



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

***Special 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, December 18, 2007

5:00 PM

Oakland City Hall, 3rd Floor

**** PLEASE NOTE CHANGE IN TIME ****

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)

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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 December 4, 2007

8. PRESENTATION OF CEREMONIAL MATTERS

- 8.1 Subject: Mac Jean Harris - Recognition
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution Honoring Mac Jean Harris For Twenty-Two Years Of Distinguished Service To The Citizens Of The City Of Oakland And Congratulating Her On Her Retirement
(07-0777)

Pursuant to Section 2.20.080(E)2 of the Sunshine Ordinance an urgency finding was made at the December 13, 2007 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: relates to a purely ceremonial or commendatory action.

This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.

- 8.2 Subject: Debbie Corso - Recognition
From: Councilmember Nancy Nadel
Recommendation: Adopt A Resolution Honoring Debbie Corso For Twenty Years Of Dedicated And Distinguished Service To The City Of Oakland And Congratulating Her On Her Retirement
(07-0849)

- S-8.3 Subject: 1981 Apollo Class - Recognition
From: Councilmember Jane Brunner
Recommendation: Adopt A Resolution Honoring And Celebrating The Twenty-Fifth Year Anniversary Of Dr. Martin Luther King, Jr., Holiday And Recognizing And Commending The Contributions And Civic Efforts Of The 1981 Apollo Class Of Oakland Technical High School And Their Faculty Advisor, Tay McArthur In Pursuing State Legislation To Establish This Historic Holiday
(07-0899)

Pursuant to Section 2.20.080(E)2 of the Sunshine Ordinance an urgency finding was made at the December 13, 2007 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: relates to a purely ceremonial or commendatory action.

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This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.

S-8.4 Subject: American Red Cross Month
From: Councilmember Jane Brunner
Recommendation: Adopt A Resolution Declaring January 2008 To Be Oakland's
American Red Cross Blood Donor Month
(07-0908)

Pursuant to Section 2.20.080(E)2 of the Sunshine Ordinance an urgency finding was made at the December 13, 2007 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: relates to a purely ceremonial or commendatory action.

This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.

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
(07-0861)

10.2 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
(07-0862)

10.3-CC Subject: John Goyena - 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 John A. Goyena, In The Amount Of \$15,000.00,
As A Result Of Property Damage Sustained Due To A Sewer Flood Caused By A
Clogged City Sewer Main. (PWA)
(07-0866)

10.4-CC Subject: California Model Housing Code Amendment
From: Community and Economic Development Agency

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Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Adopting Local Amendments To The California Housing Law, California Code Of Regulations (CCR), Title 25, Division 1, Chapter 1, Subchapter 1, Division 32, And Amending The Oakland Municipal Code Chapter 15.08
(07-0273-1)

**Introduction (First Reading) was heard on December 4, 2007; 7 Ayes, 1
Excused - Brunner**

10.5-CC Subject: California Model Building Code Amendment
From: Community and Economic Development Agency
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Adopting Local Amendments To The 2007 Editions Of The California Model Building Codes, California Code Of Regulations (CCR), Title 24, Part 2 (Buildings), 3 (Electrical), 4 (Mechanical), And 5 (Plumbing), And Amending Oakland Municipal Code Chapter 15.04 To Establish The 2007 Oakland Building Construction Code
(07-0274-1)

**Introduction (First Reading) was heard on December 4, 2007; 7 Ayes, 1
Excused - Brunner**

10.6-CC Subject: Municipal Code Amendment - Utility Users Tax
From: Office of the City Attorney
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending Chapter 4.28 Of The Oakland Municipal Code, Entitled Utility Users Tax, To Clarify The Provisions Of The Telephone Utility Users Tax And Remove Obsolete Provisions
(07-0755)

**Introduction (First Reading) was heard on December 4, 2007; 7 Ayes, 1
Excused - Brunner**

~~10.7-CC Subject: Municipal Code Amendment - Cabarets
From: Office Of The City Administrator
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)~~

~~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)~~

This item was moved to Item 20 by the December 13, 2007 Rules and

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10.8-CC Subject: Children's Fairyland Disclosure Category
From: Office Of The City Attorney
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending The City Of Oakland's Conflict Of Interest Code (Ordinance Number 11562 C.M.S. Adopted March 23, 1993, As Amended, Oakland Municipal Code Chapter 3.16) To Create A New Disclosure Category For The Children's Fairyland, Inc., Board Of Trustees
(07-0767-1)

**Introduction (First Reading) was heard on December 4, 2007; 7 Ayes,
Excused: Brunner - 1**

10.9-CC Subject: Vehicle Seizure - Public Nuisance Ordinance Amendment
From: Oakland Police Department
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Repealing Ordinances No. 11987, 12015, 12093, And 12684 C.M.S. Which Declared Vehicles Used To Solicit An Act Of Prostitution, For Pandering, For Pimping, Or To Illegally Acquire A Controlled Substance, To Be Public Nuisances And Authorizing The Seizure And Forfeiture Of Said Vehicles
(07-0782)

**Introduction (First Reading) was heard on December 4, 2007; 7 Ayes,
Excused: Brunner - 1**

10.10-CC Subject: Residential Permit Parking Program - Jack London Square
From: Councilmember Nancy Nadel
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Of The City Of Oakland Adding Chapter 10.45 Of The Oakland Municipal Code Entitled "Interim Mixed Use Permit Parking Program For The Jack London District" To Implement A Temporary, Three (3) Year Preferential Parking Program (TITLE CHANGE)
(07-0640)

Re-introduction (First Reading) was approved December 4, 2007 as amended to the ordinance to: 1) implement a temporary, three (3) year preferential parking permit program, 2) adding, "and the Council finds that the Interim Mixed Use Parking Permit Program for the Jack London District will not adversely affect parking conditions for residents and merchants in the area; and now therefor", 3) setting the effective date of the ordinance to be 120 days after adoption; 7 Ayes, 1 Excused - Brunner

10.11 CC Subject: On-Call Citywide Sidewalk Repair Contracts
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Rejecting All Bids And Authorizing Negotiation Of A Contract With AJW Construction For On-Call Citywide Sidewalk Repair Fiscal Year 2007 - 2008 Contract B - Council Districts 4, 5, 6, And 7 (Project No. C269160)

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For A Not-To-Exceed Amount Of Eight Hundred Fifty Thousand Dollars (\$850,000.00)
(07-0843-2)

S-10.12-C Subject: Jack London Square Investors II, LP - Revocable And Conditional Permit
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting Jack London Square Investors II, LP, A
Revocable And Conditional Permit To Allow Underground Foundations, Transformers,
And Vaults For A New Multi-Modal Parking Garage At 255 2nd Street To Encroach
Beneath The Public Right-Of-Way Along 2nd Street And Embarcadero And Beneath
Public Easements In Alice Street And Harrison Street
(07-0776)

**The December 13, 2007 Public Works Committee approved
recommendations; 3 Ayes, 1 Excused - Brooks**

S-10.13-C Subject: Civil Engineering Services - Professional Services Agreements
C From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing A Professional Services Agreement With Moffatt & Nichol
For As-Needed Civil Engineering Services For An Amount Not To Exceed Five
Hundred Thousand Dollars (\$500,000.00) For A Period Of Three Years; And
(07-0792)

2) A Resolution Authorizing A Professional Services Agreement With Rajappan And
Meyer Consulting Engineers For As-Needed Civil Engineering Services For An Amount
Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) For A Period Of Three
Years; And
(07-0792-1)

3) A Resolution Authorizing A Professional Services Agreement With URS Corporation
For As-Needed Civil Engineering Services For An Amount Not To Exceed Five
Hundred Thousand Dollars (\$500,000.00) For A Period Of Three Years; And
(07-0792-2)

4) A Resolution Authorizing A Professional Services Agreement With Winzler & Kelly
Consulting Engineers For As-Needed Civil Engineering Services For An Amount Not To
Exceed Five Hundred Thousand Dollars (\$500,000.00) For A Period Of Three Years;
And
(07-0792-3)

5) A Resolution Authorizing A Professional Services Agreement With DKS Associates
For As-Needed Civil Engineering Services For An Amount Not To Exceed Five
Hundred Thousand Dollars (\$500,000.00) For A Period Of Three Years; And
(07-0792-4)

6) A Resolution Authorizing A Professional Services Agreement With Wood Rodgers
For As-Needed Civil Engineering Services For An Amount Not To Exceed Five
Hundred Thousand Dollars (\$500,000.00) For A Period Of Three Years; And

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[\(07-0792-5\)](#)

7) A Resolution Authorizing A Professional Services Agreement With BKF Engineers For As-Needed Civil Engineering Services For An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) For A Period Of Three Years; And

[\(07-0792-6\)](#)

8) A Resolution Authorizing A Professional Services Agreement With Kimley-Horn And Associates, Inc., For As-Needed Civil Engineering Services For An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) For A Period Of Three Years

[\(07-0792-7\)](#)

The December 13, 2007 Public Works Committee approved recommendations and directed staff to work with the legislative analyst to examine the process for creating a pool of qualified firms to choose from for projects (i.e., a 2nd tier for a cycle of firms with less experience with a requirement to use such firms) and return next year, no specific date; 3 Ayes, 1 Excused - Brooks

S-10.14-C Subject: Shah Kawasaki Architects - Contract Amendment
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Waiving The Competitive Request For Proposal/Qualification Process And Authorizing Amendment No. 1 To Increase The Agreement With Shah Kawasaki Architects For As-Needed Architectural Services For An Amount Not To Exceed Five Hundred Fifty Thousand Dollars (\$550,000.00), Bringing The Total Contract Amount To Nine Hundred Thousand Dollars (\$900,000.00)
[\(07-0812\)](#)

The December 13, 2007 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks

S-10.15-C Subject: Revocable And Conditional Permit - 311 Company, LLC
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting 311 Company, LLC, A Revocable And Conditional Permit To Allow Above Ground Transformers, Fencing, A Wall, And A Kiosk For A New Residential Building At 311 2nd Street To Encroach Into A Public Easement In A Vacated Portion Of Harrison Street
[\(07-0819\)](#)

The December 13, 2007 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks

S-10.16-C Subject: Closed Captioning Contract
C From: Office of the City Clerk
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Two (2) Year Professional Service Contract Between The City Of Oakland And Aberdeen Captioning To Provide Stenography Services For Real-Time Off-Site Closed Captioning Of All Regularly Scheduled And Special Concurrent Oakland Redevelopment Agency/Oakland City Council, And City Council Committee Meetings

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In A Total Amount Not To Exceed Seventy Thousand Dollars (\$70,000) Per Year For The Period From January 1, 2008 Through December 31, 2010 And Authorizing The Extension Of The Contract For Up To Two (2) Years For An Additional Amount Not To Exceed Seventy Thousand Dollars (\$70,000) Per Year
(07-0825)

**The December 13, 2007 Finance and Management Committee approved
recommendations; 4 Ayes**

S-10.17-C Subject: Purchase Of Real Property - 710 73rd Avenue
C From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property Located At 710 - 73rd Avenue In The Coliseum Redevelopment Project Area For Redevelopment Purposes From James A. And Frances Lee Metz, For A Purchase Price Of \$515,000, Plus Environmental Insurance And Customary Real Estate Closing Costs Not To Exceed \$56,500
(07-0762)

**The December 13, 2007 Finance and Management Committee approved
recommendations; 4 Ayes**

S-10.18-C Subject: Civil Service Exemption - Various Positions
C From: Finance and Management Agency
Recommendation: Adopt A Resolution Recommending To The Civil Service Board That The Classifications Of: Chief Of Police, Assistant; Police Services Manager I; Police Services Manager II; Budget Director, Assistant; Director Of Information Technology; Director Of Contracting & Purchasing; And Associate Director, Library Services Be Exempted From The Operation Of The Civil Service
(07-0815)

**The December 13, 2007 Finance and Management Committee approved
recommendations; 4 Ayes**

S-10.19-C Subject: Priority Development Area - Application
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The Submittal Of An Application To Designate Priority Development Area For Oakland As A Part Of The Focusing Our Vision (FOCUS) Planning Initiative Being Undertaken By The Association Of Bay Area Governments And The Metropolitan Transportation Commission
(07-0791)

**The December 13, 2007 Community and Economic Development
Committee approved recommendations; 4 Ayes**

S-10.20-C Subject: Business Improvement Districts - Annual Report
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Approving The Annual Reports Of The Lakeshore/Lake Park Business Improvement Management District, Temescal/Telegraph Avenue Property Business Improvement District Of 2005, The Laurel Property Business

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Improvement District Of 2005, And The Fruitvale Property Business Improvement District Of 2006 Advisory Boards And Confirming The Continuing Annual Assessment For Each District For Fiscal Year 2007-2008
(07-0817)

The December 13, 2007 Community and Economic Development Committee approved recommendations; 4 Ayes

S-10.21-C Subject: Subprime Lending Report
C From: Councilmembers Jane Brunner And Desley Brooks
Recommendation: Action On A Report On Activities Initiated In Response To Subprime Lending And Foreclosure Activity
(07-0709-1)

The December 13, 2007 Community and Economic Development Committee approved recommendations and directed staff to 1) expedite proposals to get contracts finalized (due to the time sensitivity of foreclosures), 2) provide a supplemental report to include the five comparable cities implementing this type of program, and 3) provide referral assistance information in local newspapers, such as the Oakland Post and GLOBE; 4 Ayes

S-10.22-C Subject: Interim Land Use Controls - Two-Year Workplan
C From: Council President De La Fuente
Recommendation: Action On A Report and Recommendations For A Two Year Workplan To Bring The Zoning Code Into Conformity With The General Plan
(07-0713-1)

The December 13, 2007 Community and Economic Development Committee approved recommendations and directed staff as part of the recommendation to attend community workshops in districts to get updates. Staff was also directed to provide a supplemental report (if possible for the next council meeting) to include: 1) detailed time line (benchmark for the 11 classifications), and 2) a full budget for the project (not just EIR), including how much in staff costs; consultant costs; where is the money coming from; and how it is being spent.; 4 Ayes

The December 13, 2007 Rules and Legislation Committee approved the scheduling of the supplemental report to a future committee date

S-10.23-C Subject: Lake Chabot Golf Course Management
C From: Office of Parks and Recreation
Recommendation: Adopt A Resolution Waiving The Request For Proposals Requirements For the Operation And Management Of Lake Chabot Golf Course And Authorizing The City Administrator To Extend The Existing Operation And Management Agreement With Touchstone Golf LLC For An Additional Year With Two One-Year Options For Extension In An Amount Not To Exceed \$288,000
(07-0778)

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**The December 13, 2007 Life Enrichment Committee approved
recommendations; 3 Ayes, 1 Excused - Brooks**

S-10.24-C Subject: Cityspan Technologies Agreement
C From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute
An Amendment To Increase The Amount Of The Agreement Between The City Of
Oakland And Cityspan Technologies For An Amount Not To Exceed Ten Thousand
Dollars (\$10,000), For A Total Amount Not To Exceed Fifty-Five Thousand Dollars
(\$55,000), To Develop And Maintain A Database For The California Department Of
Corrections And Rehabilitation Intergovernmental Partnership Grant For The Period Of
July 1, 2007 To June 30, 2008 With A One-Year Option To Renew
(07-0178)

**The December 13, 2007 Public Safety Committee approved
recommendations; 4 Ayes**

S-10.25-C Subject: Agreement Renewal - Project Re-Connect And Oakland Unified
C From: Department of Human Services
Recommendation: Action On A Report And Recommendation Authorizing The City
Administrator To Renew For A Second Year Grant Agreements Between The City Of
Oakland And Project Re-Connect For An Amount Not To Exceed \$85,000 And The
Oakland Unified School District Office Of Alternative Education For An Amount Not
To Exceed \$190,000 To Provide To Provide Gang Prevention And Intervention Services
In Accordance With The Violence Prevention And Public Safety Act Of 2004 For The
Period Of January 1, 2008 To December 31, 2008
(07-0756)

**The December 13, 2007 Public Safety Committee approved
recommendations; 4 Ayes**

S-10.26-C Subject: Fire Prevention And Safety Grants
C From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply
For, Accept And Appropriate Up To Two Hundred Fifty Thousand Dollars
(\$250,000.00) Of Grant Funds From The U.S. Department Of Homeland Security's
Assistance To Firefighters Grant Program, Fire Prevention And Safety Grants (FPSG) For
The Provision Of The Training Materials And Staffing Of The Oakland Fire Department's
Risk Watch Program
(07-0775)

**The December 13, 2007 Public Safety Committee approved
recommendations; 4 Ayes**

S-10.27-C Subject: Townsend Public Affairs - Agreement Extension
C From: Contracting and Purchasing
Recommendation: Adopt A Resolution Waiving The Competitive Request For Proposal /
Qualifications (RFP/Q) Process And Authorizing The City Administrator: 1) To Extend

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The Existing Agreement With Townsend Public Affairs, Inc., The City's State Legislative Representative, To June 30, 2008, 2) To, Thereafter, Continue The Agreement On A Month-To-Month Basis Until October 31, 2008, At The City's Discretion, And 3) And To Increase The Agreement Up To An Amount Not-To-Exceed One Hundred Twenty Five Thousand Dollars (\$125,000.00) As Needed, For A Total Agreement Amount Not-To-Exceed Three Hundred Twenty Five Thousand Dollars (\$325,000.00)
(07-0772)

**The December 13, 2007 Rules and Legislation Committee approved
recommendations; 3 Ayes, 1 Excused - De La Fuente**

S-10.28-C Subject: Amicus Brief - Heller v. District Of Columbia
C From: City Attorney
Recommendation: Adopt A Resolution Authorizing The City Attorney, On Behalf Of The City Of Oakland To Join In An Amicus Brief In The United States Supreme Court Supporting The District Of Columbia's Appeal Of A Lower Court Decision Invalidating Its Local Firearms Ban
(07-0911)

Pursuant to Section 2.20.080(E)2 of the Sunshine Ordinance an urgency finding was made at the December 13, 2008 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 pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.

- 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

**AT THE CONCLUSION OF THE CONSENT CALENDAR, DEPENDING UPON THE
HOUR, COUNCIL WILL BEGIN HEARING THE DISCUSSION (NON-CONSENT) ITEMS.
THE PUBLIC HEARINGS WILL COMMENCE AT 7 PM OR AS SOON AS REASONABLY
PRACTICAL THEREAFTER**

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14. Consideration of items with statutory Public Hearing Requirements:

14.1 Subject: Underground Utility District No. 235 - Intention
From: Public Works Agency
Recommendation: Adopt A Resolution Of Intention To Establish Underground Utility District No. 235: Coliseum BART Station Area Underground Utility District Which Includes San Leandro Street, Between 66th And 73rd Avenues, And 73rd Avenue, Between San Leandro Street And The Inter-City Railway Station, Pursuant To Ordinance No. 7769 C.M.S., As A California Public Utilities Commission (CPUC) Rule 20B Project With City Project Costs Estimated To Be Four Million Twenty Four Thousand One Hundred Sixty Nine Dollars (\$4,024,169.00); And
(07-0346)

Subject: Underground Utility District No. 235
From: Public Works Agency
Recommendation: Adopt A Resolution Establishing Underground Utility District No. 235: Coliseum BART Station Area Underground Utility District Which Includes San Leandro Street, Between 66th And 73rd Avenues, And 73rd Avenue, Between San Leandro Street And The Inter-City Railway Station, Pursuant To Ordinance No. 7769 C.M.S., As A California Public Utilities Commission (CPUC) Rule 20B Project With City Project Costs Estimated To Be Four Million Twenty Four Thousand One Hundred Sixty Nine Dollars (\$4,024,169.00), Accepting Three Hundred Thirty Eight Thousand Eight Hundred Two Dollars (\$338,802.00) From Comcast Towards The Project Budget For It's Project Costs, And Authorizing The City Administrator To Pay PG&E Two Million Six Hundred Thirteen Thousand Two Hundred Dollars (\$2,613,200)
(07-0724)

**The December 13, 2007 Public Works Committee approved
recommendations; 3 Ayes, 1 Excused - Brooks**

S-14.2 Subject: Underground Utility Project - Additional Funding
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing A Contribution Of Agency Funds To The City Under The Cooperation Agreement In The Additional Amount Of \$1,828,650 For A Total Amount Of \$3,498,650 For The Undergrounding Of Utilities Along San Leandro Street And 73rd Avenue As Part Of The Coliseum BART Station Area Underground Utility Project; And
(07-0790)

2) A Resolution Authorizing The City To Accept And Appropriate A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement In An Additional Amount Of \$1,828,650 For A Total Amount Of \$3,498,650 For The Undergrounding Of Utilities Along San Leandro Street And 73rd Avenue As Part Of The Coliseum BART Station Area Under Ground Utility Project

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(07-0790-1)

**The December 13, 2007 Community and Economic Development
Committee approved recommendations; 4 Ayes**

14.3 Subject: Freeway Auto Mall
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The
Following Pieces Of Legislation:

1) A City Resolution Amending The Oakland Army Base Final Reuse Plan To Include A
Revised Layout Of The Freeway Auto Mall; And

(07-0848)

2) An Agency Resolution Amending The Oakland Army Base Final Reuse Plan To
Include A Revised Layout Of The Freeway Auto Mall

(07-0848-1)

S-14.4 Subject: Retail Re-Zoning On Broadway
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The
Following Pieces Of Legislation:

1) Approve The Introduction (First Reading) Of An 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; And

Approve The Following Staff Recommendations:

1. To Pursue Upper Broadway Strategy Alternative 1: Urban Mixed Use With Major
Ground-Level Retail Along The Major Arterials Of Broadway, 27th Street And Valdez
Street, With Residential And/Or Office Development Above; And

2. To Issue A Request For Proposals For An Upper Broadway Specific Plan And An
Accompanying Environmental Impact Report And Parking Study

(07-0497)

**The November 27, 2007 Community and Economic Development
Committee directed staff to report back with the funding source for
re-development and prepare an Emergency Interim Control Ordinance
with findings.**

Final Passage (Second Reading) has been scheduled for January 15, 2008

2) Adopt An Emergency Ordinance, Pursuant To Charter Section 213, Establishing
Interim Controls Requiring Design Review For All New Auto Related Construction And
A Conditional Use Permit For Automotive-Related Uses In The Community
Thoroughfare Commercial Zone (C-40), To Take Effect Immediately Upon Introduction
And Adoption

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(07-0497-1)

(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:

15 Subject: McKillop Roadway - Landslide Damage
From: Public Works Agency
Recommendation: Adopt A Resolution Renewing And Continuing The Local Emergency Due To Landslide Damage To McKillop Roadway First Proclaimed By the City Of Oakland On October 17, 2006

(07-0863)

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

(07-0864)

17 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)

Pursuant to Council's Rules of Procedure, Resolution 79006 C.M.S., Rule 7, subpart 7, Councilmember Reid made a motion, seconded by Councilmember Brooks to schedule the reconsideration of this item to this agenda. The motion carried by 7 Ayes, 1 Excused - Brunner and was placed on this agenda.

18 Subject: Gateway Development Area - (RFQ)

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From: Community and Economic Development Agency
Recommendation: Action On A Report On The Request For Qualifications (RFQ)
Process To Select A Master Developer For The Central Gateway Development Area Of
The Former Oakland Army Base
(07-0846)

- 19 Subject: The Independent Assessment & Monitoring, LLP - Contract Extension
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her
Designee On Behalf Of The City Of Oakland To 1) Extend The Five-Year Contract With
The Independent Assessment & Monitoring, LLP, To Continue Monitoring The Police
Department's Reform Efforts Required By The Negotiated Settlement Agreement, From
January 21, 2008 To January 20, 2010 For An Additional Cost Of One Million Eight
Hundred Thousand Dollars (\$1,800,000) For A Total Contract Amount Not To Exceed
(\$5,019,208.92), 2) Waive The Competitive Bid Process, And 3) Appropriate \$54,000
To Cover The City Mandated 3% Contract Assessment Fee For This Agreement
(07-0853)

- 20 Subject: Cabaret Permit Application - Notification Fee
From: Office of the City Attorney
Recommendation: Approve The Introduction (First 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)

Final Passage (Second Reading) has been scheduled for January 15, 2008

Subject: Municipal Code Amendment - Cabarets
From: Office Of The City Administrator
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 4, 2007 as amended
to strike the following language from the ordinance: "(2) Allow cabarets to
remain open past 2 A.M."; 6 Ayes, 1 Abstain - Brooks, 1 Excused -
Brunner**

- 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

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(07-0759-1)

Introduction (First Reading) was approved December 4, 2007 as amended to include the word "Owners"; 6 Ayes, 1 Abstain - Brooks, 1 Excused - Brunner

- 21 Subject: Laurel District Pedestrian/Bike Connection Project Grant
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate Up To (\$300,000) In California Department Of Transportation Community-Based Transportation Planning Grant Funds For The Under I-580 Freeway, Mills College To Laurel District Pedestrian/Bike Connection Project
(07-0875)
- 22 Subject: Appointments To The Citizen's Police Review Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Melody Fuller, Tina Allen, And Janelle Green As Members Of The Citizen's Police Review Board
(07-0865)
- 23 Subject: Community Policing Advisory Board Appointments
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Jason Victor Serinus And Marguerite Fuller As Members of the Community Policing Advisory Board
(07-0882)
- 24 Subject: Library Advisory Commission Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Carolyn Mixon, Sussanna C. Gilden, Jackie Wu, And Billie Wooldridge As Members Of The Library Advisory Commission
(07-0883)
- 25 Subject: Appointment To The Commission On Persons With Disabilities
From: Office Of The Mayor
Recommendation: Adopt A Resolution Re-Appointing Robert J. Pittman As A Member Of The Commission On Persons With Disabilities
(07-0884)
- 26 Subject: Appointments To The Commission On Aging
From: Office Of The Mayor
Recommendation: Adopt A Resolution Re-Appointing Alphonso Galloway, Trung Duy Nguyen, And Appointing Earnest Hardmon, Antionette Warren- Williams As Members Of The Commission On Aging
(07-0885)
- 27 Subject: Youth Advisory Commission Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Kin Chao Pun, Kyle Stuart-Willis, And Anastacia Love As Members Of The Youth Advisory Commission

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(07-0886)

28 Subject: Appointments To The Paramount Theater Of The Arts Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Re-Appointing Michael Kelley Panico, And
Appointing Ron McClain As Members Of The Paramount Theater Of The Arts Board
(07-0887)

29 Subject: Budget Advisory Committee Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Nicolas C. Heidorn As A Member Of
The Budget Advisory Committee
(07-0888)

30 Subject: Landmarks Preservation Advisory Board Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Thomas Biggs As A Member Of The
Landmarks Preservation Advisory Board
(07-0889)

S-31 Subject: On-Call Citywide Sidewalk Repair Contracts
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing Award Of A Construction Contract To Rosas Brothers
Construction For On-Call Citywide Sidewalk Repair Fiscal Year 2006-2007 (Project No.
C269130) In The Amount Of Nine Hundred Thirty Two Thousand Forty Dollars
(\$932,040.00); And

(07-0843)

2) A Resolution Authorizing Award Of A Construction Contract To Rosas Brothers
Construction For On-Call Citywide Sidewalk Repair Fiscal Year 2007-2008 Contract A -
Council Districts 1, 2, And 3 (Project No. C269160) In The Amount Of Seven Hundred
Eighteen Thousand Five Hundred Sixty Dollars (\$718,560.00)

(07-0843-1)

**The December 13, 2007 Public Works Committee approved
recommendations and directed staff to work with the legislative analyst to
examine the process for creating a pool of qualified firms to choose from
for projects (i.e., a 2nd tier for a cycle of firms with less experience with a
requirement to use such firms) and return next year, no specific date; 3
Ayes, 1 Excused - Brooks**

S-32 Subject: Prompt Payment Policy
From: Councilmember Desley Brooks
Recommendation: Approve The Introduction (First 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)

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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)

The December 13, 2007 Finance and Management Committee approved recommendations and directed staff to amend the Ordinance with the following: 1) change 3 day turnaround to 5 days so the Liaison has enough time to investigate disputes; 2) change 10% per month penalty to 10% per year; 3) change the 15 day payment cycle to 20 days; and 4) eliminate the sentence on page eight (8) of the ordinance "The City may not appeal Liaison determination for claims submitted by Local Prime Contractors; but the City may submit an appeal of the Liaison determination to the City Administrator within 5 days. Staff was also directed to return in 6 months with an implementation status report; 4 Ayes

Final Passage (Second Reading) has been scheduled for January 15, 2008

S-33 Subject: Citywalk Project - Disposition And Development Agreement
From: Councilmember Jane Brunner
Recommendation: Adopt A Resolution Authorizing An Amendment To The Disposition And Development Agreement With Olson 737 - Oakland 1, LLC, For The City Center T-10 Residential Project At 14th Street, 13th Street Pedestrian Walk, Jefferson Street And Martin Luther King, Jr. Way, To Extend The Date For Project Completion
(07-0852)

The December 13, 2007 Community and Economic Development Committee approved recommendations and amended the Agency Resolution with the following recitals:

Whereas, Project delays have been due in part to labor disputes between Olson and the construction trade unions; and

"Whereas, the Agency has an continuing proprietary interest in the Project under the DDA in the form of its right to repurchase the Project site in the event of a developer default and its profit-sharing interest in the sale of Project units, and therefore has an ongoing economic interest in ensuring that the Project is timely completed at minimal cost; and

Whereas, it is therefore in the economic interest of the Agency to ensure cooperation between Olson and the construction trade unions and to avoid acrimonious and protracted labor/management conflicts in order to minimize delays in Project completion and avoid unnecessary Project costs; and"

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and to add the following actions to the Agency resolution:

"Resolved: That the conditions to the extension of the DDA completion date include a condition that Olson and the Building and Construction Trades Council of Alameda County have entered into a binding labor harmony agreement for the Project; and be it further"; 4 Ayes

S-34 Subject: Oakland Fund For Children And Youth Evaluation Report
From: Department of Human Services
Recommendation: Adopt A Resolution Adopting The Oakland Fund For Children And Youth Final Evaluation Report For Fiscal Year 2006-2007
(07-0651)

The December 13, 2007 Life Enrichment Committee approved recommendations and directed staff to determine a clear timeline for a report on the renewal of Measure K (February 2008) in preparation for a November ballot measure; 3 Ayes, 1 Excused - Brooks

S-35 Subject: Park Project Prioritization List
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Adopting A Park Project Prioritization List For City Of Oakland Park Capital Improvement Projects And Authorizing The City Administrator, Or Her Designee, To Apply For Grants Without Further Council Action For Projects On The Prioritization List
(07-0820)

The December 13, 2007 Life Enrichment Committee approved recommendations and amended Attachment A of the resolution to reverse the positions of the Morcom Rose Garden and the Clinton Park General Improvement on the Park Project Prioritization List; 3 Ayes, 1 Excused - Brooks

S-36 Subject: Status Report On Settlement Agreement Tasks
From: Oakland Police Department
Recommendation: Receive An Informational Report From The Oakland Police Department On The City's Efforts To Implement The Provisions Of The Negotiated Settlement Agreement Which Resulted From The Case Of Delphine Allen, Et Al V. City Of Oakland, Et Al, United States District Court Case No. C00-4599 (TEH)
(07-0829)

The December 13, 2007 Public Safety Committee approved recommendations and directed staff to return to a future committee meeting with an analysis of the number of complaints; 4 Ayes

S-37 Subject: Oakland Police Department Geographical Policing And Reorganization
From: Council Member Larry Reid
Recommendation: Receive An Informational Report From The Chief Of Police

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Concerning Recommendations To Reorganize The Oakland Police Department (OPD)
Bureau Of Field Operations From A Watch-Based To A Geographic Based Area
Command System
(07-0805)

**The December 13, 2007 Public Safety Committee approved
recommendations and directed staff to continue to monitor crime activity
and calls for service; 4 Ayes**

S-38 Subject: Salary Ordinance Amendment - Police Classifications
From: Finance and Management Agency
Recommendation: Approve The Introduction (First 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)

**Pursuant to Section 2.20.080(E)2 of the Sunshine Ordinance an urgency
finding was made at the December 13, 2007 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 pursuant to Section 2.20.080 E(2) of
the Sunshine Ordinance requiring a 2/3 majority vote**

Final Passage (Second Reading) has been scheduled for January 15, 2008

S-39 Subject: Access To Reproductive Health Care Facilities
From: Councilmembers Nancy Nadel, Jane Brunner and Jean Quan
Recommendation: Adopt The Following Pieces Of Legislation:

1) Approve The Final Passage (Second 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; And
(07-0638)

**Re-introduction (First Reading) was approved December 4, 2007 as
amended to the ordinance as follows: 1) in the third "Whereas" replacing
"treatment" with "services"; 2) adding after the fifth (5) "Whereas"**

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language to read " Whereas, the facilities with the fewest resources for providing adequate security and safety to individuals seeking access to reproductive health services are those not affiliated with hospitals; and" 3) adding this language to the seventh "Whereas", "and in particular, is not intended to preclude any lawful picketing, leafleting, and/or free speech", 4) adding to Section 1, paragraph 2 to read "constitutionally protected reproductive" and after "health" replacing "care" with "services"; 5) adding the following language to the end of Section 2 (a) "but not if provided at a clinic or other facility owned and/or operated by a licensed hospital" 6) adding language to allow the last of Section 2(b) to read as follows"...provides primarily reproductive health services that is not licensed as a hospital, and is not owned, and/or operated by a licensed hospital."7) after section 2 (b) language that reads: " 'Primarily' means 51% or more of the services provided", 8) revising Section 2(e) to read as follows: ..."from a reproductive health care facility"; and 9) striking the following sentence from paragraph 2 of Section 5: "This ordinance does not prohibit conduct by a party to a labor dispute in furtherance of labor or management objectives in that dispute." 7 Ayes, 1 Excused - Brunner.

2) A Resolution Directing The CityAdminsitrator To Provide Instruction To The Oakland Police Services Agency Regarding Implementation Of New Chapter 8.50 Of The Oakland Municipal Code, Entitled "Access To Reproductive Helth Care Facilities, " (The "Bubble Ordinance"), And New Sections 8.50.010 Through _____, To Protect Access To Productive Health Care Facilities And Creating A Private Right Of Action For Violations Of This Chapter
(07-0638-1)

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

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

ORA - Oakland Redevelopment Agency
S - Supplemental Item