



# SUPPLEMENTAL

## City of Oakland

### Meeting Agenda

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

Office of the City Clerk  
Oakland City Hall  
1 Frank H. Ogawa Plaza  
Oakland, California 94612  
LaTonda Simmons, City Clerk

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Tuesday, October 20, 2009

6:00 PM

Oakland City Hall, 3rd Floor

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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)

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 September 22, 2009 and October 6, 2009

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

8.1 Subject: Susan Watson - Recognition  
From: Councilmember Nancy Nadel  
Recommendation: Adopt A Resolution Honoring Susan Watson For Eighteen Years Of Distinguished Service To The Citizens Of The City Of Oakland And Congratulating Her On Her Retirement  
(09-0787)

8.2 Subject: Paul Brekke - Retirement  
From: Councilmember Jane Brunner  
Recommendation: Adopt A Resolution Recognizing And Honoring Paul Brekke-Miesner For His 4 Years Of Exceptional Service To The City Of Oakland And Many Years Of

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Service To The Community  
(09-0858)

- 8.3 Subject: Bradley C. Walters - Recognition  
From: Councilmember Jean Quan  
Recommendation: Adopt A Resolution Honoring And Celebrating The Life Of Bradley C. Walters (July 1938 - August 2009)  
(09-0886)

**This item requires an Urgency Finding (2/3 majority vote) pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance, prior to discussion.**

- 8.4 Subject: Raul Godinez - Recognition  
From: Councilmembers Nancy Nadel & Larry Reid  
Recommendation: Adopt A Resolution Honoring Director Raul Godinez II For His Distinguished Leadership And Service To The City Of Oakland Public Works Agency And His Dedicated Stewardship Of Oakland's Physical And Environmental Infrastructure  
(09-0868)

**This item requires an Urgency Finding (2/3 majority vote) pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance, prior to discussion.**

- 8.5 Subject: Swearing In - Anthony W. Batts  
From: The Mayor  
Recommendation: The Swearing-In Of Anthony W. Batts As Chief Of Police For The City Of Oakland  
(09-0846)

## **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  
(09-0882)

- 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  
(09-0883)

- 10.3-CC Subject: Port Of Oakland - Additional Service  
From: Office of the City Administrator  
Recommendation: Adopt A Resolution To Grant Another Designated Period For Two

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Years Additional Service Credit  
(09-0818)

- 10.4-CC Subject: Parking Meters Operations And Fines  
From: Councilmember Patricia Kernighan  
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Section 10.36.050 To Increase The Exempted Time Period For A Parking Meter Zone Violation By Changing The Start Time From 8:00 P.M. To 6:00 P.M., 7:00 P.M., Or Other Time Specified By Council  
(09-0770-1)

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

**Introduction (First Reading) was approved on October 6, 2009; 7 Ayes, 1  
Excused - Brooks**

- 10.5-CC Subject: Loretta Hongo - 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 Loretta Hongo V. City of Oakland, Et Al., Alameda County Superior Court No. RG08379146, Our File No. 25962, In The Amount Of \$24,000.00 (Public Works Agency - Personal Injury)  
(09-0884)

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

- 10.6-CC Subject: Shenell Steward-Jacks - 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 Shenell Steward-Jacks V. City of Oakland, Et Al., Alameda County Superior Court No. RG08376905, Our File No. 26083, In The Amount Of \$11,000.00 (Public Works Agency - Personal Injury)  
(09-0885)

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

- 10.7-CC Subject: Randy Bell - 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 Randy Bell V. City Of Oakland, Alameda County Superior Court Case No. RG08394570, Our File No. X03203, In The Amount Of \$41,000.00 (Public Works Agency)  
(09-0891)

**This item was discussed in Closed Session on October 6, 2009. Motion  
authorizing settlement passed with 4 Ayes, 1 No - De La Fuente, 1 Excused  
- Brooks, 2 Absent - Quan, Reid**

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10.8-CC Subject: Priscilla Tuazon - 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 Priscilla Tuazon V. City Of Oakland, Alameda County Superior Court Case No. RG08394845, Our File No. X03127, In The Amount Of \$75,000.00 (Oakland Police Department)  
(09-0892)

**This item was discussed in Closed Session on October 6, 2009. Motion authorizing settlement was approved with 6 Ayes, 1 No - De La Fuente, 1 Excused - Brooks**

10.9-CC Subject: City Administrator's Purchasing Authority  
From: Council President Brunner  
Recommendation: Adopt An Ordinance Amending Ordinance No. 7937 C.M.S., Adopted February 6, 1969, And Amendments Thereto, Codified At Oakland Municipal Code Title 2, Chapter 2.04, Purchasing System, Article I, Bidding, Contracting And Purchasing, To Decrease Amounts For Certain Purchases Requiring City Council Approval And Decrease The City Administrator's Authority For Certain Purchases  
(09-0489)

S-10.10-C Subject: Railroad Avenue Improvements Phase II - Gallagher And Burk  
C From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Awarding A Construction Contract To Gallagher And Burk, Inc., For Railroad Avenue Improvements - Phase II, From Louisiana Street To 98th Avenue (Project No. P330910) In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Not-To-Exceed Six Hundred Fifty-Seven Thousand Four Hundred Ninety-Nine Dollars (\$657,499.00)  
(09-0803)

**The October 13, 2009 Public Works Committee approved recommendations; 4 Ayes**

S-10.11-CC Subject: U.S. China Low-Carbon Cities Program  
From: President Jane Brunner  
Recommendation: Adopt A Resolution To Accept An Invitation To Participate In The United States China Low-Carbon Cities, Communities, And Regions Program  
(09-0865)

**The October 13, 2009 Public Works Committee approved recommendations; 4 Ayes**

S-10.12-C Subject: Grants And Donations For Fiscal Year  
C From: Finance And Management Agency  
Recommendation: Receive An Informational Report On Fiscal Year 2008-2009 City Administrator Acceptance And Appropriation Of Restricted Grants, Gifts And Donations With A Monetary Value Of Fifty Thousand Dollars (\$50,000) Or Less (Each) On Behalf Of The City Council

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(09-0713)

**The October 13, 2009 Finance and Management Committee received and forwarded the report; 4 Ayes**

S-10.13-C Subject: 2009-2010 Gang Resistance And Training Program  
C 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 Fifty Thousand Dollars (\$50,000) From The U.S. Department Of Justice, Office Of Justice Programs, Bureau Of Justice Assistance, Fiscal Year 2009 Gang Resistance Education And Training (GREAT) Program, And Appropriate Said Funds To The Police Department

(09-0609)

**The October 13, 2009 Public Safety Committee approved recommendations; 4 Ayes**

S-10.14-C Subject: 2009 Paul Coverdell Forensic Science Improvement Program  
C 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 The Amount Of One Hundred Sixteen Thousand Six Hundred And Three Dollars (\$116,603) From The U.S. Department Of Justice, Office Of Justice Programs, National Institute Of Justice, For Continued Implementation Of The Paul Coverdell Forensic Science Improvement Grants Program, And Appropriate Said Funds To The Police Department

(09-0611)

**The October 13, 2009 Public Safety Committee approved recommendations; 4 Ayes**

S-10.15-C Subject: Contra Costa County - MOU  
C From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Enter Into A Memorandum Of Understanding (MOU) With Contra Costa County (CCC), On Behalf Of The Automated Regional Information Exchange System (ARIES), And The Oakland Police Department (OPD) To Share And Integrate Criminal Justice Information From OPD's Law Records Management System (LRMS) And Computer Aided Dispatch (CAD) System

(09-0794)

**The October 13, 2009 Public Safety Committee approved recommendations; 4 Ayes**

S-10.16-C Subject: 2009 Human Trafficking Task Force Grant  
C 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 Two Hundred Thousand Dollars (\$200,000) From The U.S. Department Of

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Justice, Office Of Justice Programs, Bureau Of Justice Assistance, Fiscal Year 2009 Law Enforcement Response To Human Trafficking Grant Program For Continued Implementation And Operation Of The East Bay Task Force On Human Trafficking In The Police Department  
(09-0646)

**The October 13, 2009 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 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: Property Vacation - 37th And Alameda Avenues  
From: Community and Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) A Resolution Adopting Findings And Setting A Hearing To Receive Supporting Evidence And Public Comments On A Proposed Conditional Vacation Of A Portion Of East 8th Street Between The Intersections Of 37th Avenue And Alameda Avenue To The California Department Of Transportation For The Seismic Retrofitting Of Interstate Freeway Route 880 At High Street; And  
(09-0802)

2) An Ordinance Conditionally Vacating Of A Portion Of East 8th Street Between The Intersections Of 37th Avenue And Alameda Avenue To The California Department Of Transportation For The Interstate Freeway Route 880 Seismic Retrofit At High Street  
(09-0802-1)

**This item was rescheduled from the October 6, 2009 City Council Agenda**

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

**Final Passage (Second Reading) has been scheduled for November 3, 2009**

- S-14.2 Subject: 2935 Telegraph Avenue - Tree Removal Appeal  
From: Public Works Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution

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Denying The Appeal, Filed By Scott Harrison And Terry Hill, Of The Public Works Agency's Decision To Approve The Issuance Of Tree Removal Permit T09-00020 For 2935 Telegraph Avenue  
(09-0910)

**Pursuant to Section 2.20.080(E)2 of the Sunshine Ordinance an urgency finding was made at the October 15, 2009 Rules and Legislation Committee to place this item on the agenda for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;**

**This item requires an Urgency Finding ( 2/3 majority vote) pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance, prior to discussion.**

## ACTION ON NON-CONSENT ITEMS:

15 Subject: Oakland Police Officers Association MOU - Amendments  
From: Department of Human Resources Management  
Recommendation: Adopt A Resolution Approving (1) Amendments To The Memorandum Of Understanding ("MOU") Between The City Of Oakland And The Oakland Police Officers' Association ("OPOA"), (2) Amendments To The MOU Between The City Of Oakland Police Management Association ("OPMA"), (3) Sideletter To OPOA MOU Regarding Patrol Officer Biweekly Schedule; And, (4) OPOA Vacation Advancement Agreement (TITLE CHANGE)  
(09-0745)

**This item was rescheduled from the October 6, 2009 City Council Agenda**

S-15.1 Subject: Municipal Identification Program - Implementation  
From: Office of the City Clerk  
Recommendation: Discussion And Action On A Report And Recommendations To Implement The Municipal Identification Program  
(09-0707)

**The October 13, 2009 Finance and Management Committee received and forwarded the report and directed staff to move forward with an expanded RFP to solicit proposals from a) banking institutions for the issuance of Oakland's ID/debit card; b) debit/ID cards systems providers; and c) vendors who only provide ID cards systems. Staff was also directed to post the RFP on the City's website and return by the end of the year with all the bid results and associated costs and fiscal analysis for each service provider's proposal. The draft RFP will be shared with committee members; 4 Ayes**

16 Subject: Law Firm Of Orrick, Herrington & Sutcliffe - Conflict Waiver  
From: Office Of The City Attorney

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Recommendation: Adopt A Resolution Approving A Conflict Waiver For The Law Firm Of Orrick, Herrington & Sutcliffe Which Has Represented The City Of Oakland On Various Bond Matters For Decades And Also Represents The City In Deborah Edgerly V. City Of Oakland To Allow The Firm To Represent Several Defendants In City Of Los Angeles, Et Al. V. Infineon Technologies Ag, An Anti-Trust Lawsuit Filed On Behalf Of The City Of Los Angeles, The City Of Oakland And More Than 90 Other Plaintiffs Against A Number Of Manufacturers Of Memory Chips For Illegal Price-Fixing  
(09-0890)

17 Discussion And Action On Potential Proposals To Obtain Grant Funds Provided Under The American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus Package")  
(09-0188)

18 Subject: Citizen Police Review Board Appointment  
From: The Mayor  
Recommendation: Adopt A Resolution Appointing Elizabeth Diaz And Carl Swanson, As Members Of The Citizen's Police Review Board  
(09-0897)

19 Subject: Cultural Affairs Commission Appointment  
From: The Mayor  
Recommendation: Adopt A Resolution Appointing Jacinda Abarian, Eric Farber, Stephanie D. Geter, Sean Kennedy, Tatiana Larkin, And Chris De Benedetti And Re-Appointing Joyce Gordan And Jacqueline Boggan As Members Of The Cultural Affairs Commission  
(09-0898)

20 Subject: Rent Relocation Board Appointment  
From: The Mayor  
Recommendation: Adopt A Resolution Appointing Guillermo Mayer And Michael Bowie As Members Of The Housing, Residential Rent And Relocation Board  
(09-0900)

21 Subject: Oakland Youth Advisory Commission Appointments  
From: The Mayor  
Recommendation: Adopt A Resolution Appointing Cesar San Miguel, Kyle Willis, Anastacia Love, Ailish Elzy, Naomi Turner, Edwin Villegas, Sabah Harris, Juan Gomez, Alexandria Amamgbo, Afolarin Adeleke, Taylor Lyons, Alexandria Love, Ja'Ney Batiste, Terry Morgan, Eric Grant, Steven Wesley, Marcellious McNary, And Amina Scott As Members Of The Oakland Youth Advisory Commission  
(09-0899)

22 Subject: Measure Z Community Oversight Committee Appointments  
From: The Mayor  
Recommendation: Adopt A Resolution Appointing Wendy Herdon As A Member Of The Measure Z Community Oversight Committee, To Oversee The Implementation Of The Oakland Cannabis Regulation And Revenue Ordinance



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(09-0901)

23 Subject: Violence Prevention And Public Safety Committee Appointment  
From: The Mayor  
Recommendation: Adopt A Resolution Appointing Qa'Id Aqueel As A Member Of The  
Violence Prevention And Public Safety Committee

(09-0902)

S-24 Subject: Parking Enforcement Policy  
From: Councilmember Patricia Kernighan  
Recommendation: Action On A Report And Recommendations For Council To Adopt A  
Parking Enforcement Policy That Violations For Parking In The Wrong Direction On  
Streets That Are Thirty Feet Wide Or Narrower Shall Have The Lowest Enforcement  
Priority

(09-0843)

**The October 13, 2009 Public Works Committee approved  
recommendations and directed staff to provide the following information in  
a Supplemental Report: 1) A list of all streets that are 30 ft or narrower  
(curb to curb); and 2) The municipal code for enforcing parking on narrow  
streets; 4 Ayes**

S-25 Subject: Increase Time Limit On All Parking Meters  
From: Councilmember Patricia Kernighan  
Recommendation: Adopt A Resolution Directing The City Administrator To Work With  
Merchants To Identify Streets On Which To Increase Parking Time Limits At Parking  
Meters Designated With A Limit One Hour To A Two Hour Limit Or Greater

(09-0844)

**The October 13, 2009 Public Works Committee approved  
recommendations and directed staff to provide the following information in  
a Supplemental Report: 1) The implementation of the 2 hour zones; and 2)  
Suggestions from the business merchants for fine tuning these time limits  
including other requests for lesser minimum timeframes; 4 Ayes**

S-26 Subject: New Business Incentives  
From: Council President Jane Brunner  
Recommendation: Adopt A Resolution: (1) Authorizing Business Tax And Sales Tax  
Incentive Programs To Facilitate The City's Business Attraction Activities; And (2)  
Authorizing The City Administrator, Without Returning To Council, To Negotiate And  
Execute Business And/Or Sales Tax Incentive Agreements: (A) With A Term Of Up To  
Two Years; And (B) Providing For Total Incentive Payments In Any Single Agreement  
Not To Exceed Two Hundred And Fifty Thousand Dollars (\$250,000) Per Year, For A  
Total Maximum Amount Of Five Hundred Thousand Dollars (\$500,000)

(TITLE CHANGE)

(09-0451)

**The October 13, 2009 Community and Economic Development Committee**

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**approved recommendations and amended the resolution at the first resolved to include that these incentives are for new businesses. The Committee directed staff to include the following: 1) Sales Tax incentive agreements must come to Council for approval; 2) Remove the provision to allow for incentives lasting longer than 3 years; 3) Add a resolved to sunset the programs in 2014 unless extended by City Council; and 4) Require businesses to commit to staying in Oakland for 5 years. Staff was further directed to submit a Rules Request concerning a future report on Retention Activities for Businesses; 4 Ayes**

S-27      Subject:     Edward Byrne Grant Program - Local Solicitation  
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 Six Hundred Eighty-One Thousand Five Hundred And Eighty-Five Dollars (\$681,585) From The U.S. Department Of Justice, Office Of Justice Programs, Bureau Of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Local Program To Supplement Frontline Policing Services, And Appropriate Said Funds To The Police Department  
(09-0617)

**The October 13, 2009 Public Safety Committee approved recommendations; 4 Ayes**

S-28      Subject:     H1N1 Flu Virus  
From:        Oakland Fire Department  
Recommendation: Receive An Informational Report On The Status Of The City's 2009 H1N1 Flu Virus Preparedness Efforts  
(09-0845)

**The October 13, 2009 Public Safety Committee received and forwarded the report; 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)**

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

Office of the City Clerk - Agenda Management Unit

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**Tuesday, October 20, 2009**

Phone: (510) 238-3226

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 839-6451

(TTD)

THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR  
OVER THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO  
ENSURE THE SAFETY OF THOSE ATTENDING MEETINGS.

(...)

**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  
City Clerk and  
Clerk of the Council**