



# 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

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

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

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Tuesday, May 06, 2008

6:00 PM

Oakland City Hall, 3rd Floor

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### **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 6:00 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 7:00 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:** Jane Brunner, Dist. 1; Patricia Kernighan, Dist. 2; Nancy Nadel, Dist. 3; Jean Quan, Dist. 4; Desley Brooks, Dist. 6; Vice Mayor Larry Reid, Dist. 7; Henry Chang, At-Large, and President Ignacio De La Fuente, Dist. 5

- 3 Open Forum / Citizens Comments  
(Time Available: 15 minutes)
- 4 Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.
- 5 Motion for 'Members' Requests for Reconsideration' of an Action taken at the preceding Council Meeting, shall be scheduled for the next-succeeding City Council meeting as a non-consent item. (Motion Maker must have voted on prevailing side)

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- 6 Requests from Councilmember(s) to schedule an Action Item considered by Committee but not forwarded to Council, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.
- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on April 15, 2008

## **8. PRESENTATION OF CEREMONIAL MATTERS**

- 8.1 Subject: National Public Works Week  
From: Public Works Agency  
Recommendation: Adopt A Resolution Celebrating The Week Of May 18 Through May 24, 2008, As National Public Works Week In The City Of Oakland  
[\(07-1208\)](#)
- 8.2 Subject: Bike To Work Day - 2008  
From: Councilmember Desley Brooks  
Recommendation: Adopt A Resolution Proclaiming Thursday, May 15, 2008, As The City Of Oakland's 15th Annual Bike To Work Day, And May 2008 As City Of Oakland Bike Month  
[\(07-1238\)](#)
- 8.3 Subject: Older Americans Month  
From: Councilmember Henry Chang  
Recommendation: Adopt A Resolution Declaring May 2008 As National Older Americans Month  
[\(07-1245\)](#)
- 8.4 Subject: H. Mahlon Harmon - Recognition  
From: Vice Mayor Larry Reid  
Recommendation: Adopt A Resolution Honoring Mr. H. Mahlon Harmon For Nineteen (19) Years Of Dedicated And Distinguished Service To The City Of Oakland And Congratulating Him On His Retirement  
[\(07-1275\)](#)
- 8.5 Subject: Municipal Clerk's Week 2008  
From: Office of the City Clerk  
Recommendation: Adopt A Resolution Declaring May 4, 2008 Through May 10, 2008 As Municipal Clerk's Week  
[\(07-1289\)](#)
- 8.6 Subject: May 2008 - Community Action Month  
From: Councilmember Nancy Nadel  
Recommendation: Adopt A Resolution Celebrating The Month Of May 2008 As 'Community Action Month' In The City Of Oakland, In Recognition Of The Services And Advocacy Of Community Action Agencies Nationwide That Provide Assistance To The Millions Of Americans Who Are Living In Poverty, And Joining The Community Action Network's Rooting Out Poverty Campaign

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(07-1291)

## 9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

### 10. CONSENT CALENDAR (CC) ITEMS:

10.1-CC Subject: Analysis Of Assembly Bill 2062 And Assembly Bill 2235  
From: City Council  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution In Support Of Assembly Bill 2062 (De Leon) - "Ammunition: Requiring The California Department Of Justice To Maintain Records Of Ammunition Sales And Transactions"; And

(07-1207)

2) A Resolution In Support Of Assembly Bill 2235 (Desaulnier) - "Firearms: Unsafe Handguns" (TITLE CHANGE)

(07-1207-1)

**The April 10, 2008 Rules and Legislation Committee approved recommendations and directed staff to update the analysis and bring resolutions for support to the full Council; 3 Ayes, 1 - Excused De La Fuente**

10.2-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  
(07-1267)

10.3-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  
(07-1268)

10.4-CC Subject: Vaughn - Settlement Agreement  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Vaughn V. City Of Oakland, Alameda County Superior Court Case No. RG05213580 In The Amount Of \$175,000.00 (PWA)  
(07-1271)

**Council discussed this item in Closed Session on April 15, 2008. Motion authorizing settlement passed with: 8 Ayes**

10.5-CC Subject: Patricia Berne - Settlement Agreement

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From: Office of the City Attorney

Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Settle The Case Of Patricia Berne V. City Of Oakland, U.S. District Court Action No. C 07-0505 MMC, Our File No. 25594, In The Amount Of \$75,000.00 And Installation Of An Access Ramp At The Lake Merritt Bandstand. This Case Involves Alleged Disability Discrimination (Public Works)

[\(07-1272\)](#)

**Council discussed this item in Closed Session on April 15, 2008. Motion authorizing settlement passed with: 8 Ayes**

10.6-CC Subject: Regina Davis - Settlement Agreement

From: Office of the City Attorney

Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Regina Davis V. City Of Oakland, Superior Court, County Of Alameda, Case No. RG0731057, In The Amount Of \$30,000.00 As A Result Of A Tree Limb Failing And Causing Personal Injury (Public Works Agency - Premises Liability)

[\(07-1273\)](#)

**Council discussed this item in Closed Session on April 15, 2008. Motion authorizing settlement passed with: 8 Ayes**

10.7-CC Subject: Habitat For Humanity Edes "B" Residential Project

From: Community and Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation

1) A City Ordinance Rezoning The Habitat For Humanity Edes "B" Residential Project Site, Located At 10800 Edes Avenue Near The Intersection Of Edes Avenue And 105th Avenue, From The M-20 Light Industrial Zone And S-4 Design Review Combining Zone To The R-40 Garden Apartment Residential Zone; And

[\(07-1149-3\)](#)

**ACTION ON THIS ITEM WILL RESULT IN THE FINAL PASSAGE OF THIS ORDINANCE**

**Introduction (First Reading) was approved on April 15, 2008; 7 Ayes, 1 Excused - Kernighan**

2) A City Ordinance Adopting The Sixth Amendment To The Coliseum Area Redevelopment Plan Amending The Land Use Designation For The Habitat For Humanity Edes "B" Residential Project Site, Located At 10800 Edes Avenue Near The Intersection Of Edes Avenue And 105th Avenue, From Business Mix To Mixed Housing Type Residential

[\(07-1149-4\)](#)

**ACTION ON THIS ITEM WILL RESULT IN THE FINAL PASSAGE OF THIS ORDINANCE**

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**Introduction (First Reading) was approved on April 15, 2008; 7 Ayes, 1  
Excused - Kernighan**

- 10.8-CC Subject: Planning Code Amendments  
From: Community and Economic Development Agency  
Recommendation: Adopt An Ordinance Amending The Oakland Planning Code To:  
(1) Add Chapter 17.73 "CIX-1, CIX-2, IG And IO Industrial Zones", Which Will Create  
The Following Four New Zones: Commercial Industrial Mix-1, Commercial Industrial  
Mix-2, General Industrial And Industrial Office;  
(2) Amend The City's Zoning Maps To Map These Proposed Zones In Areas In The City  
That Currently Have The General Plan Land Use Designations Of Business Mix And  
General Industrial/Transportation;  
(3) Amend Chapter 17.10 "Use Classifications";  
(4) Add Chapter 17.100 "S-19 Health And Safety Protection Overlay Zone"; And Amend  
Zoning Map To Add Overlay;  
(5) Amend Chapter 17.120 "Performance Standards"; And  
(6) Amend The "Guidelines For Determining Project Conformity With The General Plan  
And Zoning Regulations" To Reflect The New Zones  
(07-0978)

**ACTION ON THIS ITEM WILL RESULT IN THE FINAL PASSAGE OF  
THIS ORDINANCE**

**Introduction (First Reading) was approved on April 15, 2008; 7 Ayes, 1  
Excused - Kernighan**

- 10.9-CC Subject: Joseph LeChevallier - Settlement Agreement  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Claim Of Joseph LeChevallier In The Amount Of \$7,500,  
As A Result Of Property Damage And Bodily Injury Sustained In A Motorcycle  
Accident On January 21, 2007. (Public Works Agency)  
(07-1290)

**This item was not discussed in Closed Session.**

- 10.10-CC Subject: Revocable And Conditional Permit - La Clinica De La Raza  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Granting La Clinica De La Raza A Revocable  
And Conditional Permit To Allow An Electrical Transformer And Concrete Vault For  
An Existing Building At 1020 International Boulevard To Encroach Under The Public  
Sidewalk  
(07-1118)

**The April 22, 2008 Public Works Committee approved recommendations;  
3 Ayes, 1 Excused - Brooks**

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10.11-CC Subject: Revocable And Conditional Permit - 545 International Boulevard  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Granting Anh T. Tran A Revocable And Conditional Permit To Allow An Existing Building At 545 International Boulevard To Encroach Into The Public Right-Of-Way Along International Boulevard And 6th Avenue  
(07-1119)

**The April 22, 2008 Public Works Committee approved recommendations;  
3 Ayes, 1 Excused - Brooks**

10.12-CC Subject: Vacating A Portion Of Bancroft Avenue At 50th Avenue  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Summarily Vacating A Portion Of Bancroft Avenue For The Expansion Of Fire Station No. 18 Located At 50th Avenue  
(07-1150)

**The April 22, 2008 Public Works Committee approved recommendations;  
3 Ayes, 1 Excused - Brooks**

10.13-CC Subject: Fire Station No. 18 Project - Swinerton Builders  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Manager At Risk Contract To Swinerton Builders For An Amount Not To Exceed Six Million Eight Hundred Thousand Dollars (\$6,800,000.00) For The Fire Station No. 18 Project  
(07-1223)

**The April 22, 2008 Public Works Committee approved recommendations;  
3 Ayes, 1 Excused - Brooks**

10.14-CC Subject: Canada Goose Management  
From: Councilmember Pat Kernighan  
Recommendation: Action On A Report And Recommendations On The Establishment Of A Program Of Canada Goose Management Techniques At Lake Merritt  
(07-1059)

**The April 22, 2008 Public Works Committee approved recommendations and directed staff to expand the sweeping areas to include the following areas if possible: 1) the lawn areas along Lakeshore, 2) the soccer field by Lakeview Library, 3) the lawn area in front of 1555 Lakeside Avenue. The Committee also requested that staff keep a log of the program activities to document what's working, the cost of the program and to track the success of sweeping the paths (hard top areas); 3 Ayes, 1 Excused - Brooks**

10.15-CC Subject: Telegraph Phase One Streetscape  
From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authoring A Contribution Of An Amount Not To Exceed One

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Million Seven Hundred Thirty-Two Thousand Two Hundred-One Dollars (\$1,732,201) From The Central District Redevelopment Project To The City Of Oakland Under The Cooperation Agreement To Fund The Construction Of The Telegraph Avenue Phase One Streetscape Improvement Project; And  
(07-1098)

2) A Resolution Awarding A Construction Contract To Mcguire And Hester, The Lowest Responsive, Responsible Bidder, For The Telegraph Avenue Phase One Streetscape Improvement Project (P128840) For An Amount Not-To-Exceed One Million Two Hundred Thirty-Nine Thousand Five Hundred Sixty-Three Dollars (\$1,239,563), And Accepting And Appropriating A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement For An Amount Not-To-Exceed One Million Seven Hundred Thirty-Two Thousand Two Hundred-One Dollars (\$1,732,201)  
(07-1098-1)

**The April 22, 2008 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks**

10.16-CC Subject: 2008-2009 Annual Report Acceptance - Wildfire Prevention  
From: Budget Office  
Recommendation: Adopt A Resolution Of Intention And Accepting The Fiscal Year 2008-2009 Preliminary Engineer's Report For The City Of Oakland Wildfire Prevention Assessment District And Setting The Date For A Public Hearing  
(07-1171)

**The April 22, 2008 Finance and Management Committee approved recommendations; 4 Ayes**

10.17-CC Subject: 17th Street Entry Project - Contract  
From: Community and Economic Development Agency  
Recommendation: Adopt An Agency Resolution Waiving Competitive Bidding And Awarding A Contract To Rockridge Builders For The 17th Street Entry Project For The Oakland Ice Center In An Amount Not-To-Exceed \$190,000.00  
(07-1114)

**The April 22, 2008 Community And Economic Development Committee approved recommendations; 3 Ayes, 1 Excused - Reid**

10.18-CC Subject: Solar Panel Installation - Grant  
From: Community and Economic Development Agency  
Recommendation: Adopt An Agency Resolution Authorizing A \$20,000 Grant From Broadway/MacArthur/San Pablo Redevelopment Funds To GRID Alternatives, A Nonprofit Organization Dedicated To Promoting Renewable Energy, To Install Solar Panels On Low-Income Housing Units Within The Project Area  
(07-1172)

**The April 22, 2008 Community And Economic Development Committee approved recommendations; 3 Ayes, 1 Excused - Reid**

10.19-CC Subject: Career Academies Program - Internship Stipends

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From: Department of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Grant Agreement With The Oakland Unified School District In An Amount Not To Exceed \$600,000 For Fiscal Year 2007-2009 To Provide 598 Internship Stipends For Students Participating In The Career Academies Program  
(07-1092)

**The April 22, 2008 Life Enrichment Committee approved  
recommendations; 4 Ayes**

10.20-CC Subject: Raimondi Park - Public Art Design Agreement  
From: Cultural Arts and Marketing  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Professional Services Agreement With Russell Albans DBA Eesuu Orundide For Public Art Design, Fabrication And Installation Services For Raimondi Park And Sports Fields In An Amount Not To Exceed Forty-Five Thousand Dollars (\$45,000)  
(07-1154)

**The April 22, 2008 Life Enrichment Committee approved  
recommendations; 4 Ayes**

10.21-CC Subject: East Oakland Sports Center - Public Art Design Agreement  
From: Cultural Arts and Marketing  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Professional Services Agreement With Jos Sances And Daniel Galvez For Public Art Design, Fabrication And Installation Services For The East Oakland Sports Center In An Amount Not To Exceed \$140,000 In Measure DD Public Art Funds  
(07-1155)

**The April 22, 2008 Life Enrichment Committee approved  
recommendations; 4 Ayes**

10.22-CC Subject: Homeless Housing Programs And Projects  
From: Department of Human Services  
Recommendation: Adopt A Resolution Authorizing Funding For Homeless Housing Programs And Projects And Authorizing The City Administrator To Negotiate And Enter Into Agreements For (1) Crossroads, The New Emergency Housing Facility Located At 7515 International Boulevard In The Amount Of \$200,000 To Cover Additional Operating Costs; (2) Matilda Cleveland Transitional Housing Program In The Amount Of \$50,000 As Matching Funds To The HUD Supportive Housing Program Funds For Fiscal Year 2007/2008; (3) Matilda Cleveland Transitional Housing Program In The Amount Of \$25,000 For Rehabilitation Costs Not Covered By State Emergency Housing Assistance Program Capital Development (EHAPCD) Funds; (4) Henry Robinson Multi-Service Center In The Amount Of \$102,000: \$52,000 Towards The Replacement Of Two Roofs And \$50,000 For The Installation Of Shut-Off Valves On The Plumbing System; And (5) The Families In Transition / Scattered Sites Program In



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The Amount Of \$110,000 For The Rehabilitation Of Five City-Owned Properties To Supplement EHAPCD Funds And To Cover Additional And Unexpected Rehabilitation Costs

(07-1186)

**The April 22, 2008 Life Enrichment Committee approved recommendations; 4 Ayes**

10.23-CC Subject: Park Naming  
From: Office of Parks and Recreation  
Recommendation: Adopt A Resolution Naming A New Park At 65th Avenue And International Boulevard The Tomás Melero-Smith Park For Peace And Unity  
(07-1188)

**The April 22, 2008 Life Enrichment Committee approved recommendations; 4 Ayes**

10.24-CC Subject: 2008 Summer Food Service Program  
From: Department of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept And Appropriate The Summer Food Service Program Grant From The California Department Of Education Nutrition Services Division In An Estimated Amount Of \$550,000 And To Execute A Professional Service Agreement Between The City And The San Lorenzo Unified School District In An Amount Not To Exceed \$200,000 To Provide Food Services For The 2008 Summer Food Service Program For Children  
(07-1224)

**The April 22, 2008 Life Enrichment Committee approved recommendations; 4 Ayes**

10.25-CC Subject: California Model Fire Code - Local Amendments  
From: Fire Department  
Recommendation: Adopt An Ordinance Repealing Current Oakland Municipal Code Chapter 15.12, Fire Code, And Adopting And Making Local Amendments To The 2007 Edition Of The California Model Fire Code, California Code Of Regulation Title 24, Part 9, Including, But Not Limited To, Appendix Chapter 1 Administration, Appendix B Fire-Flow Requirements, Appendix C Fire Hydrant Locations, Appendix D Fire Apparatus Access Roads, And National Fire Protection Association And Other Referenced Standards As Adopted By The California State Fire Marshal, And Re-Codifying Said Code At Oakland Municipal Code Chapter 15.12 As The Oakland Fire Code  
(07-0869)

**The April 22, 2008 Public Safety Committee approved recommendations; 3 Ayes, 1 Excused - Reid**

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION**

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## OF THIS ORDINANCE

### Final Passage has been scheduled for May 20, 2008

10.26-CC Subject: Family Violence Law Center - Agreement  
From: Department of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate \$95,701 From The State Of California Governor's Office Of Emergency Services, Law Enforcement And Victims Services Division For Domestic Violence Prevention And Response Services Coordinated With The Violence Prevention And Public Safety Act Of 2004 And Authorizing The City Administrator To Amend The 2007-2008 Agreement Between The City Of Oakland And Family Violence Law Center To Indicate That \$47,851 Of Fiscal Year 2007-2008 Funding Is From The State Of California And To Extend The Current Contract Until December 31, 2008 For \$47,850  
(07-1153)

**The April 22, 2008 Public Safety Committee approved recommendations; 3 Ayes, 1 Excused - Reid**

10.27-CC Subject: 21 Day Seat Belt Compliance Campaign 2008  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Grant Funds In An Amount Not To Exceed Nineteen Thousand Nine Hundred And Forty-Eight Dollars (\$19,948) From The State Of California, Office Of Traffic Safety, Administered By The University Of California-Berkeley Traffic Safety Center For The Police Department's Participation In The 2008 Implementation Of The 21-Day California Seat Belt Compliance Campaign And Appropriate Said Funds To The Police Department  
(07-1218)

**The April 22, 2008 Public Safety Committee approved recommendations and directed staff to report back on the results of the program; 3 Ayes, 1 Excused - Reid**

10.28-CC Subject: Gang Reduction, Intervention And Prevention Grant  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) From The State Of California, Office Of Emergency Services, Gang Reduction, Intervention And Prevention Program (CALGRIP), And Appropriate Said Funds To The Police Department  
(07-1001)

**The April 22, 2008 Public Safety Committee approved recommendation and directed staff to report back with an evaluation of the program; 3 Ayes, 1 Excused - Reid**

10.29-CC Subject: Priority Project Funds - District Seven

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From: Vice Mayor Larry Reid

Recommendation: Adopt A Resolution Authorizing (1) The Allocation To The African American Chamber Of Commerce Of \$9,050 Of The \$15,000 Of Vice Mayor Larry E. Reid's Priority Funds That The Council Previously Approved For The Northern California Compassion Network By Resolution No. 80434 And (2) An Additional \$950 From Vice Mayor Reid's Priority Funds For A Total Grant Of \$10,000; And Authorizing Amendment Of Resolution 80434 Which Allocated \$15,000 To The Network To Provide A Grant Of \$5,950 To The Northern California Compassion Network

[\(07-1196\)](#)

10.30-CC Subject: Priority Project Funds - District 6

From: Councilmember Desley Brooks

Recommendation: Adopt A Resolution Authorizing A Grant Of \$1200.00 From Councilmember Desley Brooks' Priority Project Funds To Golden Age Senior Center To Purchase Insurance

[\(07-1294\)](#)

11 An oral report from the Agency Counsel / City Attorney of final decisions made during Closed Session

12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 15 of the Sunshine Ordinance

**COMMENCING AT 7:00 P.M. OR AS SOON AS REASONABLY PRACTICAL  
THEREAFTER:**

13 Reconsideration of Ordinances pursuant to Charter Section 216

**14. Consideration of items with statutory Public Hearing Requirements:**

14.1 Subject: Zoning Regulations Amendment

From: Community and Economic Development Agency

Recommendation: Adopt An Ordinance Amending The Oakland Planning Code To Update References, Improve Consistency Among Chapters, Clarify Language, And Make Other Minor Planning Code Revisions (Including Updating Development Standards In the HBX Zone, Permitted Uses In The S-8 Zoning Designations; Revising Conditional Use Permit Criteria For Dwelling Units With Five Or More Bedrooms; And Increasing The Threshold Before Certain Projects Require A Major Conditional Use Permit In the R-36 And R-40 Zones)

[\(07-0979\)](#)

**The April 22, 2008 Community And Economic Development Committee amended the Ordinance to add the following: in Section 17.65.100 - “On Lowell Street, any building height over thirty feet requires the granting of a conditional use permit (see 17.134)”;** in Section 17.134.200 - **Residential projects requiring a major conditional use permit for density resulting in a total number of living units as follows: i. Three Four (4) or more dwelling units in the R-36 or R-40 zones”. Retain the original language by keeping**

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**“Three” and striking out “Four (4).” Additionally the following was clarified for inclusion in the Ordinance: “Projects deemed complete except for the environmental review will proceed under the current rules.”; 3 Ayes, 1 Excused - Reid**

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION OF THIS ORDINANCE**

**Final Passage (Second Reading) has been scheduled for May 20, 2008**

- 14.2 Subject: Consolidate Plan Annual Action Plan For 2008-2009  
From: Community and Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:
- 1) A Resolution 1) Authorizing The City Administrator To Prepare And Submit The Consolidated Plan Annual Action Plan For Housing And Community Development For Fiscal Year 2008-2009 To The U.S. Department Of Housing And Urban Development; 2) Authorizing The City Administrator To Accept And Appropriate Funds Totaling \$14,956,613 For The Community Development Block Grant, Home Investment Partnership, Emergency Shelter Grant And Housing Opportunities For Persons With Aids Program As Part Of The City's Fiscal Year 2008-2009 Budget; 3) Authorize The City Administrator To Appropriate \$1,070,478 In Program Income And Any Amounts In Excess Thereof For Housing Rehabilitation As Part Of The City's Fiscal Year 2008-2009 Budget; 4) Authorize The Reprogramming of \$1,012,000 In Current Year Excess Funds To Offset Fiscal Year 2008-2009 Shortfalls For Section 108 Loan Repayment And Homeless Service As Part Of The City's Fiscal Year 2008-2009 Budget; And (07-1117)
  - 2) A Resolution Authorizing The City Administrator To 1) Negotiate And Enter Into A Contract With Eden Information And Referral, Inc. (Eden I & R) The Lead Agency For The Housing Related Services Collaborative To Provide Housing Related Services In An Amount Not To Exceed \$550,000 For The Period Of April 1, 2008 To June 30, 2009; And 2) Negotiate And Enter Into A Contract With Institute Of Urban And Regional Development (IURD) To Provide Analysis And The Development Assistance To The City And Eden I&R During The Development, Implementation And Evaluation Of The Housing Related Services Intake Referral And Data Collection/Reporting System In An Amount Not To Exceed \$80,000 For The Period Of April 1, 2008 To June 30, 2009 (07-1117-1)

**The April 8, 2008 Community and Economic Development Committee approved recommendations; 3 Ayes, 1 Excused De La Fuente**

**ACTION ON NON-CONSENT ITEMS:**

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15 Subject: ~~(A Motion To Reconsider) Arcadia Park Subdivision – New Public Street~~  
From: ~~Community and Economic Development Agency~~  
Recommendation: ~~A Motion To Reconsider The Adoption On November 6, 2007, Of~~  
~~Resolution No. 80922 C.M.S. Conditionally Accepting The Dedication of Public Right-~~  
~~Of Way To Extend Ellington Way To 92nd Avenue For The Arcadia Park Project~~

~~If Reconsidered, Either To~~

~~§ Reconfirm The Adoption Of Resolution No. 80922 C.M.S., Or~~

~~§ Not Adopt A Resolution Conditionally Accepting The Dedication, Or To~~

~~§ Continue The Item For A Future Meeting Of The City Council, Or To~~

~~§ Refer The Item To The Public Works Committee For Further Consideration~~  
[\(07-0610\)](#)

**This item was withdrawn by the May 1, 2008 Rules and Legislation  
Committee**

16 Subject: Piedmont Pines Undergrounding  
From: Public Works Agency  
Recommendation: Adopt A The Following Pieces Of Legislation:

1) A Resolution Of Intention To 1) Order Improvements And To Form The City Of  
Oakland Utility Underground Assessment District No. 2007-232, Piedmont Pines Phase  
1; 2) Accepting And Determining That Petitions Have Been Signed By Owners Owning  
Land Constituting More Than One-Half Of The Area Of All Assessable Lands Within  
The Proposed Assessment District; 3) Finding That The Improvements Are Of More  
Than Local Or Ordinary Public Benefit, And The Cost And Expenses, Including Incurred  
City Cost Of District Creation Thereof, Are Made Chargeable Upon The Assessment  
District; 4) Providing That The Council Intends To Levy A Special Assessment Upon  
The Land Within The Assessment District; 5) Providing That Bonds Shall Be Issued To  
Finance A Portion Of The Costs Of Improvements; 6) Appointing Harris & Associates  
As The Engineer Of Work For The Assessment District; And 7) Directing The Engineer  
Of Work To Make And File The Engineer's Report With The City Clerk; And  
[\(07-1177\)](#)

2) A Resolution To 1) Preliminarily Accepting And Approving The Engineer's Report; 2)  
Calling For A Public Hearing On The Proposed Assessment District To Be Held By The  
Council On Tuesday, July 15, 2008 At 7:00 P.M. And An Election For The City Of  
Oakland Utility Underground Assessment District No. 2007-232, Piedmont Pines Phase  
1; And 3) Designating The Engineer Of Work To Assist The City Clerk In Connection  
With The Mailing And Tabulation Of The Ballots, And To Answer Inquiries Regarding  
The Protest Proceedings Applicable To The Assessment District  
[\(07-1177-1\)](#)

# SUPPLEMENTAL

**Pursuant to Resolution 79006 C.M.S. Rule 7(6), A motion was made by Councilmember Brooks, seconded by Councilmember Nadel to pull this item from the April 15, 2008 Consent Calendar and place on this agenda as a Non-Consent item.**

**The April 8, 2008 Finance and Management Committee approved recommendations; 3 Ayes, 1 Excused - De La Fuente**

**The April 22, 2008 Public Works Committee approved recommendations and directed staff to return to a future committee for a discussion to develop new criteria for future projects and projects on the list whether based on Commercial Corridor, Safety, Escape Routes, Streetscapes, etc. and a way to alternate between the two; 3 Ayes, 1 No - Brooks**

- 17 Report: Project 22 - Community Service For Parking Tickets  
From: Councilmember Jane Brunner  
Recommendation: Action On A Report And Recommendation On Establishment Of A Pilot Project 22 Or Similar Program In The City Of Oakland For One Year, Particularly As It Relates To Potential Community Payment Program(s) For Indigent Citizens Who Incur Parking Fines  
(06-1018)

**This item was continued from the April 15, 2008 City Council Meeting pursuant to Rule 29 of the Council's Rules of Procedure, Resolution No. 79006 C.M.S. and City Charter Section 200**

**Pursuant to City Charter Section 200, which provides that "the Mayor shall have a vote on the Council if the councilmembers are evenly divided", and Rule 29 of the Council's Rules of Procedure, Resolution No. 79006 C.M.S. this item was continued to the Council's next regularly scheduled meeting solely for the purpose of allowing the Mayor to cast the tie breaking vote on the motion.**

**Rule 29 provides the following regarding the procedure: "Council and public discussion is permitted on the item to be voted on by the Mayor; however, Council members cannot change their vote unless the item has been properly noticed for reconsideration. The Mayor must appear at the Council meeting to cast his vote."**

- 18 Subject: Burns And Watry, Inc. - Contract Amendment  
From: Community and Economic Development Agency  
Recommendation: Adopt An Agency Resolution Authorizing An Amendment To A Contract With Burns & Watry, Inc., For Services In Connection With The Drafting Of The Five Year Implementation Plan For The Central City East Redevelopment Project To Increase The Contract Amount From \$14,950 To An Amount Not To Exceed \$65,000  
(07-1174)

# SUPPLEMENTAL

**The April 22, 2008 Community and Economic Development Committee approved recommendations; 2 Ayes, 1 Excused - Reid, 1 Abstain - Brunner**

- 19 Subject: Metropolitan Golf Course - Lease Amendment  
From: Councilmember Larry Reid  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute (1) The Third Supplemental Agreement To The Lease Between The Port And The City And (2) The First Amendment To The Sublease, Between The City And Oakland Golf LLC, Which Both Set Forth The Following Modifications Regarding The Operation Of Metropolitan Golf Links: Up To Five Years Of Rent Relief, Conditional On City Council Approval For Each Subsequent Year, In The Projected Amount Of No More Than \$1 Million, Resulting In A Loss Of Anticipated Revenue To The Golf Enterprise Fund Of Approximately No More Than \$500,000 Over The Five Year Period And Other Changes To The Sublease Including Deletion Of Real Property To Accommodate The Bay Trail, Hiring, Rent Credits, Use Of Facilities By City, Navigational Aides, And Administrative Dates Of Sublease (TITLE CHANGE)  
(07-0971)

**The April 22, 2008 Life Enrichment Committee approved recommendations and amended the resolution to include the following: 1) all sublease agreements must go through City Council for review and final approval; 2) contract compliance standards; and 3) local hiring standards and directed staff to return on an annual basis with a review of the rent reduction of the Oakland Golf, LLC; 3 Ayes, 1 Abstain - Quan**

- 20 Subject: Police Department Strategic Plan  
From: Oakland Police Department  
Recommendation: Receive An Informational Report From The Chief Of Police On The Department's Crime Fighting Strategic Plan For The City Including Information On National Best Practices, And Incremental Datelines Associated With It's Implementation  
(07-1190)

**The April 22, 2008 Public Safety Committee received and forwarded the report and directed staff to provide a supplemental report on the civilianization of positions within OPD. In addition staff was also requested to: 1) Provide actual figures so the statistics reported could be measured and to include figures from 1990 to provide a better historical picture; 2) Involve the neighborhoods in the process of trying new things to reduce crime; 3) Narrow the report to 12 points that the Committee could specifically address (i.e. NCPC priorities and how many are resolved each year); 4) Look at ways to decrease the response time to non-priority calls; 5) Provide a fully comprehensive report on the shot spotter system including costs and monitoring; and 6) Provide a comprehensive plan for surveillance cameras including a partnership with merchants and other agencies; 3 Ayes, 1 Excused - Reid**

- 21 Subject: Support Of Assembly Bill 1334

# SUPPLEMENTAL

From: City Council

Recommendation: Adopt A Resolution Supporting Senate Bill 1334 (Calderaon), As Amended, Which Will Amend California Health And Safety Code Section 116875 And Require Independent Testing Of Lead Content In Products Conveying And Dispensing Water For Human Consumption

(07-1198)

**The April 24, 2008 Rules and Legislation Committee approved recommendations and directed staff to submit a supplemental report detailing the pros and cons regarding the Assembly Bill; 2 Ayes, 1 Absent - De La Fuente, 1 Abstain - Brunner**

22 Subject: Support Of Assembly Bills 2760, 2763, And 2765

From: Councilmembers Nadel and Brunner

Recommendation: Adopt A Resolution In Support Of The Following State Assembly Bills Regarding Pesticide Spraying And Directing City Lobbyists To Advocate For Provisions In These Bills That Ensure Independent Verification Of Program Safety Prior To Any Aerial Pesticide Application Over Urban Areas:

a) AB2760 (Leno) Would Require That An Environmental Impact Report Be Completed Before The State Agricultural Department Could Apply Pesticides In Urban Areas For The Eradication Of The Light Brown Apple Moth.

b) AB2763 (Laird) Would Require The State Department Of Food And Agriculture To Prepare A List Of Invasive Species That Might Enter The State And Prepare A Written Assessment For The High Priority Species, Describing Eradication, Control, Management, Including Which Chemicals Might Be Used.

c) AB2765 (Huffman) Would Require A Public Hearing And The Examination Of Alternatives To Aerial Spraying Before Any Decision To Do So. It Also Requires Full Disclosure Of All Pesticide Components And To Seek Independent Certification Of Their Safety. (TITLE CHANGE)

(07-1248)

**The April 24, 2008 Rules and Legislation Committee made a motion to only support Assembly Bill 2760 and not take a position on Assembly Bills 2763 and 2765; 3 Ayes, 1 Absent - De La Fuente**

23 Subject: Community Policing Advisory Board Appointment-District 6

From: Councilmember Desley Brooks

Recommendation: Adopt A Resolution Appointing John Nichols As A Member Of The Community Policing Advisory Board

(07-1293)

24 Subject: Community Policing Advisory Board Appointment-District 7

From: Vice Mayor Larry Reid

Recommendation: Adopt A Resolution Appointing Pat K. Frick As A Member Of The Community Policing Advisory Board

(07-1295)

25 Subject: Community Policing Advisory Board Appointment-District 5



# SUPPLEMENTAL

**Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council**

**Tuesday, May 06, 2008**

From: Council President De La Fuente  
Recommendation: Adopt A Resolution Appointing Brendan Mulholland As A Member  
Of The Community Policing Advisory Board  
(07-1296)

26 Subject: Budget Advisory Committee Appointment  
From: Councilmember Jane Brunner  
Recommendation: Adopt A Resolution Appointing Richard Zavala As A Member Of  
The Budget Advisory Committee  
(07-1297)

## **Continuation of Open Forum**

### **ADJOURNMENT OF COUNCIL SESSION**

**(Meeting shall conclude no later than 10:30 p.m., unless extended by Majority Vote of the  
Council)**

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(TDD)

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(...)

**LATONDA SIMMONS**  
**Agency Secretary/City Clerk**  
**and Clerk of the Council**

ORA - Oakland Redevelopment Agency  
S - Supplemental Item