



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>

Tuesday, March 03, 2009

6:00 PM

Oakland City Hall, 3rd Floor

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: Patricia Kernighan, Dist. 2; Nancy Nadel, Dist. 3; Jean Quan, Dist. 4; Ignacio De La Fuente, Dist. 5; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; Rebecca Kaplan, At-Large, and President Jane Brunner, Dist. 1

- 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 February 17, 2009

8. PRESENTATION OF CEREMONIAL MATTERS

- 8.1 Subject: Morcom Rose Garden
From: Councilmember Patricia Kernighan
Recommendation: Adopt A Resolution Commending The City Of Oakland Staff And Volunteers On The Morcom Rose Garden's Acceptance Into The All-America Rose Selection's Public Gardens Program
(09-0131)

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
(09-0124)
- 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
(09-0125)
- 10.3-CC Subject: ZML Company - 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 ZML Company, In The Amount Of Six Thousand Six Hundred Ninety Nine Dollars (\$6,699.00), As A Result Of Property Damage Sustained As A Result The Failure Of The City's Sewer Main On April 25, 2008. (Public Works Agency)
(09-0126)

Council discussed this item in Closed Session on March 3, 2009

- 10.4-CC Subject: Siu - 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 Judy, Or Wendy Or Ming-Ng Siu, In The

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Amount Of \$29,900.00, As A Result Of Property Damage Sustained As A Result Of A Failed City Sewer Main On November 30, 2008 (Public Works Agency)
(09-0127)

Council discussed this item in Closed Session on March 3, 2009

10.5-CC Subject: Frank And Myrtis Davis - 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 Frank And Myrtis Davis, In The Amount Of \$36,237.00, As A Result Of Property Damage Sustained As A Result Of A Failed City Sewer Main On December 07, 2008 (Public Works Agency)
(09-0128)

Council discussed this item in Closed Session on March 3, 2009

10.6-CC Subject: Jules Masalunga - 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 Jules Masalunga V. City Of Oakland; Et Al., Alameda County Superior Court Case No. RG08-367928, In The Amount Of \$13,000.00 As A Result Of An Automobile Accident At The Intersection Of Broadway And 27th Street. (Police Services)
(09-0129)

This item was not discussed in Closed Session

S-10.7-CC Subject: Revocable And Conditional Permit - 1755 Broadway LLC
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting 1755 Broadway LLC A Revocable And Conditional Permit To Allow An Existing Basement In A Building At 1755 Broadway To Encroach Under The Public Sidewalk Along Telegraph Avenue
(09-0027)

**The February 24, 2009 Public Works Committee approved
recommendations; 4 Ayes**

S-10.8-CC Subject: Rehabilitation Of Sanitary Sewers - Pacific Trenchless
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To Pacific Trenchless, Inc. For The Rehabilitation Of Sanitary Sewers Off Alvarado Road And Evergreen Lane (Project No. C282811) For The Amount Of Two Hundred Fifty-Four Thousand Nine Hundred Ten Dollars (\$254,910.00)
(09-0085)

**The February 24, 2009 Public Works Committee approved
recommendations; 4 Ayes**

S-10.9-CC Subject: Rehabilitation Of Sanitary Sewers - Mosto Construction
From: Community and Economic Development Agency

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Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To Mosto Construction, Inc. For The Rehabilitation Of Sanitary Sewers In Various Locations Off Redwood Road, Tartan Way, Crestmont Drive, Kimberlin Heights Drive, And Elinora Avenue (Project No. C262310) For The Amount Of Four Hundred Forty Thousand Five Hundred Twenty-Five Dollars (\$440,525.00)
(09-0086)

**The February 24, 2009 Public Works Committee approved
recommendations; 4 Ayes**

S-10.10-C Subject: Rehabilitation Of Sanitary Sewers - Andes Construction
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers In An Area Bounded By Lakeside Drive, Alice Street, 20th Street And 11th Street (Project No. C59310) For The Amount Of Two Million Five Hundred Seventy Thousand And Forty-Two Dollars (\$2,570,042.00)
(09-0087)

**The February 26, 2009 Public Works Committee approved
recommendations; 4 Ayes**

S-10.11-C Subject: Purchase And Sell Agreement - Jefferson And 18th Streets
C From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Negotiate And Execute A Purchase And Sale Agreement To Sell Approximately Sixty (60) Square Feet Of City-Owned Surplus Real Property Located At Jefferson And 18th Streets To Wendy Neft Sanda And Kenneth Neft, The Adjoining Property Owners, For The Total Fair Market Value Of Three Hundred (\$300.00) Dollars
(09-0053)

**The February 24, 2009 Finance and Management Committee approved
recommendations; 4 Ayes**

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION
(FIRST READING) OF THE ORDINANCE**

Final Passage (Second Reading) has been scheduled for March 17, 2009

S-10.12-C Subject: Local Agencies Investment Fund
C From: Finance and Management Agency
Recommendation: Adopt The Following Pieces Legislation:

1) A Resolution Of The Oakland Joint Powers Financing Authority Authorizing The Deposit Of Authority Monies In The Local Agencies Investment Fund As Authorized Under California Government Code Section 16429.1 For Purposes Of Investment By The State Treasurer And Designating The Officers Authorized To Order The Deposit And Withdrawal Of Monies In The Fund

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(09-0057)

2) A Resolution Of The Redevelopment Agency Of The City Of Oakland Authorizing The Deposit Of Agency Monies In The Local Agencies Investment Fund As Authorized Under California Government Code Section 16429.1 For Purposes Of Investment By The State Treasurer And Designating The Agency Officers Authorized To Order The Deposit And Withdrawal Of Monies In The Fund; And

(09-0057-1)

3) A Resolution Of The City Council Of The City Of Oakland Authorizing The Deposit Of City Monies In The Local Agencies Investment Fund As Authorized Under California Government Code Section 16429.1 For Purposes Of Investment By The State Treasurer And Designating The City Officers Authorized To Order The Deposit And Withdrawal Of Monies In The Fund

(09-0057-2)

The February 24, 2009 Finance and Management Committee approved recommendations; 4 Ayes

S-10.13-C Subject: Real Property Purchase - 905 66th Avenue
C From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 905 66th Avenue, From The Alameda-Contra Costa Transit District For \$7,747,102 Less the Cost Of Any Environmental Site Remediation And Authorizing Up To \$12,000 For Real Estate Closing Costs, \$60,000 For Property Inspection Costs And \$1,000,000 For Demolition Costs

(09-0039)

The February 24, 2009 Community and Economic Development Committee approved recommendations; 4 Ayes

S-10.14-C Subject: Bay Area Identity Theft Strike Force
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee, To 1) Enter Into A Memorandum Of Understanding With The US Department Of Homeland Security, United States Secret Service (USSS) And The City Of Oakland Through The Oakland Police Department (OPD) To Participate In The Bay Area Identity Theft Strike Force (BAIT SF), For The Period Of October 1, 2008 Through September 30, 2009, Renewable Annually, And 2) Accept Reimbursement Funds In An Amount Not To Exceed Twenty Five Thousand Dollars (\$25,000) From The US Department Of The Treasury Asset Forfeiture Fund To The Oakland Police Department For Investigator Overtime And Other Asset Forfeiture Fund Authorized Reimbursements In Accordance With The Existing Federal Sharing Agreement

(07-1906)

The February 24, 2009 Public Safety Committee approved recommendations; 4 Ayes

S-10.15-C Subject: Taxicabs Insurance Requirements
C From: Office of the City Administrator

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Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.64 "Taxicabs" To A) Require The Same Insurance Limits Required By The Oakland Airport For Taxicabs That Work At The Airport; And B) Move 1) Authority For The Design Of The Fleet Management Permit Application, And 2) Discretion To Deny Fleet Management Permits On The Basis Of Criminal Convictions From The Oakland Police Department To The Office Of The City Administrator
(09-0059)

**The February 24, 2009 Public Safety Committee approved
recommendations; 4 Ayes**

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION
(FIRST READING) OF THE ORDINANCE**

Final Passage (Second Reading) has been scheduled for March 17, 2009

- 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 2.20.130 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: Planning Code Amendments - Chapters 17.73 And 17.102
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) An Ordinance Amending The Oakland Planning Code To: (1) Amend Chapter 17.102 "General Regulations Applicable To All Or Several Zones" To Include Performance Standards For Primary Collection Center Recycling Uses In All Zones (2) Amend Chapter 17.73 "CIX-1, CIX-2, IG And IO Industrial Zones" To Include Regulations Concerning Primary Collection Center Recycling Uses In CIX-1, CIX-2 And IG Zones; (2) Amend Chapter 17.10 "Use Classifications" To Delete "Intermediate Processing Facility" As A Land Use Activity Type From O.M.C. 17.10.586 "Recycling And Waste-Related Industrial Activities"; Or
(07-1774)

On December 9, 2008 Council amended the ordinance as follows: 1) change the radius for litter pick up to 1 block (9 square blocks) around the facility; 2) change the radius for grocery cart pick up to 2 blocks and develop a cart

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management plan; and 3) during business hours facility owned trucks should be parked around the facility and only on the facility side of the street

**ACTION ON THIS ITEM WILL RESULT IN THE FINAL PASSAGE
(SECOND READING) OF THE ORDINANCE**

**Introduction (First Reading) was approved as amended on December 9,
2008; 8 Ayes**

2) A Revised Ordinance (Including Changes To The Extent Of The Area For Which Primary Collection Centers Are Responsible For Litter, Garbage And Shopping Cart Removal, And Allowed Parking Areas For Facility-Owned Vehicles) Amending The Oakland Planning Code To:

(1) Amend Chapter 17.102 "General Regulations Applicable To All Or Several Zones" To Include Performance Standards For Primary Collection Center Recycling Uses In All Zones;

(2) Amend Chapter 17.73 "CIX-1, CIX-2, IG And IO Industrial Zones" To Include Regulations Concerning Primary Collection Center Recycling Uses In CIX-1, CIX-2 And IG Zones;

(3) Amend Chapter 17.10 "Use Classifications" To Delete "Intermediate Processing Facility" As A Land Use Activity Type From O.M.C. Section 17.10.586 "Recycling And Waste-Related Industrial Activities"

[\(07-1774-1\)](#)

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION
(FIRST READING) OF THE ORDINANCE**

Final Passage (Second Reading) has been scheduled for March 17, 2009

14.2 Subject: Lion Creek Crossings - Phase IV
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A City Resolution Amending The General Plan Land Use Designation For Lion Creek Crossing Phase IV From "Mixed Housing Type Residential" And "Urban Residential" To "Neighborhood Center Mixed Use";

[\(09-0026\)](#)

Subject: Lion Creek Crossings - Phase IV
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Adopting The Seventh Amendment To The Coliseum Area Redevelopment Plan Amending The Land Use Designation For The Lion Creek Crossing Phase IV Project From "Mixed Housing Type Residential" And "Urban Residential" To "Neighborhood Center Mixed Use"; And

SUPPLEMENTAL

(09-0026-1)

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION
(FIRST READING) OF THE ORDINANCE**

Final Passage (Second Reading) has been scheduled for March 17, 2009

3) An Agency Resolution Approving And Recommending Adoption Of The Seventh Amendment To The Coliseum Area Redevelopment Plan Amending The Land Use Designation For The Lion Creek Crossing Phase IV Project From "Mixed Housing Type Residential" And "Urban Residential" To "Neighborhood Center Mixed Use";

(09-0026-2)

2) An Ordinance Rezoning The Lion Creek Crossings Phase IV Project Site, Located On Snell Street Between 69th And 70th Avenues, From The R-36 Small Lot Residential, R-50 Medium Density Residential And M-30 General Industrial Zoning Districts To The C-25 Office Commercial District; And

(09-0026-3)

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION
(FIRST READING) OF THE ORDINANCE**

Final Passage (Second Reading) has been scheduled for March 17, 2009

5) A City Resolution Affirming And Sustaining The Planning Commission Decision To Approve The Development Permits (Design Review, Conditional Use Permit, And Variances) For The Lion Creek Crossing Phase IV Project Located On Snell Street Between 69th And 70th Avenues

(09-0026-4)

**The February 26, 2009 Community and Economic Development
Committee approved recommendations; 4 Ayes**

ACTION ON NON-CONSENT ITEMS:

15 Subject: Vacant Building Registration
From: Councilmember Desley Brooks
Recoomendation: Adopt The Following Pieces Of Legislation

1) An Ordinance Amending The Oakland Muncipal Code To Add A New Chapter 8.54 Requiring The Registration Of Vacant Buildings; And

(07-1717)

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION
(FIRST READING) OF THE ORDINANCE**

Final Passage (Second Reading) has been scheduled for March 17, 2009

2) An Ordinance Amending Ordinance No. 12880 C.M.S. (Master Fee Schedule) To Add New Fees For Registering Vacant Buildings

SUPPLEMENTAL

(07-1717-1)

At the February 3, 2009 City Council meeting, this item was continued and the following comments were submitted:

Councilmember Quan:

I feel that the Vacant Building Registration Ordinance (Item S-18) needs further refinement and request that it be sent back to committee to address the following issues:

- 1) Given the slowness of the current real estate market, the time to register a vacant property in the Ordinance should be lengthened from 45 to 90 days to avoid needless bureaucratic complexity. According to the Oakland Association of Realtors, the average current time for a property to remain on the market is approximately 75 days, so 90 days would address this issue. Otherwise we will involve a large number of properties unnecessarily in a bureaucratic procedure.
- 2) I do favor provisions of the Fresno & Riverside foreclosure legislation that require that the owner of the foreclosed property present a plan for securing the vacant property and the property be subject to official inspection.
- 3) It is not clear when the 120 day period without fee starts. Since certain properties have proven particularly difficult to sell in the current real estate market, be made certain that the additional 20 days without fee to sell difficult properties should begin at the time of registration noted in Item I
- 4) Rental properties should be treated differently from single parcels. Currently, the owner of a 10 to 20 unit building would have to register a rental unit as a vacant property every time a renter leaves this unit. Additionally, registering vacant rental units in the Vacant Building Ordinance may be duplicative of stipulations associated with the Residential Rent Adjustment Program Ordinance.
- 5) We need to be clear as to what actually constitutes a vacant property. As the ordinance currently is written, having utilities turned on or receiving mail may be a qualifier for occupancy. Clearly, such a simple definition of occupancy could lead to abuse by absentee owners and a more stringent definition is needed in order to insure that simply having a building's utilities turned on would preclude its owner from paying vacancy fees.
- 6) Finally, we should explore who bears responsibility for all fees associated with vacant properties.

Councilmember Kernighan:

Two proposed changes to the proposed Vacant Building Registration Ordinance as follows:

I/Section 8.54.030-Scope

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The requirements of this Chapter shall be applicable to all residential and non-residential buildings that have remained unoccupied for their intended and authorized use for more than one-hundred twenty (120) consecutive calendar days.

2/ Section 8.54.040 - Definitions

Vacant non-residential building shall mean the physical absence of an approved occupancy by the legal or equitable owner or a legally authorized occupant or tenant in a building or portion thereof for more than one hundred twenty (120) consecutive calendar days. Occupancies located above or below the ground floor of a Building shall not be considered as vacant for the purposes of this definition.

Vacant residential building shall mean the physical absence of an approved occupancy by the legal or equitable owner or a legally authorized occupant or tenant in a building for more than one hundred twenty (120) consecutive calendar days.

In addition Councilmember Kernighan stated that the "Perata Bill" \$1,000 fine should go to the person that owns the building vs. the land owner. The enforcement fees collected could then be used toward dedicated staffing for the program

Vice Mayor De La Fuente

The nuisance and blight problems created by vacant properties are a drain to city resources and compromise the overall safety in our neighborhoods and commercial corridors. However, I do not believe that the proposed Vacant Building effectively addresses the mounting vacant building problem and, in my opinion, creates a bureaucratic burden that would be difficult for Oakland residents and businesses to navigate.

Oakland has two very distinct vacant building problems that should be approached on separate tracks to address 1) bank owned foreclosed and abandoned properties, and 2) buildings owned and held by private individuals that have been shut down and left to decay. Each problem has a unique set of circumstances that will require specific solutions to trigger the appropriate action. Combining the two problems casts the net too wide and potentially affects law abiding property owners who maintain and care about their properties.

The ordinances adopted by the City of Fresno and the City of Perris in Riverside County specifically and proactively target foreclosed properties by requiring lending institutions to conduct an inspection of properties in order to determine occupancy and clearly evaluate measures needed to secure the property. Evidence of the inspection must be submitted prior to recording a notice of default with the County recorder.

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I do not foresee banks lining up at Oakland's door to register their properties unless there is a mechanism that compels them to take action before they move to foreclose. As such, the city may not learn about the vacant foreclosed properties until a problem occurs at which point our blight and nuisance ordinances would be the most viable tools to abate the problem - not the proposed vacant building ordinance. There is also a high probability that most if not all of the fees assessed against banks will end up as liens. In many cases, the fees and liens we generate through the proposed ordinance are likely never to be paid because of, both, the City and the bank's interest in facilitating the sale of foreclosed properties and having them occupied by responsible property owners as soon as possible. The failure by some private property owners to rehabilitate buildings and bring them into productive use requires not only punitive measures like the proposed escalating fee but other types of incentives to facilitate development of their properties. My concern is that the ordinance will have the opposite affect intended and actually serve as permission for these problem landlords to keep properties vacant and shut down as long as they continue to pay their fees. I do not see the ordinance creating an immediate shift in the disposition of these buildings or resolving the problems they create.

Stuck in the middle of the City's efforts to implement the proposed ordinance would be ordinary law abiding property owners who will register their property, comply with a set of burdensome regulations and pay for a program that in my opinion will have no real effect.

I am prepared to make a motion to reject the ordinance in its current form and request that staff return with a policy that directly targets foreclosed properties like the ordinance adopted by the City of San Jose and a separate program or ordinance that creates viable incentives for private property owners to restore vacant buildings to productive use and monetary penalties for inaction.

Councilmember Kaplan

Code enforcement is essential to the success of the program given that if the enforcement takes place and fines are assessed the program could be self-funding. The registration should include more than just foreclosed properties, there should be different regulations for residential areas vs. non-residential areas, program should also include an option for people that sign up to have the information be public, so individuals looking for vacant property can have access to the information providing a more functional benefit.

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION
(FIRST READING) OF THE ORDINANCE**

Final Passage (Second Reading) has been scheduled for March 17, 2009

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S-15.1 Subject: City's Hotel Tax (Transient Occupancy Tax) - Ballot Measure
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution Submitting, On The Council's Own Motion, To The Electors At A June 2, 2009 Special Election, A Proposed Ordinance Amending The Oakland Municipal Code In Order To Provide For A Two Percent Surcharge To The City's Transient Occupancy Tax (Hotel Tax) To Support The Oakland Zoo, The Oakland Museum of California, Chabot Space And Science Center And The Cultural Arts Programs And Festivals
(09-0102)

The February 24, 2009 Finance and Management Committee amended the Resolution as follows: 1) Delete the June 2, 2009 election date and insert "next municipal election"; 2) Change the surcharge from 2% to 3%; 3) Add the Oakland Convention & Visitors Bureau (OCVB) to the list of institutions that will receive the tax proceeds; 4) Change the revenue allocation to: 1.5% for OCVB, .375% each to the Oakland Zoo, the Oakland Museum of California, the Chabot Space & Science Center, and the Cultural Arts Programs & Festivals.; and 5) Specify that OCVB shall include City-funded cultural institutions in their marketing campaign; 4 Ayes

S-15.2 Subject: Repeal Charter Section 1300 On Kids First - Ballot Measure
From: Councilmembers Jean Quan and Patricia Kernighan
Recommendation: Adopt A Resolution Submitting, On The City Council's Own Motion, To The Electors At A June 2, 2009 Special Election, A Measure To Repeal Charter Section 1300 On Kids First! Oakland Fund For Children And Youth Adopted By The Voters On November 4, 2008 (Measure OO) And Readopt Charter Section 1300 On Oakland Fund For Children And Youth Adopted By The Voters On November 7, 1996 (Measure K) As Amended And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With A June 2, 2009 Special Election
(09-0103)

The February 24, 2009 Finance and Management Committee approved recommendations and directed staff to forward all proposed language options to the full council for further discussion and consideration; 4 Ayes

16 Subject: Oakland Tourism Business Improvement District
From: Office of the City Administrator
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution To Establish The Oakland Tourism Business Improvement District (OTBID) Proposed By The Oakland Convention & Visitors Bureau, Declare The Results Of The Majority Protest Proceedings, And Authorizing The City Administrator To Negotiate And Enter Into A Professional Services Agreement With The Oakland Convention & Visitors Bureau To Operate The OTBID
(07-1393-1)

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At the February 17, 2009, Council meeting, the City Council continued the OTBID Public Meeting to the Council meeting of March 3, 2009. Since the California Streets & Highways Code requires a minimum of seven days between the Public Meeting and the Public Hearing, the Public Hearing slated for the March 3, 2009, agenda will need to be continued to a later date. However, the actual continuance motion will be made at the March 3rd Council meeting.

- 17 Subject: Council Approval Of Compensation
From: City Council
Recommendation: Adopt An Ordinance (1) Amending The Salary Ordinance To Provide That The City Council Must Approve Terms And Compensation In Hiring Agreements For Department And Agency Heads Other Than (a) Initial Salary Up To The Midpoint Of The Salary Range, (b) Severance Pay Authorized By Ordinance No. 12187 C.M.S., (c) Executive Leave And Bonus Vacation Authorized By Ordinance No. 12903 C.M.S., With Certain Amendments, And (d) Terms And Conditions Provided In The Memoranda Of Understanding Between The City And Its Recognized Miscellaneous Employee Organizations And (2) Supplementing And Amending Ordinance Nos. 12187 C.M.S. And 12903 C.M.S. (TITLE CHANGE)
(09-0108)

At the February 17, 2009 meeting, Council amended the Ordinance to add the following language to Section 1.10:

"The Executive Leave authorized by Ordinance 12903 may be granted one time only and for only one year at the time an employee is hired as a hiring incentive and that executive leave may be carried over for a maximum of two years."

**ACTION ON THIS ITEM WILL RESULT IN THE FINAL PASSAGE
(SECOND READING) OF THE ORDINANCE**

Introduction (First Reading) was approved as amended on February 17, 2009; 8 Ayes

- 18 Subject: Measure Y Oversight Committee Appointment
From: Councilmember Nancy Nadel
Recommendation: Adopt A Resolution Appointing Michael E. Brown, Jr. As A Member Of The Violence Prevention And Public Safety Oversight Committee
(09-0132)
- 19 Subject: Measure Y Oversight Committee Appointment
From: Vice Mayor Ignacio De La Fuente
Recommendation: Adopt A Resolution Appointing Pete Barnett As The District 5 Appointee To The Measure Y - The Violence Prevention And Public Safety Oversight Committee
(09-0136)

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- 20 Subject: Budget Advisory Committee Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Kalie Moore, Tina Sims And Jay Ashford As Members Of The Budget Advisory Committee
(09-0138)
- 21 Subject: Community Policing Advisory Board Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Frederick Remer As A Member Of The Community Policing Advisory Board
(09-0139)
- 22 Subject: Housing Residential Rent And Relocation Board Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Benjamin Scott As A Member Of The Housing, Residential Rent And Relocation Board
(09-0140)
- 23 Subject: Oakland Museum Of California Foundation Board Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Confirming Dale Block, Susan Chamberlin, Rich Edwards, Sandra Wolfe, Sheryl Wong, Kelly Abreu, Winston Wilkinson, Robert Wilkins, John Wyro, And Jennifer Walker As Trustees Of The Oakland Museum Of California Foundation Board Of Trustees
(09-0141)
- 24 Subject: Police And Fire Retirement Board Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Jaime Godfrey As A Member Of The Police And Fire Retirement Board
(09-0142)
- S-25 Subject: Fiscal Year 2008-2009 Second Quarter Reports
From: Budget Office
Recommendation: Receive A Report On Fiscal Year 2008-2009 Second Quarter Revenue And Expenditure Results And Year-End Projections For Four Selected Funds - General Purpose Fund (1010), Landscape & Lighting Assessment District Fund (2310), Equipment Fund (4100) And Facilities Fund (4400); Overtime Analysis For The General Purpose Fund (1010) And All Funds; And The Status Of Implementing The October 2008 Budget Revisions
(09-0037)

The February 24, 2009 Finance and Management Committee received and forwarded the report and directed staff to submit a supplemental report with additional options and a revised matrix for the Fiscal Year 2008-2009 Second Quarter Report. The matrix should include: a) Each item from 1 through 39, on the Council motion of October 21, 2008; b) The amount of money budgeted for savings; c) The amount saved to date; d) % of year

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that has passed; e) % of savings achieved.; as well as a narrative for each item to explain: a) Whether the projected savings will reach the target; b) What are the odds (risks) that the target will not be reached; c) If the savings are not achieved what is the plan; d) Any changes or substitutions regarding the item. The Committee also directed staff to come back with an analysis on the Oakland Police Overtime report including what activities OPD would not be able to do if there is a 25% reduction in overtime funding; 4 Ayes

S-26 Subject: Capital Improvements Grants Changes
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Amending Resolution No. 2008-0051 C.M.S. To Change The Recipient Of A Grant For Capital Improvements To The Oaks Hotel At 587 15th Street From The John Stewart Company To Oaks Associates And To Increase The Amount Of The Grant By \$18,000 For A Total Not To Exceed \$83,000 To Cover Increased Costs Associated With Payment Of Prevailing Wages; And
(09-0052)

2) An Agency Resolution Amending Resolution No. 2008-0052 C.M.S. To Change The Recipient Of A Grant For Capital Improvements To Kenneth Henry Court At 6455 Foothill Boulevard From The John Stewart Company To 6455 Foothill Associates And To Increase The Amount Of The Grant By \$37,000 For A Total Not To Exceed \$187,000 To Cover Increased Costs Associated With Payment Of Prevailing Wages
(09-0052-1)

The February 24, 2009 Community and Economic Development Committee approved recommendations and directed staff to rewrite the resolutions for better clarity; 3 Ayes, 1 Abstention - Brunner

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)

Americans With Disabilities Act

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SUPPLEMENTAL

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

Tuesday, March 03, 2009

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 839-6451

(TDD)

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OVER THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO
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(...)

**MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED
TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA
PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK,
1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA
94612 FROM 8:30AM TO 5:00PM**

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

ORA - Oakland Redevelopment Agency

S - Supplemental Item