



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, September 18, 2007

6:00 PM

Oakland City Hall, 3rd Floor

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; Vice Mayor 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)

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 July 17, 2007

8. PRESENTATION OF CEREMONIAL MATTERS

8.1 Subject: Dr. C Dianne Howell - Recognition
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution Honoring Dr. C. Dianne Howell On Her Dedicated Commitment To The Community And Convening The Black Expo To The City Of Oakland
(07-0546)

8.2 Subject: Pamela Williams - Recognition
From: Council Member Larry Reid
Recommendation: Adopt A Resolution Honoring Officer Pamela Williams On Her Retirement From The Oakland Police Department After 28 Years Of Dedicated Service

SUPPLEMENTAL

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

Tuesday, September 18, 2007

(07-0519)

8.3 Subject: Rosemary Alcantara - Recognition
From: Office of the City Attorney
Recommendation: Adopt A Resolution Commending Rosemary R. Alcantara For 30
Years Of Devoted And Dedicated Service And Congratulating Her On Her Retirement
(07-0561)

8.4 Subject: Young Athletes - Recognition
From: Councilmembers Larry Reid and Desley Brooks
Recommendation: Adopt A Resolution Honoring The 12 Year Old Athletes From
Oakland, For Their Efforts In Participating In The Babe Ruth World Series Held In
Baltimore, Maryland, August 10th Through August 15th, 2007
(07-0571)

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
(07-0532)

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
(07-0533)

10.3-CC Subject: Kent Harris - 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 Kent Harris V. City Of Oakland, Et Al., Case No.
RG05216478, In The Amount Of \$25,000.00 (Police Department)
(07-0545)

**Council discussed this item in Closed Session On July 17, 2007. Motion
authorizing settlement passed with ;7 Ayes, 1 No - De La Fuente**

10.4 Subject: Port Of Oakland - Conflict Of Interest Code
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Approving A Conflict Of Interest Code For
Designated Employees Of The Port Of Oakland
(07-0531)

SUPPLEMENTAL

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

Tuesday, September 18, 2007

10.5-CC Subject: Marc Rosenbaum - 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 Rosenbaum V. City Of Oakland, Alameda County Superior Court Case No. RG06-266560 In The Amount Of \$250,000.00 (DHS)
[\(07-0544\)](#)

Council discussed this item in Closed Session On July 17, 2007. Motion authorizing settlement passed with; 5 Ayes, 1 No - De La Fuente, 1 Absent - Reid, 1 Abstention - Brooks

10.6-CC Subject: East Oakland Boxing Association - Lease
From: Community and Economic Development Agency
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Authorizing The City Administrator To Negotiate And Execute A New Lease With The East Oakland Boxing Association For City Property Located At 816-828 98th Avenue For Zero Rent In Exchange For In-Kind Services As Authorized By Ordinance No. 11722 C.M.S., For A Term Of Five (5) Years, With The City Having The Option To Grant One Additional Five Year Term Under The Same Terms And Conditions
[\(07-0420\)](#)

Introduction (First Reading) was approved July 17, 2007; 8 Ayes

10.7-CC Subject: Purchase Of 3233 Market Street
From: Community and Economic Development Agency
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Authorizing The City Administrator To Negotiate And Execute A Purchase And Sale Agreement With Olivet Institutional Missionary Baptist Church For The City's Purchase Of 3233 Market Street A Special Use Building, For The Fair Market Value Of Eight Hundred Fifty Thousand Dollars (\$850,000) Plus Real Estate Closing Costs
[\(07-0406\)](#)

Introduction (First Reading) was approved July 17, 2007; 8 Ayes

10.8-CC Subject: Property Rights On Butters Drive
From: Community and Economic Development Agency
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Authorizing The City Administrator To Negotiate, Execute And Acquire Property Rights In An 11,960 Square Foot Parcel Of Land, Located On Butters Drive Between Robinson And Brunell Drives, For Open Space From The Butters Land Trust For The Amount Of One Hundred Eighty-Five Thousand Dollars (\$185,000) Plus Closing Costs Not To Exceed Five Thousand Dollars (\$5,000) For The Measure DD Watershed Acquisition Project
[\(07-0407\)](#)

Introduction (First Reading) was approved July 17, 2007; 8 Ayes

10.9-CC Subject: Purchase Of 5818 International Boulevard

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency/ City Council

Tuesday, September 18, 2007

From: Community and Economic Development Agency
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Authorizing The Purchase Of Real Property At 5818 International Boulevard (Apn 038-3234-012-03 And 038-3234-013-01) From A. Essabhoy, Trustee Of The Essabhoy Trust, For \$790,000, Plus Customary Real Estate Closing Costs, For Redevelopment As A Teen Youth Center, And Accepting And Appropriating A Contribution Of \$790,000, Plus Customary Real Estate Closing Costs, From The Redevelopment Agency Under The Cooperation Agreement For The Purchase Of The Property; And
(07-0408)

**Introduction (First Reading) was approved July 17, 2007; 7 Ayes, 1 Absent
- Reid**

10.10-CC Subject: Ralph And Joan Smith - 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 Ralph Smith And Joan Smith In The Amount Of Sixty Thousand Dollars And No Cents (\$60,000.00), As A Result Of Property Damage Sustained Due To Repeated Sewer Flooding Caused By A Failed City Sewer Main On December 18, 22 And 31, 2005, February 27, 2006, March 1, 2006 And April 12-13, 2006 (Public Works Agency)
(07-0558)

This item was not heard in Closed Session.

10.11-CC Subject: Sydney Vax - 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 Grunsky, Ebey, Farrar & Howell Subrogee For CSAA Sydney Vax, In The Amount Of \$41,679.79, As A Result Of Property Damage Sustained Due To A Sewer Flood Caused By A Broken And Clogged City Sewer Main (PWA)
(07-0559)

This item was not heard in Closed Session.

10.12-CC Subject: Miroslaw Laszuk - 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 Miroslaw Adam Laszuk In The Amount Of Seven Thousand Fifty Two Dollars And 26 Cents (\$7,052.26), As A Result Of Property Damage Sustained In An Automobile Collision With A City Vehicle On April 23, 2007. (Public Works Agency)
(07-0560)

This item was not heard in Closed Session.

10.13-CC Subject: Project Priority Funds - District Five
From: Council President De La Fuente

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency/ City Council

Tuesday, September 18, 2007

Recommendation: Adopt A Resolution Authorizing A Grant Of \$2,000 From Councilmember De La Fuente's Priority Project Funds To The Friends Of Oakland Parks & Rec For The Purpose Of Funding Memorial Plaque Replacements In The Firestorm Memorial Garden
(07-0574)

10.14-CC Subject: Priority Project Funds - District Five
From: Council President De La Fuente
Recommendation: Adopt A Resolution Authorizing A Grant Of \$1,000 From Councilmember De La Fuente's Priority Project Funds To The Oakland East Bay Symphony Music In Schools Fund-A-Need
(07-0575)

10.15-CC Subject: Priority Project Funds - District Five
From: Council President De La Fuente
Recommendation: Adopt A Resolution Authorizing A Grant Of \$500 From Councilmember De La Fuente's Priority Project Funds to The Crucible's Fund-A-Need Scholarship
(07-0576)

~~10.16-CC Subject: Priority Project Funds - District Five
From: Council President De La Fuente
Recommendation: Adopt A Resolution Authorizing A Grant Of \$2,000 From Council Member De La Fuente's Priority Project Funds To The Friends Of Peralta Hacienda Historical Park For The Purpose Of Funding Family Fun Days At Peralta Hacienda Historical Park
(07-0577)~~

This item was withdrawn pursuant to the Council Rules and Procedures Resolution 79006 C.M.S. Rule 28 (A)

~~10.17-CC Subject: High Speed Rail Alignment
From: Council President De La Fuente & Mayor Ronald Dellums
Recommendation: Adopt A Resolution Urging The Metropolitan Transportation Commission, The California High Speed Rail Authority, The State Legislature And The Governor Of California To Implement And Fund The Regional Rail Plan In Accordance With Regional Measure 2 With A High Speed Rail Alignment Through The East Bay And Oakland With A Direct Link To The Transbay Terminal
(07-0578)~~

This item was withdrawn by the September 13, 2007 Rules and Legislation Committee

10.18-CC Subject: Priority Project Funds - District Seven
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution Authorizing An Immediate Allocation Of \$7,143.75 Of Councilmember Larry E. Reid's Priority Project Funds To The Oakland Police Department To Fund Travel Expenses For Staff Attendance At Two Training

SUPPLEMENTAL

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

Tuesday, September 18, 2007

Conferences

[\(07-0557\)](#)

10.19-CC Subject: Tract 7763 Final Map - 5920 San Pablo
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving A Subdivision Improvement Agreement With KG Partners LP For The Final Map For Tract 7763 For Construction Of Public Infrastructure Improvements For A Subdivision At 5920 San Pablo Avenue

[\(07-0567\)](#)

2) A Resolution Conditionally Approving The Final Map For Tract 7763 For A Subdivision At 5920 San Pablo Avenue And Conditionally Accepting Irrevocable Offers of Dedication For On-Site Public Access And Public Utility Easements

[\(07-0567-1\)](#)

10.20-CC Subject: Tract 7821 Final Map - 508 105th Street
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Approving A Final Map For Tract 7821 And Accepting A Dedication Of A Public Utility Easement For A Residential Subdivision At 508 105th Avenue

[\(07-0568\)](#)

10.21-CC Subject: Tract 7611 Final Map - 1158 14th Street
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Approving A Final Map For Tract 7611 For A Residential Subdivision At 1158 14th Street

[\(07-0569\)](#)

10.22-CC Subject: Tract 7787 Final Map - 1200 Ariane Court
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Conditionally Approving A Subdivision Improvement Agreement With CCCI Properties For The Final Map For Tract 7787 For The Chateau Montclair Subdivision For Construction Of Public Infrastructure Improvements At 1200 Ariane Court

[\(07-0570\)](#)

2) A Resolution Conditionally Approving The Final Map For Tract 7787 For The Chateau Montclair Subdivision At 1200 Ariane Court And Conditionally Accepting Irrevocable Offers Of Dedication For On-Site Public Access And Public Utility Easements

[\(07-0570-1\)](#)

10.23-CC Subject: Councilmember Desley Brooks - Travel Authorization
From: Councilmember Brooks

SUPPLEMENTAL

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

Tuesday, September 18, 2007

Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To Attend The Congressional Black Caucus Legislative Conference September 26-29, 2007
(07-0579)

10.24-CC Subject: Lau And Liu 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 Lau And Liu V. City Of Oakland, Et Al., Superior Court, County Of Alameda, Case No. RG06289218, In The Amount Of \$16,000.00, As A Result Of A Vehicular Accident At Fourteenth And Clay Street, On February 19, 2006 (Oakland Police Department)
(07-0580)

10.25-CC Subject: Councilmember Brunner - Travel Authorization
From: Councilmember Jane Brunner
Recommendation: Adopt A Resolution Authorizing Councilmember Jane Brunner To Travel To New York, New York For The Purpose Of Visiting The New York World Trade Center In September, 2007
(07-0581)

S-10.26-C Subject: Class II Bicycle Lanes On West Street
C From: Councilmember Jane Brunner
Recommendation: Adopt A Resolution Authorizing Installation Of Class II Bicycle Lanes On West Street By Reducing Travel Lanes From Four (4) Through Lanes To Two (2) Through Lanes And Adding A Continuous Center-Turn Lane In Conjunction With A Resurfacing Project Between 52nd Street And West Macarthur Boulevard
(07-0195)

**The September 11, 2007 Public Works Committee approved
recommendations; 3 Ayes, 1 Absent - Chang**

S-10.27-C Subject: Trail Development Grants
C From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator, Or Her Designee, To Apply For Accept And Appropriate Grant Funds From The San Francisco Bay Trail Regional Development Program, From Proposition 84, For Up To Six Hundred Thousand Dollars (\$600,000.00) Of Which Three Hundred Thousand Dollars (\$300,000.00) Is For The Derby Avenue To Lancaster Street Gap Closure And Three Hundred Thousand Dollars (\$300,000.00) Is For The Cryer Site (Dennison Street To Union Point Park) Gap Closure Segments Of The Oakland Waterfront Bay Trail
(07-0517)

2) A Resolution Of The Oakland City Council Authorizing The City Administrator, Or Her Designee, To Apply For, Accept And Appropriate Grant Funds From The California Department Of Parks And Recreation Recreational Trails Program For The Cryer Site Gap Closure Segment Of The Oakland Waterfront Trail Up To The Amount Of Six

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency/ City Council

Tuesday, September 18, 2007

Hundred Thousand Dollars (\$600,000.00)
(07-0517-1)

**The September 11, 2007 Public Works Committee approved
recommendations; 3 Ayes, 1 Absent - Chang**

S-10.28-C Subject: Revocable And Conditional Permit - 3701 Broadway
C From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting Kaiser Foundation Hospitals A
Revocable And Conditional Permit For A New Building At 3701 Broadway To Allow
Vaults With Telecommunication Equipment And Electrical Transformers To Encroach
Under The Public Sidewalk Along Broadway And 38th Street
(07-0548-1)

**The September 11, 2007 Public Works Committee approved
recommendations and directed staff to provide a status report relative to
the terms of entitlement for Kaiser; 3 Ayes, 1 Absent - Chang**

S-10.29-C Subject: Revocable And Conditional Permit - 3665 West Street
C From: Community And Economic Development
Recommendation: Adopt A Resolution Granting Phan Lan A Revocable And
Conditional Permit To Allow An Existing Building At 3665 West Street To Encroach
Into The Public Right-Of-Way Along West Street And 37th Street
(07-0549)

**The September 11, 2007 Public Works Committee approved
recommendations; 3 Ayes, 1 Absent - Chang**

S-10.30-C Subject: 4850 Clarewood Drive - Storm Drainage Easement
C From: Community and Economic Development
Recommendation: Adopt A Resolution Vacating Public Service Easement At 4850
Clarewood Drive To The Roman Catholic Welfare Corporation Of Oakland For Saint
Theresa Parochial School
(07-0550)

**The September 11, 2007 Public Works Committee approved
recommendations; 3 Ayes, 1 Absent - Chang**

S-10.31-C Subject: 73rd Avenue And Garfield Avenue Traffic Signal Project
C From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Of Oakland To Accept And
Appropriate A Grant In The Amount Of Two Hundred Seventy-Five Thousand Dollars
(\$275,000.00) From The Alameda County Congestion Management Agency
Transportation Improvement Program (ACCMA TIP) For The 73rd Avenue And
Garfield Avenue Traffic Signal Project and Waiving the 1.5% Public Art Fee
(07-0551)

**The September 11, 2007 Public Works Committee approved
recommendations; 3 Ayes, 1 Absent - Chang**

SUPPLEMENTAL

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

Tuesday, September 18, 2007

C From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Awarding A Contract To The Lowest Bidder, AJW Construction, For The Construction Of The Citywide Traffic Island And Bulb-Out In Accordance With Specifications For Project No. C159720, Fiscal Year 2005 - 2007, At The Santa Clara Avenue At Lakepark Avenue, Vernon Street At Lee Street, Joaquin Miller Road At Robinson Drive, Pierson Street Between Macarthur Boulevard And Redding Street, Park Boulevard At El Centro Avenue, And Three Or More Other Pending Locations In The Amount Of Five Hundred Three Thousand One Hundred Eighty-Five Dollars (\$503,185.00)
(07-0552)

**The September 11, 2007 Public Works Committee approved
recommendations; 3 Ayes, 1 Absent - Chang**

S-10.33-C Subject: Sale Of Real Property - 4201 Foothill Boulevard
C From: Community and Economic Development Agency
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Authorizing The City Administrator To Negotiate And Execute A Purchase And Sale Agreement To Sell Approximately 8,704 Square Feet Of City-Owned Surplus Real Property Located At 4201 Foothill Boulevard To Singa Development LLC, A California Limited Liability Company, The Adjoining Property Owner, For The Fair Market Value Of Three Hundred Twenty-One Thousand Nine Hundred Sixty-One Dollars (\$321,961)
(07-0540)

**The September 11, 2007 Finance and Management Committee approved
recommendations; 4 Ayes**

Final Passage (Second Reading) has been scheduled for October 2, 2007

S-10.34-C Subject: Friendly Transportation Company - Land Agreements
C From: Community and Economic Development Agency
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Authorizing The City Administrator To Negotiate And Execute 1) An Agreement To Acquire An Easement On A Portion Of A Parcel Of Land From Friendly Transportation Company To Construct A Section Of Bay Trail Along The Oakland Tidal Canal At Alameda Avenue For \$30,000 Plus Customary Closing Costs To Be Funded From Measure DD, And 2) A Right Of First Refusal For Friendly Transportation Company To Purchase Future Surplus City Land, If Any, Remaining From The Proposed 42nd Ave. And High Street Widening Project, Extending From 8th Street To Howard Street, At Fair Market Value, Subject To Applicable State And City Statutes
(07-0541)

**The September 11, 2007 Finance and Management Committee approved
recommendations; 4 Ayes**

Final Passage (Second Reading) has been scheduled for October 2, 2007

S-10.35-C Subject: Mandela Foods Cooperative Grant

SUPPLEMENTAL

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

Tuesday, September 18, 2007

C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing A \$200,000 Tenant Improvement Grant To The Mandela Foods Cooperative To Rehabilitate Its Grocery Store At 1420-1430 7th Street, And Allocating West Oakland Redevelopment Funds For The Grant
(07-0493)

**The September 11, 2007 Community and Economic Development
Committee approved recommendations; 4 Ayes**

S-10.36-C Subject: The Neighborhood Project Initiative Program
C From: Community & Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authoring Funding For Various Improvement Projects In An Amount Not To Exceed \$200,000 Under The Broadway/Macarthur/San Pablo Neighborhood Project Initiative Program, Authorizing A Contribution Of Agency Funds To The City Under The Cooperation Agreement In An Amount Not To Exceed \$185,000 For City Public Improvements Under The Program, And Authorizing The Agency Administrator To Enter Into Agreements With Project Sponsors And Make Necessary Expenditures To Implement Projects Funded Under The Program Without Returning To The Agency
(07-0455)

2) A Resolution Accepting And Appropriating Redevelopment Agency Funds Under The Cooperation Agreement In Amount Not To Exceed \$185,000 For City Public Improvements Within The Broadway/Macarthur/San Pablo Redevelopment Project Area Under The Neighborhood Project Initiative Program
(07-0455-1)

**The September 11, 2007 Community and Economic Development
Committee approved recommendations; 4 Ayes**

S-10.37-C Subject: East Bay Regional Park District - Real Property Exchange Agreement
C From: Community and Economic Development Agency
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Authorizing The City Administrator To (1) Negotiate And Execute A Real Property Exchange Agreement With The East Bay Regional Park District ("EBRPD") For The Exchange Of City Of Oakland Owned Lands Located Near Roberts Regional Recreation Area, Redwood Regional Park, Temescal Regional Area, And The Claremont Canyon Regional Preserve, For EBRPD Owned Lands Located In Shepard Canyon, And (2) Grant A West Ridge Trail Easement And A Redwood Bowl Parking Lot Easement To EBRPD In Consideration Of Its Payment Of The City's Share (\$15,000) Of The Cost To Prepare The Legal Descriptions Of The Properties To Be Exchange
(07-0542)

**The September 11, 2007 Life Enrichment Committee approved
recommendations; 3 Ayes, 1 Absent - Chang**

SUPPLEMENTAL

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

Tuesday, September 18, 2007

S-10.38-C Subject: Youth Early Diversion Program
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Waive The Competitive Request For Proposals Process, And 2) Negotiate, And Enter Into A Contract With East Bay Community Foundation To Implement A Youth Early Diversion Program And To Conduct A Police Training Collaborative In An Amount Not-To-Exceed Ninety-Four Thousand Five Hundred Eight-Eighty Dollars (\$94,588) For A Period Not-To-Exceed One Year From The Date Of Passage Of This Resolution
[\(07-0449\)](#)

The September 11, 2007 Public Safety Committee approved recommendations and directed staff to provide a report detailing the long-term costs for running and maintaining the program; 4 Ayes

S-10.39-C Subject: Training Equipment For The Oakland Fire Department
C From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Solicit, Apply For, Accept And Appropriate Grants And Donations Of Cash, Services, Equipment, Supplies And Training From, But Not Limited To, State And Federal Agencies, Local Businesses, Corporations, Utility Companies, And Other Sources In Aggregate Amounts That Will Not Collectively Exceed Three Million Dollars Over A Two Year Period Beginning October 1, 2007 And Ending September 30, 2009 To Be Used For The Enhancement And Upgrade Of The Oakland Fire Department Training Division
[\(07-0516\)](#)

The September 11, 2007 Public Safety Committee approved recommendations; 4 Ayes

S-10.40-C Subject: Elmhurst Weed and Seed Initiative
C From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000) From The U.S. Department Of Justice, Office Of Justice Programs, Community Capacity Building Office, In Support Of Second Year Program Operations Associated With The Elmhurst Weed And Seed Initiative In The Office Of The City Administrator
[\(07-0522\)](#)

The September 11, 2007 Public Safety Committee approved recommendations; 4 Ayes

11 An oral report from the Agency Counsel / City Attorney of final decisions made during Closed Session

12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 15 of the Sunshine Ordinance

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency/ City Council

Tuesday, September 18, 2007

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: 2006-2007 CAPER
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Receive A Report Regarding The Consolidated Annual Performance And Evaluation Report (CAPER) For Community Development Block Grant (CDBG) HOME, Housing Opportunities For People With AIDS (HOPWA) And Emergency Shelter Grant (ESG) Programs Performance For The Year 2006-2007
(07-0372)

The September 11, 2007 Community and Economic Development Committee approved recommendations; 3 Ayes, 1 No - Brunner

14.2 Subject: Purchase Of Real Property - 1718 50th Avenue
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 Authorizing The Purchase Of Real Property At 1718 50th Avenue, Oakland (APN 035-2386-019) From Dierdre Veals, For \$309,000, Plus Customary Real Estate Closing Costs, For Redevelopment As Fire Station 18 And Accepting A Contribution Of \$309,000, Plus Customary Real Estate Closing Costs, From The Redevelopment Agency Under The Cooperation Agreement For The Purchase Of The Property; And

(07-0539)

Final Passage (Second Reading) has been scheduled for October 2, 2007

2) An Agency Resolution Authorizing The Contribution Of \$309,000 Plus Customary Real Estate Closing Costs To The City Under The Cooperation Agreement For The Acquisition Of 1718 50th Avenue For Its Redevelopment As A Fire Station

(07-0539-1)

The September 11, 2007 Finance and Management Committee approved recommendations and directed staff to submit a supplemental report including the following information a list of the "findings" from the City Attorney's office and the Redevelopment Agency for the property at 1718 50th Avenue; 3 Ayes, 1 Abstain - Brunner

14.3 Subject: Wood Street Development District Formation
From: Budget Office
Recommendation: Conduct A Public Hearing On Formation Of Community Facilities District No. 2007-1 (Wood Street Development District), Authorizing The Levy Of A

SUPPLEMENTAL

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

Tuesday, September 18, 2007

Special Tax Therein And Submitting The Levy Of The Special Tax To The Qualified Electors Of The Community Facilities District And Upon Conclusion Adopt The Following Pieces Of Legislation:

- 1) A Resolution Of Formation Of Community Facilities District No. 2007-1 And Authorizing The Levy Of A Special Tax Therein; And
(07-0500)
- 2) A Resolution Calling Special Mail Ballot Election For Qualified Electors Of Community Facilities District No. 2007-1; And
(07-0500-1)
- 3) A Resolution Determining The Result Of The Special Mail Ballot Election Held In Community Facilities District No. 2007-1 (Wood Street Development District), On June 19, 2007; And
(07-0500-2)
- 4) Approve The Introduction (First Reading) Of An Ordinance Levying Special Taxes Within The Community Facilities District No. 2007-1 (Wood Street Development District)
(07-0500-3)

Final Passage (Second Reading) has been scheduled for October 2, 2007

14.4 Subject: Appeal For 1727 East 24th Street
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing and Upon Conclusion Adopt A Resolution Denying The Appeal And Sustaining The Decision Of The Planning Commission For Construction Of A Four (4) Unit Condominium In The R-50 Zone With A Two (2) Foot Height Variance Located At 1727 E 24th Street (Case File Number(s) A07-103; CMDV05-507; & TPM8859
(07-0208)

14.5 Subject: Delinquent Business Taxes
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Business Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

- 1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County For Collection; Or
(07-0562)

- 2) A Resolution Overruling Protests And Accepting And Confirming Reports Of The

SUPPLEMENTAL

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

Tuesday, September 18, 2007

City Administrator On The Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For Collection; Or

[\(07-0562-1\)](#)

3) A Resolution Continuing Hearing On Reports Of The City Administrator On The Delinquent Business Taxes And The Confirming Of The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code

[\(07-0562-2\)](#)

14.6

Subject: Delinquent Mandatory Garbage Fees

From: Finance and Management Agency

Recommendation: Conduct A Public Hearing On Delinquent Mandatory Garbage Fees For January/February/March 2007, Monthly Accounts And April/May/June 2007, Quarterly Accounts And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or

[\(07-0563\)](#)

2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over to The County Tax Collector For Collection; Or

[\(07-0563-1\)](#)

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Garbage Service Fees And The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant Chapter 8.28 Of The Oakland Municipal Code

[\(07-0563-2\)](#)

14.7

Subject: Delinquent Real Property Taxes

From: Finance and Management Agency

Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Real Property Transfer Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

SUPPLEMENTAL

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or

[\(07-0564\)](#)

2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over to The County Tax Collector For Collection; Or

[\(07-0564-1\)](#)

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Real Property Transfer Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant Chapter 4.20 Of The Oakland Municipal Code

[\(07-0564-2\)](#)

14.8

Subject: Delinquent Transient Occupancy Taxes

From: Finance and Management Agency

Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Transient Occupancy Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Transient Occupancy Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or

[\(07-0565\)](#)

2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Transient Occupancy Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over to The County Tax Collector For Collection; Or

[\(07-0565-1\)](#)

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Transient Occupancy Taxes And The Recordation Of Liens With

SUPPLEMENTAL

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

Tuesday, September 18, 2007

Administrative And Assessment Charges As Necessary - Pursuant Chapter 4.24 Of The
Oakland Municipal Code
(07-0565-2)

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
 (07-0535)
- 16 Subject: Pacific Renaissance Associates - Settlement Agreement
 From: Office of the City Attorney
 Recommendation: Adopt The Following Pieces Of Legislation
- 1) A Resolution Authorizing Settlement Of Litigation In The Matter Of The City Of
 Oakland Et Al., V. Pacific Renaissance Associates II, Et Al., And Related Cases,
 Authorizing The Negotiation And Execution Of Documents To Effectuate The
 Settlement, And Rescinding Resolution No. 80120 C.M.S Authorizing Previous
 Settlement Terms; And
 (07-0547)
- 2) An Agency Resolution Authorizing Settlement Of Litigation In The Matter Of The
 City Of Oakland Et Al., V. Pacific Renaissance Associates II, Et Al., And Related Cases,
 Authorizing The Negotiation And Execution Of Documents To Effectuate The
 Settlement, And Rescinding Resolution No. 2006-0065 C.M.S Authorizing Previous
 Settlement Terms
 (07-0547-1)
- 17 Subject: Impact Of Waste Management Lockout
 From: Public Works Agency
 Recommendation: Receive An Informational Report Summarizing Events And Impacts
 On Garbage, Yard Waste, And Recycling Service In July 2007 Due To Waste
 Management Of Alameda County's Lockout Of Teamsters Local 70
 (07-0566)
- 18 Subject: Tobacco Shop Moratorium
 From: Councilmember Larry Reid
 Recommendation: Adopt An Urgency Ordinance Pursuant To California Government
 Code Section 65858, Extending Until March 20, 2008 A Moratorium On The
 Establishment Of Any New Activity Or Facility Selling Tobacco Or Tobacco Related
 Products Or Paraphernalia
 (07-0573)

**Pursuant to California Government Code Section 65858, Introduction and
adoption of this ordinance requires a vote of 4/5 of the members (7**

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency/ City Council

Tuesday, September 18, 2007

Affirmative Votes). This ordinance is introduced and adopted at the same meeting and it is in effect immediately until March 20, 2008

19 Subject: Vehicle Sideshow Ordinance Repeal
From: Office of the City Attorney
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Repealing Ordinance No. 12695 C.M.S. Which Declared Vehicle Sideshows A Public Nuisance, Prohibited The Gathering Of Spectators At Such Public Nuisance Events And Provided For The Forfeiture Of Vehicles Involved In Sideshow Events
(07-0556)

Final Passage (Second Reading) has been scheduled for October 2, 2007

20 Subject: Oakland Park Ranger's Association - MOU
From: Finance and Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving The Memorandum Of Understanding Between The City Of Oakland And The Oakland Park Rangers' Association, Representing Employees In Representation Unit R01, Covering The Period Of July 1, 2006 To June 30, 2008
(07-0572)

2) Approve The Introduction (First Reading) Of An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 (The Salary Ordinance) To Increase The Salaries Of Employees By 4% For Fiscal Year 2006-2007 And 2007-2008, Pursuant To The Recently Approved Memorandum Of Understanding For The Oakland Park Rangers Association
(07-0572-1)

Final Passage (Second Reading) has been scheduled for October 2, 2007

21 Subject: Sjoberg Evashenk Consulting - Agreement
From: The City Auditor
Recommendation: Adopt A Resolution Waiving The Competitive Request For Proposal Process For An Increase In Scope Of Services And Price To The Agreement With Sjoberg Evashenk Consulting For Audit Services
(07-0536)

The September 11, 2007 Finance and Management Committee approved recommendations; 4 Ayes

22 Subject: City Planning Commission Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Sandra E. Galvez And Carlton "Blake" Huntsman As Members Of The City Planning Commission
(07-0543)

S-23 Subject: Residential Permit Parking Area - Panoramic Way
From: Public Works Agency

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency/ City Council

Tuesday, September 18, 2007

Recommendation: Adopt A Resolution Approving The Establishment Of A Two-Hour Parking Time Limit And Implementation Of A New Preferential Residential Permit Parking (PRPP) Area "L" On Panoramic Way From 401 Panoramic Way At The Oakland/Berkeley City Limit Southerly To 701 Panoramic Way At Dwight Way Pursuant To California Vehicle Code § 22507 And Oakland Municipal Code Section 10.44

(07-0498)

The September 11, 2007 Public Works Committee approved recommendations and directed staff to follow up and report back on the outreach that was to take place prior to raising fees as discussed during the budget and report back, the report should also include information as to whether or not this program will be self sustaining and a strategy for public input; 2 Ayes, 1 No - Brooks, 1 Absent - Chang

S-24

Subject: Contract Compliance Analysis Format

From: Contract and Purchasing

Recommendation: Action On A Report And Recommendations On The Contents Of The City's Contract Compliance Analysis Format

(07-0502)

The September 11, 2007 Public Works Committee approved recommendations and directed staff to provide a status report to include: 1) reason for non-compliance, 2) fees owed for apprenticeship training, 3) show backlog and timeframes on satisfying local hiring goals; 3 Ayes, 1 Absent - Chang

S-25

Subject: Madison Square Park Interim Renovation Project

From: Community And Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing A Contribution Of \$150,000.00 In Agency Funds To The City Of Oakland Under The Cooperation Agreement For Construction Of The Madison Square Park Interim Renovation

(07-0553)

2) A Resolution Authorizing The City To Accept And Appropriate A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement In The Amount Of One Hundred Fifty Thousand (\$150,000.00) For The Madison Square Park Interim Renovation Project

(07-0553-1)

3) A Resolution Awarding A Contract To Beliveau Engineering Contractors For The Construction Of The Madison Square Park Interim Renovation Project (Project No. B00630) In The Amount Of Two Hundred Twelve Thousand Dollars (\$212,000.00), Including Contingency

(07-0553-2)

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency/ City Council

Tuesday, September 18, 2007

The September 11, 2007 Public Works Committee approved recommendations and directed staff to submit a supplemental report to include: 1) Beliveau's compliance with the local resident hiring and apprenticeship program goals, 2) and status as to where the engineering contractors are across the board; 2 Ayes, 1 Abstain - Brooks, 1 Absent - Chang

S-26 Subject: Equal Access Ordinance Implementation
From: Office of Personnel
Recommendation: Action On A Follow-Up Report On The Status Of The
Implementation Of The Equal Access Ordinance And Recommendations For Improving
Language Access To City Of Oakland Services
(07-0292)

The September 11, 2007 Finance and Management Committee received and forwarded the report and directed staff to submit the following information in a future report: 1) Identify areas of the City with substantial LEP populations; 2) Assess whether Senior Centers, Recreation Centers, Police Beats, Firehouses, Libraries, Swim Centers, and Neighborhood Services Coordinator positions located in areas with a significant concentration of a Substantial Number of Limited English Speaking Persons Group(s) are staffed by a sufficient number of bilingual employees; (SEC. 2.30.040) 3) Fine tune position control data for each Department 4) Eliminate or explain any discrepancies, 5) Create summary tables of the number of PCPs in each Department, languages spoken, new hires, and vacancies (information should be broken out for both Spanish- and Cantonese-speaking employees); 6) Provide information on how many of the NEW PCPs are bilingual, and which languages; 7) Recalculate the number of bilingual employees based on how many speak a second language, not based on whether or not they receive bilingual pay; 8) Provide the following information in the compliance plan: *The office locations of the bilingual employees in PCPs; *A description of each Department's plan for filling these positions, including a brief narrative describing the methods employed to ensure a pool of qualified bilingual applicants and the methods used to assess language skills; *A list of the qualified applicants pool lists for each PCP filled, identifying whether each applicant had bilingual capabilities; *The name, address, telephone number, and contact person of each recruitment firm used to search for qualified applicants; *For each firm, the total number of employees and bilingual PCPs hired from the firm in the current year, including the employee's title and department; *A narrative assessing the adequacy of each firm to recruit applicants for bilingual PCPs; 9) Return in January 2008 with more comprehensive hiring plans for Parks & Recreation, Fire Department, and Police Services; 10) Provide a list of each Department's written materials required to be translated, which have been translated,

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency/ City Council

Tuesday, September 18, 2007

**and into what languages; 11) Provide a plan as to how the list of Local
Community Based Organizations will be used for recruitment; 3 Ayes, 1
Abstain - Brunner**

S-27 Subject: Vestra Resources, Inc Agreement
From: Public Works Agency
Recommendation: Adopt A Resolution Waiving Oakland's Competitive Bid Process
And Authorizing A Competitive Request For Proposal Process, For The Purchase Of A
Computerized System Involving Products And Services, And Authorizing The City
Administrator, Or Her Designee, To Negotiate And Award An Agreement To Vestra
Resources, Inc. For A Work Management System For The Public Works Agency,
Including Hardware, Software And Configuration, Installation, Testing, Training, And
Support Services In An Amount Not To Exceed One Million Two Hundred Thousand
Dollars (\$1,200,000.00), Including A Ten Percent Contingency
(07-0526)

**The September 11, 2007 Finance and Management Committee approved
recommendations and directed staff to submit a supplemental report with
the following information: 1) additional funding sources for the entire fleet
(per vehicle cost), and 2) what are the possibilities to expand negotiations to
include the entire PWA fleet. The Committee provided further direction to
include in the City's Fleet Management report: the funding possibilities for
the Police department's fleet with integration of the Geographic
Information System (GIS) and/or Automated Vehicle Locater (AVL); 4
Ayes**

S-28 Subject: Inclusionary Housing Report
From: Community And Economic Development Agency
Recommendation: Receive An Informational Staff Report Of Blue Ribbon Commission
Recommendations For An Inclusionary Housing Ordinance, Condominium Conversion
Ordinance Revisions And Other Housing Policy Recommendations
(07-0554)

**The September 11, 2007 Community and Economic Development
Committee approved without recommendations; 4 Ayes**

S-29 Subject: Smoking Ordinance
From: Office of the City Administrator
Recommendation: Approve The Introduction (First Reading) Of An Ordinance
Amending Oakland Municipal Code Chapter 8.30, "Smoking", To Prohibit Smoking At
Bus Stops And Other Areas Where The Public Waits For Service, At Outdoor Dining
Areas, Public Trails, Parks And Golf Courses, Family Childcare Centers, Common Areas
In Multi-Unit Housing, Hotels, And Motels, And The Oakland International Airport;
Restrict Smoking Outside Bars; And Prohibit Smoking In Individual Units In New
Multi-Unit Residential Buildings; Require New Rental Agreements To Disclose
Nonsmoking Prohibitions; Deem Unconsented Exposure To Second Hand Smoke In All
Multi-Unit Housing A Nuisance And Trespass

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency/ City Council

Tuesday, September 18, 2007

(07-0237)

The September 11, 2007 Public Safety Committee approved recommendations and amended the ordinance to: 1) add trails specifically to Section 8.30.55, 2) exclude smoking in individual units in Multi-Unit residential buildings, and 3) exclude the portion that deemed smoking in a multi-unit housing a nuisance and trespass from the ordinance. The committee also directed staff to return with a supplemental report detailing a "realistic" enforcement plan with cost; 3 Ayes, 1 No - Reid

Final Passage (Second Reading) has been scheduled for October 2, 2007

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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(...)

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

ORA - Oakland Redevelopment Agency

S - Supplemental Item