



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

*** Concurrent Meeting of the Oakland Redevelopment
Successor Agency and the City Council
Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612**

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

Tuesday, September 18, 2012	5:30 PM	City Council Chambers, 3rd Floor
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1 Pledge of Allegiance

The Concurrent Meeting of the Oakland City Council and Redevelopment Agency Successor was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 5:56 pm

2 Roll Call / City Council
COUNCIL MEMBERS:

ORA\Councilmember Present: 8 - President Pro Tempore De La Fuente, Vice Mayor Reid, Councilmember Brunner, Vice Mayor Nadel, Council President Kernighan, Councilmember Brooks, President Pro Tempore Kaplan and Councilmember Schaaf

3 Open Forum / Citizens Comments
(Time Available: 15 minutes)

There were 15 speakers during Open Forum.

At 7:37 p.m. the Concurrent meeting of the Oakland Redevelopment Successor Agency and City Council was adjourned.

4 ACTIONS ON SPECIAL ORDERS OF THE DAY
(Ceremonial Presentations, Reports/Presentations from the Mayor, Council Acknowledgements/Announcements):

4.1 ~~Subject: Honoring Darlene Joe Lee~~
~~From: Councilmember Kernighan~~
~~Recommendation: Adopt A Resolution Honoring Darlene Joe Lee On Thirty-One Years Of Dedicated And Distinguished Service To The City Of Oakland's Office Of Parks & Recreation~~
~~12-0025~~

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S-4.2 Subject: International City Of Peace Declaration
From: Vice Mayor Nadel and Councilmember Kaplan
Recommendation: Adopt A Resolution Declaring Oakland As An International City Of Peace, And September 21, 2012 As Oakland's International Day Of Peace
12-0047

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- 5 APPROVAL OF THE DRAFT MINUTES FROM THE REGULAR AND SPECIAL MEETINGS OF July 3, 17, 26, and August 30, 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 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
[12-0024](#)
[View Report.pdf](#)
- 7.2 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
[12-0023](#)
[View Report.pdf](#)
- 7.3 Subject: Commission On Persons With Disabilities Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Eva M. Aguillard, Stephen Beard, Amy Burns, Michelle R. Hernandez, Marlene C. Hurd And Denise Sherer Jacobson To The Commission On Persons With Disabilities
[12-0029](#)
[View Report.pdf](#)
[View Supplemental Report.pdf](#)
[84027 C.M.S.pdf](#)
- 7.4 Subject: Port Commissioner Reappointment - Head
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of James W. Head To The Board Of Port Commissioners
[12-0028](#)
[View Report.pdf](#)
[84028 C.M.S.pdf](#)

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- 7.5 Subject: Library Advisory Commission Appointment - O'Neal
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Kathryn O'Neal As A Member Of The Library Advisory Commission
[12-0027](#)
[View Report.pdf](#)
[View Supplemental.pdf](#)
[84029 C.M.S.pdf](#)
- 7.6 Subject: PFRS Board Appointment - Wilkinson
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of R. Steven Wilkinson As A Member Of The Police And Fire Retirement Board
[12-0026](#)
[View Report.pdf](#)
[84030 C.M.S..pdf](#)
- 7.7 Subject: Ordinance 13008 C.M.S Amendment - One Time Funds Use
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Ordinance No. 13008 C.M.S., Which Amended Council's General Purpose Fund (GPF) Financial Policies To Require That Council Identify Funding Sources And Fully Approve Funding Prior To Any Council Action That Has A Fiscal/Cost Impact, Adjust The Budget As Necessary To Maintain A Balanced Budget And Otherwise Set Forth The GPF Policy In Full, To Revise Current Council Fiscal Policy Set Forth In Ordinance No. 13008 C.M.S. For Use Of One Time Revenues
[11-0643](#)
[View Report.pdf](#)
[13134.pdf](#)
- S-7.8 Subject: Gallagher And Burk, Inc Construction Contract
From: Public Works Agency
Recommendation: Adopt A Resolution: Awarding A Construction Contract To Gallagher & Burke, Inc, The Lowest Responsible, Responsive Bidder, In Accord With Plans And Specifications For Citywide Street Rehabilitation And Reconstruction Phase II Project No. C369630 And Contractor's Bid Therefor, In The Amount Of Six Million, Five Hundred Eighty-Seven Thousand, Five Hundred Eighty-Seven Dollars (\$6,587,587.00)
[12-0009](#)
[View Report.pdf](#)
[84031 C.M.S.pdf](#)

S-7.9

Subject: Four Bridges Construction Project

From: Public Works Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Award A Construction Contract For Preventive Maintenance Of East 8th Street Bridge (Project No. G427030) To American Civil Constructors West Coast Inc., The Lowest Responsive And Responsible Bidder, In The Amount Of Three Hundred Fifty Nine Thousand, Four Hundred And Eighty Dollars (\$359,480.00) In Accord With The Project Plans And Specifications And The Contractor's Bid
[12-0020](#)

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[84032 C.M.S.pdf](#)

2) A Resolution Authorizing The City Administrator To Award A Construction Contract For Preventive Maintenance Of Hegenberger Road Bridge (Project No. G427020) To American Civil Constructors West Coast Inc., The Lowest Responsive And Responsible Bidder, In The Amount Of Three Hundred Twelve Thousand Nine Hundred And Fifty-Five Dollars (\$312,955.00) In Accord With The Project Plans And Specifications And The Contractor's Bid;
And
[12-0020-1](#)

[84033 C.M.S.pdf](#)

3) A Resolution Authorizing The City Administrator To Award A Construction Contract For Preventive Maintenance Of Oakport Street Bridge (Project No. G427040) To American Civil Constructors West Coast Inc., The Lowest Responsive And Responsible Bidder, In The Amount Of Seventy Nine Thousand, Four Hundred And Seventy Dollars (\$79,470.00) In Accord With The Project Plans And Specifications And The Contractor's Bid; And
[12-0020-2](#)

[84034 C.M.S.pdf](#)

4) A Resolution Authorizing The City Administrator To Award A Construction Contract For The Preventive Maintenance Of West Grand Avenue Bridge (Project No. G427010) To American Civil Constructors West Coast Inc., The Lowest Responsive And Responsible Bidder, In The Amount Of Five Hundred Seventy Thousand Six Hundred And Twenty-Five Dollars (\$570,625.00) In Accordance With The Project Plans And Specifications And The Contractor's Bid
[12-0020-3](#)

[84035 C.M.S.pdf](#)

S-7.10

Subject: Cash Management Report

From: Finance And Management Agency

Recommendation: Receive The Cash Management Report For The Quarter Ended June 30, 2012

[12-0019](#)

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- S-7.11 Subject: Macias Gini And O'Connell, LLP Contract Amendment
From: Office Of The City Administrator
Recommendation: Adopt A Successor Agency Resolution Amending Redevelopment Agency Resolution No. 2010-0048 C.M.S., Which Authorized A Contract With Macias Gini, & O'Connell, LLP, For Audit Services In An Amount Not To Exceed \$464,467, To Increase The Contract By An Amount Not To Exceed \$100,000 To Provide Due Diligence Asset Review Services As Required By Health & Safety Code Section 34179.5, And Other Audit Services, And Waiving Competitive Requirements For Such Services
[11-0670](#)
[View Report.pdf](#)
[2012-005.pdf](#)
- S-7.12 Subject: Rent Relief - Metropolitan Golf Links Operations
From: Department 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, 2011 Through June 30, 2012 In The Amount Of \$142,908 As Authorized In The First Sublease And Operating Agreement Approved By Resolution No. 81274 On May 6, 2008
[11-0077](#)
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[84036 CMS.pdf](#)
- S-7.13 Subject: Weatherization Assistance Program
From: Department Of Housing And Community Development
Recommendation: Adopt A Resolution Amending Resolution No. 82636 C.M.S. To Authorize The City Administrator To Accept And Appropriate Additional Grant Funds From The American Recovery And Reinvestment Act Of 2009 ("ARRA") In The Amount Of \$45,000 From The California Community Services And Development Department's Weatherization Assistance Program To Provide Weatherization Services To Low-Income Residents Of Alameda County, And To Authorize An Increase Of Up To \$100,000 In The Amount Of The Subcontract With The County Of Alameda For Eligible Weatherization Assistance Program Activities
[12-0012](#)
[View Report.pdf](#)
[84037 C.M.S.pdf](#)
- S-7.14 Subject: East 14th Affordable Housing Project
From: Department Of Housing And Community Development
Recommendation: Adopt A Resolution Amending A \$1,517,000 Loan To East 14th Street Housing Associates For The Hismen Hin-Nu Terrace Affordable Housing Project To 1) Extend The Maturity Date From June 7, 2019 To June 7, 2043, 2) Convert The Loan Into A Residual Receipts Loan, And 3) Reduce The Interest Rate From 6% To 3%
[12-0011](#)
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- S-7.15 Subject: Army Base Residency Definition
From: Office Of Neighborhood Investment
Recommendation: Adopt A Resolution Changing The Definition Of "Resident" In The Army
Base Community Jobs Policy To Mean An Individual Domiciled In The City For At Least Six
Months And Authorizing The City Administrator To Negotiate And, If Necessary, Execute
Amendments To All Relevant Army Base Development Agreements To Effectuate This
Change In Definition Of "Resident"
[12-0008](#)
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[84039 C.M.S.pdf](#)
- S-7.16 Subject: Early Head Start Food Services Agreement
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator On Behalf Of The
City Of Oakland 1) To Enter Into Professional Services Agreements With The Following Food
Vendors: Sysco San Francisco Inc., In An Amount Not To Exceed \$165,000; Allied Pringle
Food Sales Company In An Amount Not To Exceed \$80,000; And Le Blanc Dairy In An
Amount Not To Exceed \$80,000 For The Provision Of Food And Food Related Commodities
For The City Of Oakland ECEAD Start/Early Head Start Program, In A Combined Amount Not
To Exceed The Total Annual Food Budget Of \$325,000 Covering The 2012-2013 Program
Year; 2) With An Option For Two Additional One Year Extensions Of The Same Individual
Contract Amounts Not To Exceed The Total Annual Food Budget Of \$325,000 Each Year
Covering The 2013-2014 And 2014-2015 Program Years, With The Combined Amounts Of
Years 2012-2013, 2013- 2014, And 2014-2015 Not To Exceed The Overall Total Food Budget
Of \$975,000, Based On Performance And Contingent On The City Of Oakland Being In
Receipt Of Funds From The U.S. Department Of Agriculture/Child And Adult Care Food
Program (USDA/CACFP); And 3) Authorizing The City Administrator To Select Another
Qualified Bidder(s) From The Request For Proposal Process If The Above Named Vendors Are
Not Able To Provide The Food Item Needed In The Necessary Timeframe Without Returning
To Council
[12-0006](#)
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S-7.17 Subject: DNA Backlog Reduction Grant Program
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Enter Into A Grant Administration Agreement With The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Distribution Of Fiscal Year 2012 Forensic Casework DNA Backlog Reduction Grant Program Funds; 2) Accept And Appropriate USDOJ/NIJ Grant Funds In An Amount Not To Exceed Four Hundred And Eight Thousand Two Hundred And Ninety Five Dollars (\$408,295.00) For Implementation Of The Fiscal Year 2012 Forensic Casework DNA Backlog Reduction Grant Program In The Police Department For The Period Of October 1, 2012 Through March 31, 2014; 3) Enter Into Contracts For The Purchase Of DNA Typing Supplies With The Following Vendors: Life Technologies In The Amount Of Fifteen Thousand Six Hundred Dollars (\$15,600.00); VWR/Fisher In The Amount Of Two Thousand Three Hundred Seventy Dollars (\$2,370.00), Qiagen/Aurora In The Amount Of Twelve Thousand Seven Hundred Dollars (\$12,700.00), And Promega In The Amount Of Eight Thousand Seven Hundred Dollars (\$8,700.00); 4) Waive The Advertising And Competitive Bidding Requirements For The Purchases Of DNA Typing Supplies In The Proposed Contracts With Life Technologies, VWR/Fisher, Qiagen/Aurora And Promega
[12-0005](#)

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S-7.18 Subject: Federal Emergency Management Agency Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator To Enter Into A Grant Cooperative Agreement With The Federal Emergency Management Agency (FEMA) To Accept And Appropriate Fiscal Year 2012 Urban Search And Rescue (US&R) Grant Funds In The Amount Of One Million Two Hundred Sixty-One Thousand One Hundred Eight Dollars (\$1,261,108) To The Oakland Fire Department For The Period August 1, 2012 Through January 31, 2014; 2) Authorizing The City Administrator To Expend Funds In Accordance With The Preliminary Spending Plan Without Further City Council Approval, Including The Purchase Of US&R Equipment From The General Services Administration Agency And Other Government Pricing Schedules; 3) Waiving The City's Advertising And Competitive Bidding Requirements For The Purchase Of The US&R Equipment; And 4) Approving Travel For City Personnel Who Provide Services Under The FEMA Grant And Cooperative Agreement On Short Notice Without Further Council Authorization
[12-0002](#)

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S-7.19 Subject: Support Of Senate Bill 1172
From: President Pro Tem Ignacio De La Fuente
Recommendation: Adopt A Resolution Supporting Senate Bill 1172 (LIEU) Limiting Sexual Orientation Conversion "Treatment" Which Would Prohibit A Psychotherapist From Engaging In Sexual Orientation Change Efforts With A Minor Patient, Regardless Of A Parent's Willingness Or Desire To Authorize Such "Treatments."
[12-0017](#)

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- 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: Non Owner Occupied Ordinance
From: Councilmember Desley Brooks
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code To Establish
A New Chapter 8.58 Requiring The Registration And Inspection Of Transferred, Improved
Residential Real Property Of One To Four Units That Is Not Occupied By The New Owner
And The Abatement Of Health And Safety Violations And Amending The Master Fee
Schedule To Provide New Fees For This Ordinance~~
[11-0541](#)

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- 9.2 Subject: Delinquent Real Property Transfer Taxes
From: Office of the City Administrator
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Real
Property Transfer Taxes And Upon Conclusion Adopt One Of The Following Pieces Of
Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs
Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And
Confirming The Recordation Of Liens With Administrative And Assessment Charges As
Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The
Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For
Collection; Or
[12-0014](#)

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2) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Real Property Transfer Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary-Pursuant To Chapter 4.20 Of The Oakland Municipal Code;
Or

[12-0014-1](#)

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3) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection

[12-0014-2](#)

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9.3

Subject: Delinquent Mandatory Garbage Fees

From: Office Of The City Administrator

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or

[12-0015](#)

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2) Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Garbage Service Fees And The Recordation Of Liens With Administrative And Assessment Charges As Necessary-Pursuant To Chapter 8.28 Of The Oakland Municipal Code

[12-0015-1](#)

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3) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection

[12-0015-2](#)

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- 9.4 Subject: Assessment Of Liens - Transient Occupancy Taxes
From: Office of the City Administrator
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent
Transient Occupancy Taxes And Upon Conclusion Adopt One Of The Following Pieces Of
Legislation:
- 1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs
Incurred By The City Of Oakland For Delinquent Transient Occupancy Taxes And Confirming
The Recordation Of Liens With Administrative And Assessment Charges As Necessary -
Pursuant To Chapter 4.24 Of The Oakland Municipal Code, And Directing
The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector
For Collection; Or
[12-0016](#)
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[84069 C.M.S.pdf](#)
- 2) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent
Transient Occupancy Taxes And The Recordation Of Liens With Administrative And
Assessment Charges As Necessary-Pursuant To Chapter 4.24 Of The Oakland Municipal Code;
Or
[12-0016-1](#)
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- 3) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports
Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent
Transient Occupancy Taxes And Authorizing The Recordation Of Liens With Administrative
And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal
Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The
County Tax Collector For Collection
[12-0016-2](#)
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- 9.5 Subject: Tree Appeal
 From: Public Works Agency
 Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal Filed By Ernest And Okhoo Hanes And Mary McCallister Against The Decision Of The Public Works Agency Approving The Removal Of Fifteen (15) Trees, To Remove The Tops Of Twenty One (21) Trees And To Preserve Forty Two (42) Trees On City Lots Adjacent To 6807 Wilton Drive To Resolve A View Claim From Phyllis Bishop
 12-0021
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 84093 CMS.pdf

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- S-10 Subject: Professional Services Agreement Davillier-Sloan, Inc.
 From: Office Of Neighborhood Investment
 Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Professional Services Agreement With Davillier Sloan, Inc. To Advise On And Facilitate The Development Of A Comprehensive Community Benefits Program For The Oakland Army Base, In An Amount Not-To-Exceed \$95,000
 12-0010
 [View Report.pdf](#)
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 84054 C.M.S.pdf
- S-11 Subject: Crime Reduction Strategies Report
 From: Oakland Police Department
 Recommendation: Receive A Report From The Office Of Chief Of Police Providing An Update On The Oakland Police Department's Crime Reduction Strategies
 12-0004
 [View Report.pdf](#)
 [View Report.pdf](#)
- S-12 Subject: Grand Jury Response
 From: Oakland Police Department
 Recommendation: Receive A Report From The Office Of Chief Of Police Providing Response To The Alameda County Grand Jury Report On Crime Labs In Alameda County
 12-0022
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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)

Americans With Disabilities Act

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Office of the City Clerk - Agenda Management Unit

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