember			
		-	cilmember Ayes: 6 - Councilmember Brooks, Presic	dent Pro			
			e La Fuente, Councilmember Kernighan, Vice Mayo				
		View Report					
7.3-CC	Subject:	83732 CMS Conflict Of I	.par nterest Waiver Shute Mihaly And Weinberger				
1.5 00	From:		e City Attorney				
	Recomme		A Resolution Approving A Conflict Of Interest Waiv	ver For Shute			
	Mihaly &	Weinberger LL	P ("SMW") Waiving Any Conflict Arising From SMV	W's			
	-		With Interests Adverse To The City Of Oakland, Exc				
			ay Be Related To The Closure, Development And Reu	use Of			
	Properties 11-0288	Within The Bou	undaries Of The Former Oakland Army Base				
	This Matter was Adopted on the Consent Agenda.						
	Vot		cilmember Absent: 2 - Councilmember Brunner and	l Councilmember			
		Kaplan					
			cilmember Ayes: 6 - Councilmember Brooks, Presic				
		-	e La Fuente, Councilmember Kernighan, Vice Mayo	or Nadel,			
		View Report	nber Schaaf and President of the Council Reid				
		83733 CMS					
7.4 - CC	Subject:		Brooks Travel-Washington DC				
	From:	Vice Mayor	Desley Brooks				
	Recomme	ndation: Adopt	A Resolution Authorizing Vice Mayor Desley Brooks	s To Travel To			
	Washington, D.C. To Attend The 2012 National League Of Cities Congressional City						
	Conferenc 11-0287	e From March 1					
		This Matte	r was Adopted on the Consent Agenda.				
	Vot	es: ORA\Cound Kaplan	cilmember Absent: 2 - Councilmember Brunner and	l Councilmember			
		-	cilmember Ayes: 6 - Councilmember Brooks, Presic	dent Pro			
			e La Fuente, Councilmember Kernighan, Vice Mayo				
		Councilmer View Report	nber Schaaf and President of the Council Reid t.pdf	,			
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Meeting of the Oakland City Council

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7.5-CC	Subject:	Sanjiv Handa Sunshine Ordinance
	From:	President Reid and Vice Mayor Brooks
		ndation: Adopt An Ordinance Amending Ordinance No. 11957 C.M.S., As
		By Ordinance No. 12483 C.M.S., To Change The Citation And Title Of The
		Sunshine Ordinance" To The "Sanjiv Handa Oakland Sunshine Ordinance" In
	-	Of Sanjiv Handa, A Longtime Oakland Resident Who Devoted More Than 20 Years
		e To Advocating For Open Government And Transparency To Assure That
		ons Of The City's Council, Commissions, Boards, And Advisory Bodies And The
	City's Ope 11-0236	rations Were Open To The Public
		This Matter was *Withdrawn and Rescheduled on the Consent Agenda.
	Vot	es: ORA\Councilmember Absent: 2 - Councilmember Brunner and Councilmember
		Kaplan
		ORA\Councilmember Ayes: 6 - Councilmember Brooks, President Pro
		Tempore De La Fuente, Councilmember Kernighan, Vice Mayor Nadel,
		Councilmember Schaaf and President of the Council Reid
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7.6-CC	Subject:	Settlement Agreement - OPOA
	From:	Office Of The City Attorney
		ndation: Adopt A Resolution Authorizing And Directing The City Attorney To
	-	ise And Settle The Case Of The Oakland Police Officers' Association V. City Of
		Alameda Superior Court Case No. RG09437562, Which Challenged The City's Of Ordinance No. 12908 (Anti-Nepotism Ordinance) (Oakland Police Department)
	11-0302	Of Orunance 140. 12908 (Anti-Nepotisin Orunance) (Oakiand Fonce Department)
		This Matter was Adopted on the Consent Agenda.
	Vot	es: ORA\Councilmember Absent: 2 - Councilmember Brunner and Councilmember
		Kaplan
		ORA\Councilmember Ayes: 6 - Councilmember Brooks, President Pro
		Tempore De La Fuente, Councilmember Kernighan, Vice Mayor Nadel,
		Councilmember Schaaf and President of the Council Reid
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7.7 - CC	Subject:	Recognizing International Women's Day
	From:	Councilmember Schaaf
	11-0301	ndation: Adopt A Resolution In Support Of International Women's Day
		This Matter was Adopted on the Consent Agenda.
	Vot	es: ORA\Councilmember Absent: 2 - Councilmember Brunner and Councilmember
		Kaplan
		ORA\Councilmember Ayes: 6 - Councilmember Brooks, President Pro
		Tempore De La Fuente, Councilmember Kernighan, Vice Mayor Nadel,
		Councilmember Schaaf and President of the Council Reid
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Meeting Minutes March 6, 2012 Meeting of the Oakland City Council 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 This Matter was Adopted on the Consent Agenda. Votes: ORA\Councilmember Absent: 2 - Councilmember Brunner and Councilmember Kaplan ORA\Councilmember Ayes: 6 - Councilmember Brooks, President Pro Tempore De La Fuente, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid View Report.pdf 83737 CMS.pdf 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 This Matter was Adopted as Amended to exclude the appointment of Kirin Bawa on the Consent Agenda. Votes: ORA\Councilmember Absent: 2 - Councilmember Brunner and Councilmember Kaplan ORA\Councilmember Ayes: 6 - Councilmember Brooks, President Pro Tempore De La Fuente, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid View Report.pdf 83738 CMS.pdf 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 This Matter was Adopted on the Consent Agenda. Votes: ORA\Councilmember Absent: 2 - Councilmember Brunner and Councilmember Kaplan ORA\Councilmember Ayes: 6 - Councilmember Brooks, President Pro Tempore De La Fuente, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid View Report.pdf 83739 CMS.pdf

Meeting of Council	the Oakla	ind City	Meeting Minutes	March 6, 201			
7.11	-Subject:	Parks And Recr	eation Advisory Commission Appointments				
	From:	Office Of The N					
	Recommer	ndation: Adopt A	Resolution Confirming The Mayor's Reappointmen	t Of Judith			
	Belcher, B	arry Miller And E	llen Wu And Appointment Of Paul Rosenbloom, To	oshia Marshall,			
	Mandolin Kadera-Redmond And Faith Du Boisto The Parks And Recreation Advisory-						
	Commission 11-0309)n					
		Withdrawn a 3/20/2012 View Report.pd	nd Rescheduled to Meeting of the Oakland Cit	y Council on			
S-7.12-CC	Subject:	Beliveau Engin	-				
	From:	Public Works A		- 1'			
			Resolution Awarding A Construction Contract To H				
	e	•	., The Lowest Responsive And Responsible Bidder,				
			r Trash Control Unit At 73rd Avenue And Internation coordance With Plans And Specifications For The Pa				
	Contractor's Bid In The Amount Of Nine Hundred And Eighty-Three Thousand, Five Hundred Dollars (\$983,500.00)						
	11-0282 This Matter was Adopted on the Consent Agenda.						
	Vote	es: ORA\Council	member Absent: 2 - Councilmember Brunner and	Councilmember			
		Kaplan					
		ORA\Councilr	member Ayes: 6 - Councilmember Brooks, Presid	ent Pro			
		Tempore De L	a Fuente, Councilmember Kernighan, Vice Mayo	or Nadel,			
			er Schaaf and President of the Council Reid				
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	~	83740 CMS.pd					
S-7.13-CC	Subject:		land Hotel Tax Audit				
	From:		anagement Agency	1 111 / 175			
	Recommendation: Receive An Informational Report Presenting Measure C-Oakland Hotel Tax Audit And Program Status Report						
	Audit And 11-0289	Program Status R	eport				
		This Matter v	vas Adopted on the Consent Agenda.				
	Vote		member Absent: 2 - Councilmember Brunner and	Councilmember			
		Kaplan					
			member Ayes: 6 - Councilmember Brooks, Presid				
		•	a Fuente, Councilmember Kernighan, Vice Mayo	or Nadel,			
		Councilmembe View Report.po	er Schaaf and President of the Council Reid				

Council						
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					
	This Matter was Adopted as Amended to the resolution to include the language "good faith deposit is refundable" on the Consent Agenda.					
	Votes: ORA\Councilmember Absent: 2 - Councilmember Brunner and Councilmember					
	Kaplan OR A/Councilmomber Aves: 6 Councilmomber Brooks, Brosident Bro					
	ORA\Councilmember Ayes: 6 - Councilmember Brooks, President Pro Tempore De La Fuente, Councilmember Kernighan, Vice Mayor Nadel,					
	Councilmember Schaaf and President of the Council Reid					
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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 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					
	This Matter was Adopted on the Consent Agenda.					
	Votes: ORA\Councilmember Absent: 2 - Councilmember Brunner and Councilmember					
	Kaplan					
	ORA\Councilmember Ayes: 6 - Councilmember Brooks, President Pro					
	Tempore De La Fuente, Councilmember Kernighan, Vice Mayor Nadel,					
	Councilmember Schaaf and President of the Council Reid View Report.pdf					
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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					
	This Matter was *Withdrawn and Rescheduled on the Consent Agenda.					
	Votes: ORA\Councilmember Absent: 2 - Councilmember Brunner and Councilmember					
	Kaplan					
	ORA\Councilmember Ayes: 6 - Councilmember Brooks, President Pro					
	Tempore De La Fuente, Councilmember Kernighan, Vice Mayor Nadel,					
	Councilmember Schaaf and President of the Council Reid View Report.pdf					

Passed The	Consent Age	nda_
		A motion was made by Vice Mayor Nadel, seconded by President Pro Tempore De La Fuente, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:
	Votes:	ORA\Councilmember Absent: 2 - Councilmember Brunner and Councilmember Kaplan ORA\Councilmember Ayes: 6 - Councilmember Brooks, President Pro Tempore De La Fuente, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid
8	Non-Confide	of Final Decisions Made During Closed Session & Disclosure of ential closed session discussions A motion was made by Councilmember Kernighan, seconded by Councilmember Brunner, to *Approve as Submitted the report from the City Attorney of 1 final decision made during Closed Session (Attachment A). The motion carried by the following vote: ORA\Councilmember Absent: 2 - Councilmember Brooks and Councilmember Kaplan
		ORA\Councilmember Ayes: 6 - Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid
		0 P.M., OR AS SOON AS REASONABLY PRACTICABLE
		ON - CONSENT CALENDAR PORTION OF THE AGENDA:
		OF ITEMS WITH STATUTORY PUBLIC HEARING
<u>REQUIREN</u> 9.1	- Subject: From:	Amending Pawnbrokers And Secondhand Dealers Ordinance Office Of The City Administrator
	Recommendation:	ation: Conduct A Public Hearing And Upon Conclusion Adopt The Following-

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

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Meeting Council	of the Oakland City	Meeting Minutes	March 6, 2012
S-9.1	From: Office Of	Master Fee for Mobile Food Vending Parking Use The City Administrator duct A Public Hearing And Upon Conclusion Adopt T	The Following
	Amended, To Establish To: 1) Businesses Cond Pawnbrokers Activities	ding Ordinance No. 13078 C.M.S., The Master Fee Sc Or Modify Fees Assessed By The Office Of The City ucting Secondhand Jewelry Dealers, Secondhand Dea Pursuant To Chapter 5.46; And 2) To Establish An In Use Fee For Permits Issued Pursuant To Chapter 5.51	Administrator lers, And
	3/20/2012 View Rep	ort.pdf plemental Report.pdf	City Council on
ACTION	ON OTHER NON-CON	SENT CALENDAR ITEMS:	
	ORA\Cou Brunner, Vice May	Incilmember Absent: 1 - Councilmember Kaplan Incilmember Present: 7 - Councilmember Brooks, C President Pro Tempore De La Fuente, Councilmemb Yor Nadel, Councilmember Schaaf and President of t In the meeting of the Oakland City Councili was rec	ber Kernighan, the Council Reid
		nounced that items on the Non-Consent portion of t out of order, beginning with item 11.	the agenda would

Council						
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					
	A motion was made by Councilmember Brooks, seconded by					
	Councilmember Brunner, that this matter be Adopted. The motion carried					
	by the following vote:					
	Votes: ORA\Councilmember Absent: 1 - Councilmember Kaplan					
	ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember					
	Brunner, President Pro Tempore De La Fuente, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid <i>Councilmember Schaaf made a motion, seconded by Councilmember</i>					
	Kernighan, to schedule an action item directly to the full Council, to return					
	before the end of the legislative session, containing the full results of the City Administrator's continued management review of these matters within her					
	existing contracting and budgetary authority, including all non-confidential evidence gathered, as well as her management recommendations for ensuring					
	better compliance throughout the organization with all laws and policies going					
	forward, and hearing no objections, the motion passed by Ayes:					
	Councilmember: Brunner, De La Fuente, Kernighan, Nadel, Schaaf, and					
	President Reid -6 Absent: Brooks, Kaplan - 2					
	There were 43 speakers on this item.					
	Council heard item 13					
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Meeting Council	of the Oakla	and City	Meeting Minutes	March 6, 2012
S-11	Alameda (Board Of S	Public Works A ndation: Adopt A I County Transportation Supervisors Placem tion Sales Tax On A motion was	y Transportation Plan gency Resolution To Endorse And Support The Approval Of ion Expenditure Plan And Recommend To The Alama nent Of An Extension And Augmentation Of The Exis The November 2012 Ballot made by Vice Mayor Nadel, seconded by Counc his matter be Adopted. The motion carried by th	eda County sting ilmember
		vote:		
	Vot	ORA\Counciln ORA\Counciln Tempore De La	ental Report.pdf	
S-12	Four Hund Budget In	Parking Enforce Public Works A adation: Adopt A I lred Thousand Doll The Internal Equip	ment Vehicle Purchase	rating y Efficient
		A motion was	made by Vice Mayor Nadel, seconded by Counc	ilmember
			his matter be Adopted The City Council took iter	m 10 after
	Vote	es: ORA\Counciln ORA\Counciln Brunner, Presic	ental Report.pdf If ental Report.pdf	lernighan,

Meeting c Council	of the Oakla	and City	Meeting Minutes	March 6, 201		
S-13	Subject:	Oakland-A	lameda County Coliseum Complex			
	From:		Jeighborhood Investment			
	Recommen	ndation: Adop	ot The Following Pieces Of Legislation:			
	,		zing An Exclusive Negotiating Agreement With JRD			
		· .	ts And Entertainment, HKS Inc., And Forest City Rea			
			ies, For Development Of The Coliseum City Project			
			ty Coliseum Complex And Environs, And Authorizin per's Planning Work In An Amount Not To Exceed \$1			
		A motion	was made by President Pro Tempore De La Fue	ente, seconded by		
			ember Brooks, that this matter be Adopted. The lowing vote:	e motion carried		
	Vote	es: ORA\Cou	ncilmember Absent: 1 - Councilmember Kaplan			
			ncilmember Ayes: 7 - Councilmember Brooks, Cou			
				•		
	2) A Resol		zing A Professional Services Contract With Lamphie	r-Gregory And		
	Team Of Consultants, In An Amount Not To Exceed \$1,900,000, For Services Related To The					
			eum Complex And Environs And The Oakland Airpo			
	Specific Pl 11-0291-1		ronmental Impact Report Without Return To Council	l		
			was made by President Pro Tempore De La Fue			
			ember Brooks, that this matter be Adopted as A			
		-	age "to guard against an over reliance on the pro			
		-	nal sports franchises for the future development			
		· •	roject design, specific plan, and EIR shall includ res" into the Resolved of this resolution. The cou			
			ovide an analysis on the feasibility of constructin			
		-	over the freeway. The motion carried by the follo	0		
	Vote	es: ORA\Cou	ncilmember Absent: 1 - Councilmember Kaplan			
			ncilmember Ayes: 7 - Councilmember Brooks, Cou	uncilmember		
		Brunner, I	President Pro Tempore De La Fuente, Councilmemb	ber Kernighan,		
		Vice May 83747 CM	or Nadel, Councilmember Schaaf and President of t S.pdf	the Council Reid		
Continuat	ion of Open	<u>Forum</u>				
DJOUR	NMENT OF	COUNCIL	<u>SESSION</u>			
			an 12:00 a.m., unless extended by Majority Vote	e of the		
		There hei	ng no further business, and upon the motion duly m	nade the Council		
			ig no further business, and upon the motion duiv h			
			the meeting in memory of Jim Hill and Sister Pau.			

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

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City Clerk and Clerk of the Council