



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

Tuesday, July 05, 2011

5:30 PM

Oakland City Hall, 3rd Floor

- 1 Pledge of Allegiance
- 2 Roll Call / ORA & Council
COUNCIL MEMBERS: Desley Brooks, Dist. 6; Jane Brunner, Dist. 1, Ignacio De La Fuente; Dist. 5; Rebecca Kaplan, At-Large; Pat Kernighan, Dist. 2; Nancy Nadel, Dist. 3; Libby Schaaf, Dist. 4; Council President Larry Reid, Dist. 7
- 3 Open Forum / Citizens Comments
(Time Available: 15 minutes)
- 4 ACTIONS ON SPECIAL ORDERS OF THE DAY
(Ceremonial Presentations, Reports/Presentations from the Mayor, Council Acknowledgements/Announcements):
- 5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF June 21, 2011
- 6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS
(Requests to: Reschedule items from consent to Non-Consent to the next Council Agenda, Speak on Consent Calendar, Register Votes, Change order of Items, Reconsiderations, Pull Items held in Committee):

7. CONSENT CALENDAR (CC) ITEMS:

- 7.1-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
[\(10-0744\)](#)
- 7.2-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
[\(10-0745\)](#)
- 7.3-CC Subject: City Attorney's Salary
From: Office Of The City Auditor

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Recommendation: Adopt A Resolution Setting The Salary For The Newly Elected City Attorney Of The City Of Oakland Pursuant To The Oakland City Charter, Article IV, Section 401(1) Effective 2013
[\(10-0666\)](#)

The June 14, 2011 Finance and Management Committee directed staff to prepare a resolution setting the City Attorney's Salary at \$165,000 for the July 5, 2011 City Council; 4 Ayes

7.4-CC Subject: Commission On Aging Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Saturn N. Ned As A Member Of The Commission On Aging
[\(10-0765\)](#)

7.5-CC Subject: CPAB Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Vertis Whitaker As A Member Of The Community Policing Advisory Board
[\(10-0767\)](#)

7.6-CC Subject: BAC Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Michael J. Kilian And Edward R. Gerber To The Budget Advisory Committee
[\(10-0768\)](#)

7.7-CC Subject: Amending Conflict Of Interest Code
From: Office Of The City Attorney
Recommendation: Adopt 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) Enacting A Conflict Of Interest Code For City Of Oakland Employees, Members Of Boards And Commissions, And Consultant Positions To Update The Designation Of Positions Covered By The Code
[\(10-0606\)](#)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE

Introduction (First Reading) was passed as amended to remove Museum staff from the Conflict of Interest Code on June 21, 2011; 8 Ayes

7.8-CC Subject: Temporary Vehicle Permits - Taxi
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance, Pursuant To Municipal Code Section 5.64.080 (I), Authorizing The City Administrator To Issue Temporary Vehicle Permits Finding There Is An Urgent Public Need To Ensure The Maintenance Of Safe And Reliable Taxi Service In Oakland

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(10-0732)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE

Introduction (First Reading) was passed as amended to add the language "standard fees in effect as of July 8, 2011 shall apply to applications per this ordinance" to Section 2 on June 21, 2011; 8 Ayes

7.9-CC Subject: Lawrence Berkeley National Laboratory - Second Campus
From: Council President Reid And Councilmember Kernighan
Recommendation: Adopt A Resolution In Support Of Locating Lawrence Berkeley National Laboratory's Second Campus In The Brooklyn Basin Site In Oakland

(10-0737)

This item was placed on this agenda by the June 23, 2011 Rules and Legislation Committee.

7.10-CC Subject: Settlement Agreement - Lewis
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Lewis V. City Of Oakland, Alameda County Superior Court Case No. RG10535198 In The Amount Of \$23,500.00 (Public Works Agency - Trip And Fall)

(10-0740)

This item was not discussed in Closed Session.

7.11-CC Subject: Settlement Agreement - Monica Ivon
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Monica Ivon Orduno V. City Of Oakland. Et Al. Alameda County Superior Court Case No. Rg08-407042 In The Amount Of \$750,000.00 As A Result Of Being Struck By A Car At The Intersection Of MacArthur Blvd And Martin Luther King Jr. Way. (OPW)

(10-0769)

This item was discussed in Closed Session on June 21, 2011. The motion passed with a vote of 6 Ayes and 2 Noes - De La Fuente and Nadel.

7.12-CC Subject: Settlement Agreement - Hardy And Sherertz
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Rosemary Hardy And David Sherertz V. City Of Oakland, Alameda County Superior Court Case No, Rg10531620, Ctty Attorney's File No.27714, In The Amount Of Thirty Thousand Dollars (\$30,000.00). (PWA)

(10-0723)

This item was discussed in Closed Session on June 7, 2011. The motion passed with a vote of 7 Ayes and 1 Excused- Brooks.

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7.13-CC Subject: Settlement Agreement - Shanks
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Shanks V. City Of Oakland, Alameda County Superior Court Case No. RG10525839 In The Amount Of \$80,000.00 (Public Works Agency - Trip And Fall)
(10-0724)

This item was discussed in Closed Session on June 14, 2011. The motion passed with a vote of 7 Ayes and 1 Excused - Brooks.

7.14-CC Subject: Safe Routes To School Contract Award
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To AJW Construction For The Construction Of The Safe Routes To Schools (SRTS), Cycle 1 Project (City Project No. G340910) In Accordance With The Project Plans And Specifications In The Amount Of Four Hundred Twenty-Four Thousand, Six Hundred Seventy-Nine Dollars And Fifty Cents (\$424,679.50)
(10-0680)

This item was rescheduled from the June 28, 2011 Public Works Committee Agenda and placed on this agenda.

7.15-CC Subject: Highway Safety Improvement Program Grant
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate One Million Eight Hundred Thousand Nine Hundred Dollars (\$1,800,900.00) In Highway Safety Improvement Program (HSIP) Grant Funds To Upgrade Existing Traffic Signals, Install A New Traffic Signal, Modify Intersection Geometry, Install ADA compliant Curb Ramps, And Install Speed Message Signs At Various Intersections In The City Of Oakland
(10-0652)

This item was rescheduled from the June 28, 2011 Public Works Committee Agenda and placed on this agenda.

7.16-CC Subject: Permanent Access To Housing Matching Funds
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into Grant Agreements With Agencies Selected Under The City Of Oakland's 2011/12 Application Process For The Permanent Access To Housing (PATH) Strategy To Provide Housing And Wrap Around Services To The Homeless (Not Less Than \$1,400,196); To Allocate General Purpose Funds (Not Less Than \$179,310) To The City's Homeless Mobile Outreach Program Under PATH; To Allocate General Purpose Fund Match (Up To \$133,146) To East Oakland Community Project For The City's Families In Transition Program, Funded (\$245,420) By The U.S. Department Of Housing & Urban Development (HUD); To Allocate General Purpose Match Funding (Up To \$52,750) To

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East Oakland Community Project For The City's Matilda Cleveland Transitional Housing Program, Funded By HUD (\$259,824); To Allocate Funding Awarded To The City By Alameda County (Up To \$250,000) To Anka Behavioral Health, Inc. As Match Funding To The City's Homeless Families Support Network Support Housing Program Funded By HUD (\$1,829,618); To Allocate Funds To Cover Lease Costs At The Matilda Cleveland Transitional Housing Facility For The 2011/12 Fiscal Year (Up To \$27,000); To Allocate Funds To Fulfill The City's Annual Obligation To The Alameda County Everyone Home Strategy And Alameda County Homeless Management Information System (Up To \$51,000); To Allocate Match Funds (\$34,206) To Abode Services, Inc For A New Supportive Housing Program Grant (\$827,904) To Increase Rapid Rehousing Opportunities In Oakland Through The Oakland Path Rehousing Initiative; To Allocate And Authorize An Agreement With Alameda County Community Food Bank (Up To \$100,000) For The City's Food Distribution Program; And To Allocate Funds To The City's Hunger Program (Up To \$36,000) For Food Distribution Costs Not Covered Under The Alameda County Community Food Bank Agreement
(10-0676)

This item was rescheduled from the June 28, 2011 Life Enrichment Committee Agenda and placed on this agenda.

7.17-CC Subject: Early Head Start - Grant Funds
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept, And Appropriate Early Head Start Expansion Basic, Training, And Technical Assistance Grant Funds (Formerly ARRA - American Recovery And Reinvestment Act Funding) For Program Year 2011-2012 From The U.S. Department Of Health And Human Services, Administration For Children And Families (DHHS/ACF) In The Estimated Amount Of \$2,767,500 And Authorizing Grant Agreements With The Salvation Army (\$148,200), Brighter Beginnings (\$478,800), And Children's Hospital (\$45,000) For The Program Year 2011-2012 For An Aggregated Amount Not To Exceed \$672,000 To Fund Child Development Services For Children, Birth - Three-Years-Old, And Their Families, With Said Grants
(10-0645)

This item was rescheduled from the June 28, 2011 Life Enrichment Committee Agenda and placed on this agenda.

S-7.18 Subject: City Administrator Employment Agreement - Deanna Santana
From: Office Of The Mayor
Recommendation: Adopt A Resolution Authorizing The Mayor To Execute An Employment Agreement On Behalf Of The City With Deanna Santana, City Administrator, Effective August 1, 2011
(10-0781)

This item was placed on the agenda by the June 30, 2011 Rules and Legislation Committee.

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

S-7.19 Subject: Stop I-9 Audits At Various Companies
From: President Pro Tempore De La Fuente
Recommendation: Adopt A Resolution Urging The US Department Of Homeland Security To Stop The Audit Of 1-9 Forms At The Pacific Steel Foundry Berkeley And Other Companies Until We Have Comprehensive Immigration Reform
(10-0783)

This item was placed on the agenda by the June 30, 2011 Rules and Legislation Committee.

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

S-7.20-CC Subject: Pay By Phone Pilot Program
From: Finance And Management Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Contract Between The City Of Oakland And Parkmobile USA, Inc. To Provide A Pay By Phone Pilot Program For Parking Meter Fees For A 12-Month Period
(10-0675)

The June 28, 2011 Finance and Management Committee approved recommendations; 4 Ayes

S-7.21-CC Subject: City-Port MOA
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A City Resolution Authorizing The City Administrator To Execute An Amendment To The Oakland Army Base Amended And Restated Memorandum Of Agreement Among The City Of Oakland, The Redevelopment Agency, And The Port Of Oakland To: A) Extend The August 7, 2010 Deadline By Up To Four Years To Fund The West Oakland Community Trust Fund B) Revise The City-Port MOA To Indicate That The Port's Contribution To The West Oakland Community Trust Fund Can Be Provided By The Port's Developer Rather Than Directly By The Port; And
(10-0672)

2) An Agency Resolution Authorizing The Agency Administrator To Execute An Amendment To The Oakland Army Base Amended And Restated Memorandum Of Agreement Among The City Of Oakland, The Redevelopment Agency, And The Port Of Oakland (The "City-Port MOA") To: A) Extend The August 7, 2010 Deadline By Up To Four Years To Fund The West Oakland Community Trust Fund B) Revise The City-Port MOA To Indicate That The Port's Contribution To The West Oakland Community Trust Fund Can Be Provided By The Port's Developer Rather Than Directly By The Port
(10-0672-1)

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**The June 28, 2011 Community And Economic Development Committee
approved recommendations; 4 Ayes**

S-7.22-CC Subject: BE Fitzpatrick Development Inc. Incentive Agreement
From: Community And Economic Development Agency
Recommendation: Adopt A City Resolution Authorizing The City Administrator To
Execute A Certificate Of Completion And Other Release Of Obligations By B. E.
Fitzpatrick Development Inc., Owner Of The Coliseum Lexus Dealership Project
("Project"), And Its Dealer, Oakland Motor Cars, Inc., Under A Business Incentive
Agreement Regarding The Project
(10-0591)

**The June 28, 2011 Community And Economic Development Committee
approved recommendations; 4 Ayes**

S-7.23-CC Subject: Foreclosure And Acquisition Of Properties - West Oakland Project Area
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Commencement Of
Foreclosure Proceedings And The Acquisition Of Properties Located At 7th Street And
Campbell Street In The West Oakland Redevelopment Project Area, And Allocating
Agency Funds In An Amount Not To Exceed \$500,000 For Costs Related To The
Acquisition
(10-0671)

**The June 28, 2011 Community And Economic Development Committee
approved recommendations; 4 Ayes**

S-7.24-CC Subject: International Blvd and 95th Avenue - Real Property Purchase
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real
Property At 9409, 9415, 9423, 9431, And 9437 International Boulevard, 1361 95th
Avenue And An Unknown Address On 95th Avenue (Assessor's Parcel Number:
044-4967-009) In The Coliseum Redevelopment Project Area For Blight Removal And
Land Assembly, From Elmhurst Plaza Developer, LLC, Charles Hill And Cherry Hill,
And Charles Hill, Surviving Joint Tenant, In An Amount Not To Exceed \$1,221,000,
And Authorizing Up To \$650,000 For Abatement, Demolition Relocation And Real
Estate Closing Costs
(10-0541)

**The June 28, 2011 Community And Economic Development Committee
approved recommendations; 4 Ayes**

8 Oral Report of Final Decisions Made During Closed Session & Disclosure of
Non-Confidential closed session discussions

COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE
THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:

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9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING

REQUIREMENTS:

- 9.1 Subject: Central City East Five-Year Plan
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Authorizing A One-Year Extension Of The Project Area Committee For The Central City East Redevelopment Project To July 29, 2012
(10-0673-1)

The June 28, 2011 Community and Economic Development Committee approved recommendations; 4 Ayes

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 10 This number was intentionally left blank
- 11 Subject: Community Emergency Response Team Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing the City Administrator, on Behalf of the City of Oakland, to Apply for, Accept and Appropriate Federal Fiscal Year 2010 Community Emergency Response Team (CERT) Grant Funds From the State of California Homeland Security Grant Program in the Amount of Fifty Thousand Dollars (\$50,000) For the City of Oakland, Office of Emergency Services, Communities of Oakland Respond to Emergencies (CORE) Program
(10-0674)

This item was placed on this agenda by the June 9, 2011 Rules and Legislation Committee.

- 12 Subject: Urban Area Security Initiative Grant Funds
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To: 1) Enter Into An Urban Area Security Initiative (UASI) Grant Administration Agreement With The City and County Of San Francisco For Receipt Of Fiscal Year 2010 Urban Area Security Initiative (UASI) Grant Funds In An Amount Up To One Million, Two Hundred and Twenty-Five Thousand Dollars (\$1,225,000), And 2) Accept, Appropriate And Administer Said UASI Grant Funds, And 3) Approve The 2010 UASI Preliminary Spending Plan And Waive City Of Oakland Central Services Overhead (CSO) Fees Of Twenty- Seven Thousand Dollars (\$27,000), And 4) Expend Funds In Accordance With Said Preliminary Spending Plan Without Further Council Authorization, Including Purchases In Excess Of The City Administrator's Purchasing Authority Of Equipment And Services Required By The Grant, Provided Federal And City Bidding Requirements And Request For Proposal/Qualification Requirements And Purchasing Programs And Policies Are Followed
(10-0677)

This item was placed on this agenda by the June 9, 2011 Rules and

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Legislation Committee.

- 13 Subject: Contracting Process And Timeline—Various Departments
From: Vice Mayor Brooks
Recommendation: Discussion And Possible Action On The City's Contracting Process
And Timeline For Various Agencies [TITLE CHANGE]
(10-0334-1)

Pursuant to Rule 28a of Resolution 82580 C.M.S., this item was removed from this agenda.

- 14 Subject: Amending Conflict Of Interest Code - Port Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Approving A Conflict Of Interest Code For Designated Employees And Consultants Of The Port Of Oakland
(10-0606-1)

This item was placed on this agenda by the June 23, 2011 Rules and Legislation Committee.

- 15 Subject: OPD Reorganization
From: Oakland Police Department
Recommendation: Receive An Informational Report From the Office of Chief of Police Detailing the Department's Plan to Reorganize the Oakland Police Department, Effective July 2011, to Address Police Staffing Shortfalls and Deliver Police Services Under a Strengthened Model of Field Supervision
(10-0746)

This item was placed on this agenda by the June 23, 2011 Rules and Legislation Committee.

- 16 Subject: East Bay Regional Private Sewer Lateral Program
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Revision Amending Oakland Municipal Code Title 13, Chapter 13.08 To Add New Regulations Requiring Oakland Property Owners To Inspect And Certify Lower Sewer Laterals In The Public Right-Of-Way At The Time Of Property Transfer, Major Remodeling And Change In Water Service [TITLE CHANGE]
(10-0648)

2) A Resolution Authorizing The City Administrator Or His Designee To Sign A Statement Of Roles And Responsibilities With The East Bay Municipal Utility District For Implementation Of The East Bay Regional Private Sewer Lateral Program
(10-0648-1)

This item was rescheduled from the June 28, 2011 Public Works Committee Agenda and placed on this agenda.

- 17 Subject: Call For 2011 Special Election

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From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Adding Section 3.08.015 To Chapter 3.08 Of
The Oakland Municipal Code, Entitled "Elections," To Authorize The City Council To
Call A Special Municipal Election On November 15, 2011
(10-0555-1)

**ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First
Reading) OF THIS ORDINANCE**

Final Passage (Second Reading) is scheduled for July 19, 2011.

**Pursuant to Rule 28a of Resolution 82580 C.M.S., this item was added to
this agenda.**

S-18 Subject: Port Of Oakland - Cost Sharing Agreement
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Agency Administrator To Execute A Cost
Sharing Agreement Among The Redevelopment Agency, The City And The Port Of
Oakland For The Development Of Infrastructure Including Public Utilities And Public
Streets On The Former Oakland Army Base; And
(10-0703)

2) A Resolution Authorizing The City Administrator To Execute A Cost Sharing
Agreement Among The City, The Redevelopment Agency And The Port Of Oakland For
The Development Of Infrastructure Including Public Utilities And Public Streets On The
Former Oakland Army Base
(10-0703-1)

**The June 28, 2011 Community and Economic Development Committee
approved staff recommendations as amended and directed staff to bring to
council a revised report with revisions to Attachment B, Page 6 (part D/
Section 202) The revisions will present a new formula with adjustments on
a prorated basis.**

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

**(Meeting shall conclude no later than 12:00 a.m., unless extended by Majority Vote of the
Council)**

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(TTD)

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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**