



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, January 20, 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 January 6, 2009

8. PRESENTATION OF CEREMONIAL MATTERS

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
(09-0003)
- 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
(09-0004)
- 10.3-CC Subject: Joseph And Linelle Pennetta - 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 Joseph And Linelle Pennetta V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG06268108 In The Amount Of \$20,000.00. This Action Arises From A Landslide On Plaintiffs' Property Located At 34 Oval Road Around December 2004, Allegedly Because Of The Discharge Of Water From Mountain Boulevard. The Settlement Was Approved By The City Council At Closed Session On January 6, 2009. (CEDA)
(09-0020)
- Council discussed this item in closed session on January 6, 2009. Motion authorizing settlement passed with 6 Ayes, 2 Absent - Quan, Reid**
- 10.4-CC Subject: Michael Bruster And Lucretia Haggerty - 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 Michael Bruster And Lucretia Haggerty V. City Of Oakland; Et Al., Alameda County Superior Court Case No. RG08-376881, In The Amount Of \$35,000.00 As A Result Of An Automobile Accident At The Intersection Of San Leandro Street And 69th Avenue. (Department Of Human Services)

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(09-0021)

Council discussed this item in closed session on January 6, 2009. Motion authorizing settlement passed with 8 Ayes

10.5-CC Subject: Sean Reynolds - 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 GEICO Insurance As Subrogee For Sean Reynolds In The Amount Of \$9,459.60 For An Automobile Collision Involving A City Vehicle On July 3, 2008. (Police Services Agency)

(09-0022)

This item was not discussed in Closed Session

10.6-CC Subject: Chinatown Lunar New Year Bazaar
From: Councilmember Patricia Kernighan
Recommendation: Adopt A Resolution Authorizing The Use Of Up To \$8,000.00 From Councilmember Patricia Kernighan's Pay-Go Funds For The Oakland Police Department In An Amount Up To \$7250.00 And For The Public Works Agency In An Amount Up To \$750.00 To Pay For Personnel Costs Associated With The Chinatown Lunar New Year Bazaar On January 24 And 25, 2009

(09-0015)

10.7-CC Subject: Camps In Common Agreement Amendment
From: Councilmember Patricia Kernighan
Recommendation: Adopt A Resolution Authorizing Amendment Of The Camps In Common Agreement To Allow Pay-Go Contributions To Offset Seasonal Replacement Expenses For Supplies And Materials Necessary For The Operation Of Oakland's Feather River Camp

(09-0016)

10.8-CC Subject: Joint Powers Authority Appointment
From: Council President Brunner
Recommendation: Adopt A Resolution Re-Appointing Laurence E. Reid And Ignacio De La Fuente As Members Of The Oakland-Alameda County Coliseum Authority Board Of Commissioners For New Two Year Terms Beginning January 1, 2009 And Ending December 31, 2011

(09-0023)

10.9-CC Subject: Coliseum Authority Board - Appointments
From: Council President Jane Brunner
Recommendation: Adopt A Resolution Re-Appointing Yui Hay Lee And Georgia W. Richardson As Members Of The Oakland Alameda County Coliseum Authority Board Of Commissioners

(09-0025)

Subsequent to the January 8, 2009 Rules and Legislation Committee meeting, and in accordance with Rule 28 of the Council's Rules of

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Procedure Resolution 79006 C.M.S., this item was placed on this agenda

10.10-CC Subject: Taxi Cab Ordinance Amendment
From: City Council
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.64 "TAXICABS" To A) Move The Administration Of Taxi Permits From The Oakland Police Department To The City Administrator's Office And B) Move The Initial And Annual Inspection Of Taxis From The Oakland Police Department To The Public Works Agency
(07-1875)

Council amended the ordinance to include language to replace the Chief of Police with the appropriate staff person responsible for carrying out the duties set forth by the Ordinance.

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

**Introduction (First Reading) was approved as amended on January 6,
2009; 8 Ayes**

S-10.11-C Subject: Conditional And Revocable Permit - 3203 Hannah Street
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting Kathleen Kuhner A Revocable And Conditional Permit To Allow An Existing Fence And Oriel Windows For An Existing Building At 3203 Hannah Street To Encroach Into The Public Right-Of-Way Along 32nd Street And Hannah Street
(07-1846)

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

S-10.12-C Subject: Conditional And Revocable Permit - 1035 Wood Street
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting Truckee Zurich Place LLC A Revocable And Conditional Permit To Allow Portions Of An Existing Building And An Existing Fence At 1035 Wood Street To Encroach Into The Public Right-Of-Way Along 11th Street
(07-1847)

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

S-10.13-C Subject: State Coastal Conservancy Grant For Various Projects
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Nine Million Dollars (\$9,000,000.00) From The State Coastal Conservancy For The 12th Street Reconstruction Project, The 10th Street Project And

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The Lake Merritt Water Quality Technology Project
(07-1871)

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

S-10.14-C Subject: Sausal Creek Restoration Project Grant
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept
And Appropriate One Million Eight Hundred Eighteen Thousand Nine Hundred Eighty
Dollars (\$1,818,980.00) In Grant Funding From The State Resources Agency, River
Parkways Grant Program For The Sausal Creek Restoration In Dimond Park
(07-1872)

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

S-10.15-C Subject: Salary Schedule Amendments
C From: Finance And Management Agency
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance
No. 12187 C.M.S. (The Salary Ordinance) To Add: The Permanent Full Time Equivalent
Classification, Archivist; The Permanent Part Time Equivalent Classifications of Case
Manager I, Permanent Part-Time; Budget And Grants Administrator, Permanent
Part-Time; Animal Control Officer, Permanent Part-Time; And Recreation Attendant II,
Permanent Part-Time; And To Re-Title Youth Sports Program Coordinator To Sports
Program Coordinator
(07-1857)

**The January 13, 2009 Finance and Management Committee approved
recommendations; 4 Ayes**

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

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

S-10.16-C Subject: City Attorney's Report
C From: Office of the Attorney
Recommendation: Receive The City Attorney's Annual Report For Fiscal Year
2007-2008
(07-1879)

**The January 13, 2009 Finance and Management Committee received and
forwarded the report and requested additional information regarding
performance goals/ratios; 4 Ayes**

S-10.17-C Subject: 2007-2008 Comprehensive Annual Financial Report
C From: Finance and Management Agency
Recommendation: Receive An Informational Report Presenting The Fiscal Year

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2007-2008 Comprehensive Annual Financial Report (CAFR), The Oakland Redevelopment Agency (ORA) Audit Report, And The Management Letter
(07-1882)

**The January 13, 2009 Finance and Management Committee received and forwarded the report and requested that solutions for the deficiencies be included in the next audit. Staff was also requested to look at monitoring the Sewer Funds and establishing responsibility for collection and revenue;
4 Ayes**

S-10.18-C Subject: Burke, Williams & Sorensen, LLP - Contract
C From: Finance and Management Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Waive The Request For Proposals Process And Execute A Professional Service Contract Between The City Of Oakland And Burke, Williams & Sorensen, LLP To Conduct Negotiations With The International Association Of Firefighters In An Amount Not To Exceed Two Hundred And Fifty Thousand Dollars (\$250,000) Beginning June 1, 2008 And Ending When Negotiations Are Complete
(07-1891)

The January 13, 2009 Finance and Management Committee approved recommendations; 4 Ayes, 1 Abstention - Nadel

S-10.19-C Subject: Rebuilding Together Grant
C From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing A \$50,000 Grant From Broadway/MacArthur/San Pablo Redevelopment Funds To Rebuilding Together Oakland To Rehabilitate Houses And/Or Facilities For Low-Income Seniors And/Or Disabled Persons Within The Project Area
(07-1869)

The January 13, 2009 Community and Economic Development Committee approved recommendations and requested a supplemental report on the total amount of funding from all sources to the vendor Rebuilding Oakland Together; 4 Ayes

S-10.20-C Subject: Oakland Merchants Leadership Forum - Contract
C From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing A Professional Services Agreement With The Oakland Merchant Leadership Forum (OMLF) For Merchant Organizing And Commercial District Support Services For Fiscal Year 2008-2009 In An Amount Not To Exceed \$60,000, And Accepting A Contribution Of \$18,989 From The Redevelopment Agency Under The Cooperation Agreement For This Purpose; And
(07-1889)

2) An Agency Resolution Authorizing A Contribution Of \$18,989 In Coliseum

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Redevelopment Project Funds To The City Under The Cooperation Agreement For A Professional Services Agreement With The Oakland Merchant Leadership Forum (OMLF) For Merchant Organizing And Commercial District Support Services For Fiscal Year 2008-2009 In The Coliseum Redevelopment Project Area
(07-1889-1)

The January 13, 2009 Community and Economic Development Committee approved recommendations and requested a supplemental report providing the evaluation of the Oakland Merchant Leadership Forum; 3 Ayes, 1 Abstention - Brunner

S-10.21-C Subject: Municipal Code Amendment - Massage Establishments & Therapists
C From: Office of the City Administrator
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.36, "Massage Establishments And Massage Therapists," To Additionally Provide That: A) Fully Clothed Chair Massage Conducted In Public View, B) Offices Leased By Solo Practitioner Massage Therapists, And C) Non-Massage Businesses That Lease Space To Solo Practitioner Massage Therapists Or That Offer Massage As An Incidental Service Are Exempt From The Requirement To Obtain A Massage Establishment Permit
(07-1738)

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

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

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

S-10.22-C Subject: Innovative Violence And Crime Prevention Initiatives
C From: Office of Parks and Recreation
Recommendation: Adopt The Following Peices Of Legislation:

1) A Resolution Authorizing The City Administrator Or His Designee To Apply For, Accept, And Appropriate Grant Funds In An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000) From The State Of California, Corrections Standards Authority, Juvenile Accountability Block Grant (JABG) To Implement Innovative Violence And Crime Prevention Initiatives To Introduce And Expose Disengaged Teens To Environmental Stewardship Programs; And
(07-1892)

2) A Resolution Authorizing The City Administrator Or His Designee To Apply For, Accept, And Appropriate Grant Funds In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000) From The State Of California, Department Of Parks And Recreation, Habitat Conservation Fund (HCF) To Implement Innovative Violence And Crime Prevention Initiatives To Introduce And Expose Disengaged Teens To Environmental Stewardship Programs

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(07-1892-1)

The January 13, 2009 Public Safety Committee approved recommendations and requested that staff coordinate the restorative justice training with R-Joy; and include co-enrollment opportunities for the youth that participate in the programs; 4 Ayes

S-10.23-C Subject: Local Employment Program Changes
C From: Contracting And Purchasing
Recommendation: Consideration Of The Committees' Recommendations

1) A Resolution Amending: A) Resolution No. 69687 C.M.S., Passed February 2, 1993, Authorizing The Local Employment Program, And B) Resolution No. 74762 C.M.S., Passed January 29, 1999, Authorizing A Pilot Apprenticeship Program, Both Of Which Require Contractors To Hire Oakland Residents To Implement Program Revisions; And 2) An Ordinance Amending Ordinance Number 12388 C.M.S., Adopted December 18, 2001, To Authorize Revision Of The Local Employment And Apprenticeship Programs By Resolution

(07-1831-2)

On January 13, 2009 both the Public Works and the Community and Economic Development (“CED”) Committees bifurcated this item and continued this it to future committee meetings; however both committees made the following recommendation: (1) develop a task force that includes all the stakeholders, unions, re-entry, trainers, contractors; and unemployed individuals; and (2) Discuss in the task force the idea of separating the professional and construction contracts, perhaps as a subsection. The Public Works Committee also nominated Councilmember Brooks as a chairperson with an additional member of the CED Committee.

Therefore, pursuant to Rule 4 of the Council's Rules of Procedure Resolution No. 79066, which gives the Council President the power to appoint committees, subject to confirmation by a majority of the Council (i.e., 5 or more affirmative votes), President Brunner announced at the January 15th Rules Committee that the Public Works and Community and Economic Development (“CED”) Committees' recommendation that a task force on local employment and apprenticeship programs be established, will be presented to the Council for confirmation as her appointment with Vice Mayor De La Fuente and Councilmember Brooks as co-chairs.

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

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**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: Oak To Ninth Environmental Report Revision
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Rescinding Certification Of The Oak To Ninth Project Environmental Impact Report (EIR) Per Resolution No. 79981 C.M.S., Approving Revisions To The Analysis In The Oak To Ninth Project EIR, Recertifying The Oak To Ninth Project EIR As Revised, And Readopting The CEQA Findings And Statement Of Overriding Considerations And Mitigation Monitoring And Reporting Program As Revised
(07-1710)

14.2 Subject: Oakland Tourism Business Improvement District
From: Office of the City Administrator
Recommendation: 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)

At the January 6, 2009 Council meeting, the City Council continued the OTBID Public Meeting to the Council meeting of February 3, 2009. Their intent is to adopt a motion to continue the Public Hearing scheduled on tonight's agenda, to a date that is at least 10 days beyond the Public Meeting date of February 3, 2009.

ACTION ON NON-CONSENT ITEMS:

~~15 Subject: Sidewalk Safety And Maintenance—Liability
From: Office of the City Attorney
Recommendation: Adopt An Ordinance Of The City Of Oakland Adding Chapter 12.22 To The Oakland Municipal Code To Establish Landowner Responsibility And Liability For Sidewalk Safety And Maintenance
(07-1731)~~

This item was withdrawn from this agenda by the January 15, 2009 Rules and Legislation Committee and rescheduled to the February 3, 2009 City Council Agenda

16 Subject: Equal Access Ordinance
From: Office of the City Administrator
Recommendation: Receive A Status Report On The Implementation Of The Equal Access To Services Ordinance And Recommendations For Improving Language Access

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To City Services For Oakland's Limited English Speaking Population For The Period
July 1, 2007 Through June 30, 2008
(07-1750)

Pursuant to Resolution 79006 C.M.S. Rule 7 (6) of the Council's Rules of Procedure, a motion was made by Councilmember Brooks, seconded by Councilmember Reid to pull this item from the January 6, 2009 Consent Calendar and place on this agenda as a Non-Consent item.

The December 16, 2008 Finance and Management Committee received and forwarded the report and directed staff to work with department heads to develop an implementation plan that will fulfill the intent of the Ordinance and to bring that plan back to a Committee meeting in March 2009. Staff was also directed to integrate the June 2009 report to reflect positions, locations and departments on one chart, the June report should also include ways to improve hiring in departments that have a big disparity in bilingual hires; 4 Ayes

17 Subject: 2009 Council Committee Meeting Times
From: Office of the Council President
Recommendation: Action Pursuant To Rule 4 Of The Council's Rules Of Procedure (Resolution No. 79006 C.M.S.) To Set The Meeting Times Of The Public Works, Finance & Management, Community & Economic Development, Life Enrichment, Public Safety, Rules & Legislation, Education Partnership And City-Port Liaison Committees
(07-1911)

The January 8, 2009 Rules and Legislation Committee approved recommendations; 4 Ayes

S-18 Subject: Infrastructure And Related Projects Funding
From: Councilmember Rebecca Kaplan and Patricia Kernighan
Recommendation: Discussion And Action Regarding

(1) The Proposed City Of Oakland Funding Requests For Infrastructure And Related Projects For Submission To Federal Government For Funding Through The Propose Economic Stimulus Package;

(2) City Councilmembers' Recommendations Regarding Funding Requests; And

(3) Establishing Criteria For Funding Requests

(09-0014)

Pursuant to Section 2.20.080(E)2 of the Sunshine Ordinance an urgency finding was made at the January 12, 2009 Special City Council Meeting 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

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after the agenda was posted, and that the need to take immediate action relates to federal or state legislation.

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-19 Subject: Reports On Housing Activity, Blight, Resale Property And Loans
From: Community and Economic Development Agency
Recommendation: Receive An Informational Report Presenting The Redevelopment Agency's Annual Fiscal Year 2007-2008 Reports On Blight, Housing Activity, Loans, Property, And Time Limits In Accordance With The Reporting Requirements Of The California Community Redevelopment Law
(07-1888)

The January 13, 2009 Finance and Management Committee received and forwarded the report and requested a supplemental report on: 1) The projects that may be delayed due to the state bonding issues and 2) Loans that are outstanding and whether or not they are collectible and if all avenues have been exhausted to collect them. Staff was also requested to provide a follow-up report on: 1) How the redevelopment money is being spent by the State Government; and 2) The percentage that goes to qualifying school districts; 4 Ayes

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

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

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(TDD)

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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