



# 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

1 Frank H. Ogawa Plaza, Council Chambers, 3rd Floor

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

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Tuesday, January 15, 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.

**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.

**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; 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)
- 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.

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- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on December 18, 2007

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

- 8.1 Subject: State Of The City Address  
From: Office Of The Mayor  
Recommendation: Receive The Mayor's State Of The City Address  
(07-0910)

## **9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS**

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

- 10.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The AIDS Epidemic  
(07-0914)
- 10.2-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  
(07-0915)
- 10.3 Subject: Millsmont Homeowners Association - Settlement Agreement  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Settle The Case Of Millsmont Homeowners Assn. V. City Of Oakland And DeSilva Gates Construction, L.P., U.S. District Court Action No. C 06-03955 MMC, Our File No. X02821, In The Amount Of \$25,000.00. This Case Involves Alleged Storm Water And Sanitary Sewer Discharges (CEDA- Public Works)  
(07-0916)
- 10.4-CC Subject: Robert H. Sand - 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 Robert H. Sand In The Amount Of Fifty Three Thousand Four Hundred Eleven Dollars And No Cents (\$53,411.00), As A Result Of Property Damage Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On October 14, 15, And 16, 2007. (Public Works Agency)  
(07-0917)

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

- 10.5-CC Subject: Retail Re-Zoning On Broadway

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From: Community and Economic Development Agency  
Recommendation: Approve The Final Passage (Second Reading) Of An Interim Ordinance Amending The Zoning Regulations For Three Years Or Until The City Council Adopts Permanent Regulations To A) Create The S-5 Broadway Retail Frontage Interim Combining Zone Regulations (S-5 Zone) And B) Amend The Zoning Maps To Include The S-5 Zone On And Near Broadway From 23rd Street To Hawthorne Avenue  
(07-0497)

**Introduction (First Reading) was heard on December 18, 2007; 8 Ayes**

10.6-CC Subject: Salary Ordinance Amendment - Police Classifications  
From: Finance and Management Agency  
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 (The Salary Ordinance) To Add: Two 84 Hour Per Pay Period, Permanent Full Time Police Officer Classifications; Two 84 Hour Per Pay Period, Permanent Full Time Sergeant Of Police Classifications; And Two 84 Hour Per Pay Period, Permanent Full Time Lieutenant Of Police Classifications  
(07-0898)

**Introduction (First Reading) was heard on December 18, 2007; 8 Ayes**

10.7-CC Subject: Rockridge Business Improvement District  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2008-2009 For The Rockridge Business Improvement District, Approving The Annual Report Of The Rockridge Business Improvement District Advisory Board, And Scheduling A Public Hearing For January 29, 2008 (TITLE CHANGE)  
(07-0816)

**The December 11, 2007 Community and Economic Development Committee approved recommendations and directed staff to come back with a response on the following: 1) Bids in process and timeline for the process, 2) information on creation of a BID in District 7 (Elmhurst Merchants Association), and 3) a plan to expedite the BID process; 4 Ayes**

10.8-CC Subject: Montclair Business Improvement District  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2008-2009 For The Montclair Business Improvement District, Approving The Annual Report Of The Montclair Business Improvement District Advisory Board, And Scheduling A Public Hearing For January 29, 2008 (TITLE CHANGE)  
(07-0818)

**The December 11, 2007 Community and Economic Development Committee approved recommendations; 4 Ayes**

S-10.9-CC Subject: Loan Guaranty - Merritt Bakery  
From: Councilmember Patricia Kernighan

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Recommendation: Adopt A Resolution Approving The Issuance Of A Loan Guaranty Not To Exceed Thirteen Thousand Five Hundred Dollars (\$13,500) For Mckinney Griff, Inc., DBA Merritt Bakery And Restaurant, As Required By One California Bank Under Its Conditions Of Approval For A Two Hundred Seventy Thousand Dollars (\$270,000) Term Loan To Finance Business Expansion  
(07-0845)

**The January 8, 2008 Community and Economic Development Committee approved recommendations; 4 Ayes**

S-10.10-C Subject: Emergency Housing Assistance Program Loan  
C From: Department of Human Services

Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute All Contracts And Amendments Related To The State Emergency Housing And Assistance Program Capital Development (EHAPCD) Deferred Loans Awarded To The City For The 2004/2005, 2005/2006 And 2006/2007 Program Years For The Rehabilitation Of Emergency Shelters And Transitional Housing Projects In Oakland  
(07-0847)

**The January 8, 2008 Community and Economic Development Committee approved recommendations; 4 Ayes**

S-10.11-C Subject: Pier 7 Temporary Construction Easement - Caltrans Bay Bridge Project  
C From: Community and Economic Development Agency

Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To Execute A Two-Year Extension, To 2015, For The Pier 7 Temporary Construction Easement Benefiting Caltrans And Burdening Approximately 26 Acres Of Land In The West Gateway Area Of The Former Oakland Army Base To Facilitate Completion Of The Caltrans Bay Bridge Project And To Accept From Caltrans A One Time Easement Fee Of \$10,553,347 In Exchange For The Extension  
(07-0890)

**The January 8, 2008 Community and Economic Development Committee approved recommendations and directed staff to continue negotiations with Caltrans regarding usage of the site; 4 Ayes**

S-10.12-C Subject: Mercy Properties California - Lease Renewal  
C From: Department of Human Services

Recommendation: Approve The Introduction Of An Ordinance Authorizing The Renewal Of A Lease On A City-Owned Property Located At 1226 - 73rd Avenue To Mercy Properties California To Continue The Long Term Use Of The Property For An Additional Five Years, From December 1, 2007 To November 30, 2012 As Housing Under HUD's Shelter Plus Care Program  
(07-0793)

**The January 8, 2008 Community and Economic Development Committee approved recommendations; 4 Ayes**

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**Final Passage (Second Reading) has been scheduled for February 5, 2008**

S-10.13-C Subject: Families Building Wealth - Pilot Program  
C From: Department of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To 1) Apply For, Accept And Appropriate A Five-Year Grant In The Amount Of \$250,000 From The U.S. Department Of Health And Human Services, Office Of Community Services (OCS) To The City Of Oakland's Department Of Human Services' Community Action Partnership To Support The Implementation Of Oakland's City-Wide Families Building Wealth Individual Development Account (IDA) Pilot Program; 2) Enter Into An Agreement With Earn Asset Resource Network (EARN) In An Amount Not To Exceed \$50,000 Annually For IDA Management; And 3) Apply For, Accept, And Appropriate Additional Funds Received To Support Oakland's Five-Year Pilot IDA Program Without Returning To Council  
(07-0708)

**The January 8, 2008 Life Enrichment Committee approved recommendations; 4 Ayes**

S-10.14-C Subject: National Medical Services - Agreement  
C From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee, On Behalf Of The City Of Oakland To 1) Waive The Competitive Request For Proposals (RFP) Process, And 2) Enter Into A Professional Services Agreement With National Medical Services (NMS) For The Period Of July 1, 2007 Through June 30, 2009 In An Amount Not To Exceed Forty Nine Thousand Nine Hundred And Ninety-Nine Dollars (\$49,999) For Forensic Testing  
(07-0897)

**The January 8, 2008 Public Safety Committee approved recommendations; 4 Ayes**

- 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: Amendment To Zone Regulations - S-5 Zone Area  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Approve The Introduction (First Reading) Of An Interim Ordinance Amending The Zoning

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Regulations For Three Years Or Until The City Council Adopts Permanent Regulations To: A) Expand The S-5 Broadway Retail Frontage Interim Combining Zone (S-5 Zone) On The Zoning Maps To Include The East Side Of Webster Street Between 30th Street And Hawthorne Avenue And An Area Near Valdez And 27th Streets And B) Amend The Text Of The S-5 Zone In The Planning Code To Require New Construction To Contain Ground Floor Commercial Space At These Expanded Areas  
(07-0920)

**Final Passage (Second Reading) has been scheduled for February 5, 2008**

- 14.2 Subject: Interim Control Amendments - S-4 Design Review Combining Zone  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Approve The Introduction And Final Passage Of An Emergency Ordinance, Pursuant To Charter Section 213, Establishing Interim Controls Applying The S-4 Design Review Combining Zone Which Requires All New Construction Or Alterations To Follow Design Review Procedures, To Broadway -- From Hawthorne Avenue To Interstate 580, And From 38th Street To College Avenue, And To The Area Northeast Of The Intersection Of Broadway And Pleasant Valley To View Place, To Take Effect Immediately Upon Introduction And Adoption  
(07-0921)

**(PURSUANT TO CITY CHARTER SECTION 213 (EMERGENCY ORDINANCE) THIS ITEM MAY BE INTRODUCED AND ADOPTED AT THE SAME MEETING, REQUIRING 6 VOTES, UPON PASSAGE ORDINANCE WILL BE DEEMED APPROVED)**

- 14.3 Subject: Extension Of Interim Controls - Sign Regulations  
From: Office of the City Attorney  
Recommendation: Conduct A Public Hearing And Upon Conclusion Approve The Introduction And Final Passage Of An Ordinance To Further Extension, Until Permanent Controls Are Adopted, Of Emergency Ordinance No. 12566 C.M.S., Pursuant To Charter Section 213, Extending Interim Controls For Conditional Use Permits, Variance And Related Findings For Signs And Suspending Conflicting Provisions, To Take Effect Immediately Upon Introduction And Adoption  
(07-0919)

**(PURSUANT TO CITY CHARTER SECTION 213 (EMERGENCY ORDINANCE) THIS ITEM MAY BE INTRODUCED AND ADOPTED AT THE SAME MEETING, REQUIRING 6 VOTES, UPON PASSAGE ORDINANCE WILL BE DEEMED APPROVED)**

## **ACTION ON NON-CONSENT ITEMS:**

Subject: Winter Storms - Local Emergency  
From: Oakland Fire Department

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Recommendation: Adopt A Resolution (1) Ratifying The Local Emergency That The City Administrator Proclaimed On January 11, 2008 Due To The Severe Impacts And Calamities Caused By The Series Of Winter Storms That Commenced On Or About January 3, 2008 And (2) Requesting That The Governor Declare A State Of Emergency In The City Of Oakland And Request That The President Of The United States Declare That An Emergency Has Occurred In California That Is Beyond The State's Recovery Capabilities

[\(07-0970\)](#)

**Agency/Councilmember Nadel made a motion seconded by Agency/Councilmember Brunner to approve the emergency findings pursuant to Section 2.20.070 E (1) that the need to take action on Item 15.A is necessary to as the matter in question constitutes an emergency, namely the conditions caused by the winter storms severely impair public health and safety given the damages and the mudslide on Skyline Blvd and (2) came to the attention of this body subsequent to this agenda being posted, and hearing no objections, the motion passed by Ayes:  
Agency/Councilmember: Brooks, Brunner, Chang, Kernighan, Nadel, Reid, Quan-7, Excused: President De La Fuente -1**

- 15 Subject: End Of McKillop Road Local Emergency  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Proclaiming The End Of The Local Emergency Declared By Resolution No. 80899 C.M.S. Due To Landslide Damage To McKillop Roadway First Proclaimed By The City Of Oakland On October 17, 2006  
[\(07-0896\)](#)
- 16 Subject: Oil Spill - Local Emergency  
From: Office of Emergency Services  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The November 7, 2007 Catastrophic Oil Spill In The San Francisco Bay That Occurred When M/V Cosco Busvan, A Container Ship, Side Swiped One Of The Bay Bridge Western Anchorages  
[\(07-0918\)](#)
- 17 Subject: Cabaret Permit Application - Notification Fee  
From: Office of the City Attorney  
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), As Amended, To Establish A Notification Fee For Business Permit Applications Subject To Title 5, "Business Taxes, Permits, And Regulations", Of The Oakland Municipal Code That Involve The Ongoing Use Of Property  
[\(07-0854\)](#)

**Introduction (First Reading) was approved December 18, 2007; 8 Ayes**

Subject: Municipal Code Amendment - Cabarets  
From: Office Of The City Administrator



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Recommendation: Adopt The Following Pieces Of Legislation:

1) Approve The Final Passage (Second Reading) Of An Ordinance Amending Oakland Municipal Code Chapter 5.12, "Cabarets" To (1) Allow Discretion In Permitting Cabarets Within 300 Feet Of Places Of Public Worship, Public Schools, And Public Libraries And 2) Require Background Checks For Cabaret Permit Applicants (TITLE CHANGE); And  
(07-0759)

**Introduction (First Reading) was approved December 18, 2007; 8 Ayes**

2) Approve The Final Passage (Second Reading) Of An Ordinance Amending Oakland Municipal Code Chapter 5.02 To Provide More Notice To Residents And Community Groups Of Business Permit Applications  
(07-0759-1)

**Reintroduction (First Reading) was approved as amended December 18, 2007; 8 Ayes**

18 Subject: Prompt Payment Policy  
From: Councilmember Desley Brooks  
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Establishing A Prompt Payment Policy Requiring Payment Within 20 Business Days After Receipt Of An Invoice For Purchase Of Goods And/Or Services Applicable To 1) The City With Respect To Contracts Let Directly To Local Businesses, 2) To Non-Profit And For-Profit Entities Contracted To Manage Or Operate City Facilities Or Public Programs Or Concessions On City-Owned Property, And 3) To City Contractors With Respect To Their Subcontractors, And Imposing Interest Penalties For Violations, To Be Codified At Oakland Municipal Code Title 2, Chapter 2.06 (TITLE CHANGE)  
(07-0800)

**Introduction (First Reading) was approved as amended December 18, 2007; 8 Ayes**

19 Subject: Protect Access To Reproductive Health Care Facilities - Amendments  
From: Office of the City Attorney  
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Amending Title 8 Of The City Of Oakland Municipal Code By Adding a New Chapter, 8.50, Entitled "Access To Reproductive Health Care Facilities," And New Sections 8.50.010  
Through \_\_\_\_\_, To Protect Access To Reproductive Health Care Facilities And Creating A Private Right Of Action For Violations Of This Chapter  
(07-0922)

**Final Passage (Second Reading) has been scheduled for February 5, 2008**

20 Subject: Cable Franchise Renewal  
From: Information Technology Department  
Recommendation: Approve The Introduction (First Reading) Of An Ordinance



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Amending Ordinance No. 10399 C.M.S. To Extend For Ten Years The Cable Franchise Held By Comcast Of California/Colorado, LLC To Construct And Operate A Cable System To Provide Cable Service Within The City Of Oakland; Amending The Terms And Conditions Of The Franchise; And Establishing Certain Remedies For The Violation Of The Franchise

(07-0923)

**Final Passage (Second Reading) has been scheduled for February 5, 2008**

S-21 Subject: Playing Field Leveling Project - Contract  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Awarding A Construction Contract To McGuire And Hester For Phase I Of The Leveling The Playing Field Project (City Project No. C290810) To Improve Girl's Softball Fields At Franklin, Golden Gate, McConnell And King Estate Fields In An Amount Not-To-Exceed Six Hundred Sixty-One Thousand Seven Hundred Fifty Dollars (\$661,750.00)

(07-0894)

**The January 8, 2008 Public Works Committee approved recommendations and directed staff to provide a supplemental report to include the following information: 1) A list of parks/fields in Redevelopment areas, 2) Can redevelopment funds be used and/or designated for improvements to parks not in redevelopment areas, and 3) What criteria is utilized for selecting parks for improvements; 3 Ayes, 1 Abstention - Brooks**

S-22 Subject: Fourteenth Street Project, Inc. - DDA Amendment  
From: Community and Economic Development Agency  
Recommendation: Adopt An Agency Resolution Authorizing An Amendment To The Disposition And Development Agreement With Fourteenth Street Project, Inc., For Proposed Development On 1158 14th Street And 1401 Adeline Street To (1) Substitute Bobbie And Arrece Jameson As Developer, (2) Increase The Number Of Units From Four To Six, And (3) Modify The Requirement To Sell Units To First-Time Homebuyers

(07-0851)

**The January 8, 2008 Community and Economic Development Committee approved recommendations and directed staff to bring the report/DDA to Closed Session for discussion prior to going to Council; 3 Ayes, 1 No - Brunner**

S-23 Subject: Quarterly Informational Report On Measure Y  
From: Office Of The City Administrator  
Recommendation: Receive A Monthly Informational Report On The Measure Y Accelerated Police Recruiting, Hiring, Training And Deployment Strategy

(06-0241-15)

**The January 8, 2008 Public Safety Committee received and forwarded the report and directed staff to include the following information in the next report: 1) Further strategies to: a) enhance recruitment, b) improve**

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retention, and c) reduce attrition rates; 2) Provide funding sources for additional recruitments, and 3) Reason for not operating dual academies; 4  
Ayes

## **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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(...)

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

ORA - Oakland Redevelopment Agency  
S - Supplemental Item