



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, October 05, 2010

5:30 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 5:30 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 6:30 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

The Concurrent Meeting of the Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at ____.

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)

The following individual spoke under Open Forum:

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- 4 ACTIONS ON SPECIAL ORDERS OF THE DAY
(Ceremonial Presentations, Reports/Presentations from the Mayor, Council
Acknowledgements/Announcements):
- 4.1 Subject: 2010 United Nations Day
 From: Councilmember Nadel
 Recommendation: Adopt A Resolution Declaring October 2010 United Nations Month
 And October 24th 2010 United Nations Day In The City Of Oakland And Authorizing
 The City Of Oakland To Serve As An Honorary Sponsor Of The United Nations
 Anniversary Flag Raising Ceremony
 (10-0048)
- S-4.2 Subject: National Let's Move Campaign
 From: Vice Mayor Quan
 Recommendation: Adopt A Resolution Related To The National Let's Move Campaign
 (10-0091)

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

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF
THE SEPTEMBER 21, 2010
- 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
 (10-0067)
- 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
 (10-0068)
- 7.3-CC Subject: Uptown Mixed-Income Project
 From: Community And Economic Development Agency
 Recommendation: Adopt A Resolution Approving A Final Map For Tract No. 8046 To
 Create Three Market-Rate And Three Affordable-Rate Condominiums To Facilitate
 Private Investment In The Uptown Mixed-Income Project By Low Income Housing Tax

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Credit Investors
(10-0061)

- 7.4-CC Subject: City Center Project
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing The City Of Oakland To Enter Into A Thirteenth Amendment To The Disposition And Development Agreement With Oakland T12 LLC, Regarding The City Center Project To Extend The Date To Complete An Office Development On Block T-12 Of The City Center Project By 36 Months Changing It From April 12, 2012 To April 12, 2015, With Two Additional Extension Options Of 12 Months Each
(09-1609-1)

Introduction (First Reading) was approved September 21, 2010.

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE OF THE ORDINANCE

- 7.5-CC Subject: Downtown Education Complex - Reconstruction
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Conditionally Abandoning A Portion Of A Public Utilities Easement And A Sanitary Sewer Main Adjoining East 11th Street and 3rd Avenue To Facilitate Reconstruction Of The Downtown Education Complex By the Oakland Unified School District
(09-1607-1)

Introduction (First Reading) was approved September 21, 2010.

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE OF THE ORDINANCE

- 7.6-CC Subject: Public Works Construction Specifications 2009 - Repeal of Ordinance 12780
From: Public Works Agency
Recommendation: Adopt An Ordinance Adopting The "Standard Specifications For Public Works Construction, 2009 Edition" And Repealing Ordinance No. 12780 C.M.S. And All Resolutions Related Thereto
(10-0010)

Introduction (First Reading) was approved September 21, 2010.

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE OF THE ORDINANCE

- 7.7-CC Subject: Jill Horowitz - 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 Jill Horowitz V. City Of Oakland, Alameda County Superior Court Case No. RG09-433992 In The Amount Of \$150,000.00 As A

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Result Of Tripping And Falling On Uneven Pavement In Oakland, California (Public Works Agency)

[\(10-0080\)](#)

Council discussed this item in closed session on September 21, 2010.

Motion authorizing settlement passed with 7 Ayes, 1 Excused

7.8-CC Subject: Anyika Nkululeko - 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 Anyika Nkululeko, In The Amount Of \$7,627.68, As A Result Of Property Damage Caused By Oakland Fire Department Personnel On August 31, 2009 (Oakland Fire Department)
[\(10-0081\)](#)

This item was not discussed in closed session.

7.9-CC Subject: Installation Of Mural Farmer Joe's Market
From: Vice Mayor Quan
Recommendation: Adopt A Resolution Authorizing A Grant Of \$10,000 From Councilmember Jean Quan's Pay-Go Funds To Artists Deborah Koppman And Amanda Lockwood For A Mural To Be Installed On Farmer Joe's Market In The Dimond District
[\(10-0075\)](#)

7.10 Subject: Capital Improvements To Asian Cultural Center - Quan Paygo Funds
From: Vice Mayor Quan
Recommendation: Adopt A Resolution Authorizing A Grant Of \$5,003.41 Of Jean Quan's Pay-Go Funds To The Oakland Asian Cultural Center To Be Used For Improvements At The Center
[\(10-0079\)](#)

7.11-CC Subject: Replacement Oak Trees
From: Councilmember Patricia Kernighan
Recommendation: Adopt A Resolution Authorizing An Allocation Of Up To \$350 From Cm Kernighan's District 2 Priority Project Funds To The Public Works Agency For Purchase Of Four Replacement Oak Trees For Mandana Boulevard
[\(10-0006\)](#)

7.12-CC Subject: Downtown Education Complex - Reconstruction
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Adopting Findings And Setting A Hearing To Receive Supporting Evidence And Public Comments On A Conditional Vacation Of A Portion Of A Public Utility Easement And A Conditional Abandonment Of A Portion Of A Sanitary Sewer Main Adjoining East 11th Street And 3rd Avenue To Facilitate Reconstruction Of The Downtown Education Complex By The Oakland Unified School District
[\(09-1607\)](#)

S-7.13-CC Subject: Sanitary Sewer Root Foaming

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From: Community And Economic Development Agency
Recommendation: Adopt A Resolution (1) Rejecting All Bids, (2) Waiving Further Competitive Bidding And (3) Approving The Award Of A Negotiated Construction Contract To Root Tamers For The Sanitary Sewer Root Foaming Project (Project No. P188440) In Accord With Specifications For The Project And Contractor's Negotiated Bid Proposal In The Amount Of Three Hundred Twenty-Five Thousand Dollars (\$325,000.00)
(10-0042)

The September 28, 2010 Public Works Committee approved recommendations; 4 Ayes

S-7.14-CC Subject: Broadway/MacArthur/San Pablo Redevelopment Plan Change
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Amending The Procedures For The Formation Of The Project Area Committee For The Broadway/MacArthur/San Pablo Redevelopment Project Area To Expand The Membership To Include Representatives Of The Lowell Street/Golden Gate/Gaskill Area, And To Make Other Modifications; And
(10-0050)

2) An Agency Resolution Accepting The Preliminary Plan For An Amendment To The Broadway/ MacArthur/ San Pablo Redevelopment Plan Expanding The Project Area To Incorporate The Lowell Street/Golden Gate/Gaskill Area, Authorizing Preparation Of A Redevelopment Plan Amendment, And Authorizing Transmittal Of A Statement Of Preparation Of Plan Amendment To The State, County, And Taxing Entities
(10-0050-1)

The September 28, 2010 Community and Economic Development Committee approved recommendations; 4 Ayes

S-7.15-CC Subject: Affordable Housing Development - Edes Development
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Authorizing The Sale Of Real Property At 9507 Edes Avenue At A Nominal Price To Habitat For Humanity East Bay And Authorizing A Disposition And Development Agreement For The Development Of Twelve Units Of Affordable Housing On The Property; And
(10-0052)

ACTION ON THIS ORDINANCE WILL RESULT IN INTRODUCTION OF THE ORDINANCE

Final Passage (Second Reading) has been scheduled for October 19, 2010

2) A Resolution Authorizing Application For And Acceptance And Appropriation Of A

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\$470,000 Grant Under The California Department Of Housing And Community Development Building Growth And Equity In Neighborhoods Program To Assist The 9507 Edes Avenue Development And Authorizing Loans To Purchasers Of Units In The Edes Development

[\(10-0052-1\)](#)

**The September 28, 2010 Community and Economic Development
Committee approved recommendations; 4 Ayes**

S-7.16-CC Subject: Martin Luther King Jr. Way/Peralta - Streetscape Design
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To Negotiate And Execute A Contract With Gates + Associates In An Amount Not To Exceed \$480,000 To Prepare Streetscape Plans And Design Documents For Martin Luther King Jr. Way Peralta Street In West Oakland

[\(10-0051\)](#)

**The September 28, 2010 Community and Economic Development
Committee approved recommendations; 4 Ayes**

S-7.17-CC Subject: Vehicle Occupancy Protection And Bicycle Safety Program
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee On Behalf Of The City Of Oakland To: 1) Accept And Appropriate Grant Funds In An Amount Not To Exceed Four Hundred Ninety-One Thousand Three Hundred And Five Dollars (\$491,305) From The State Of California, Office Of Traffic Safety To The Oakland Police Department For The Fiscal Year 2011 Implementation Of The Vehicle Occupancy Protection And Bicycle Safety Program, And 2) Waive The Competitive Request For Proposal/Qualifications Process For The Purchase Of Services Associated With The Program From The East Bay Community Recovery Project In An Amount Not To Exceed Fifty Thousand Dollars (\$50,000), The Oakland Police Activities League In An Amount Not To Exceed Thirty Thousand Dollars (\$30,000), And The Alameda County Public Health Department - Community Health Academy, In An Amount Not To Exceed Twenty-Nine Thousand Three Hundred Eighty-Five Dollars (\$29,385)

[\(10-0057\)](#)

**The September 28, 2010 Public Safety Committee approved
recommendations; 4 Ayes**

S-7.18-CC Subject: 2010-2011 DUI Enforcement And Awareness Program
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In The Amount Of Two Hundred Forty-One Thousand Two Hundred Dollars (\$241,200) From The State Of California, Office Of Traffic Safety, For The 2010-2011 DUI Enforcement And Awareness Program To Be Conducted By The Police Department For The Project Term Of October 1, 2010 Through September 30, 2011

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(10-0058)

**The September 28, 2010 Public Safety Committee approved
recommendations; 4 Ayes**

S-7.19-CC Subject: Animal Services Division - Funding Donations
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee, On Behalf Of The City Of Oakland, To Accept Donations In The Amount Of Two Hundred Sixty-Five Thousand Five Hundred And Nine Dollars (\$265,509) From The Estate Of Blanche Thomas, And Sixty-Six Thousand Five Hundred Dollars (\$66,500) From Maddie's Fund, And Appropriate Said Funds To The Oakland Police Department Animal Services Division To Help Fund Spay And Neuter Programs, Quality Of Life Projects For Animals, And Purchase Supplies/Equipment For The Volunteer Program

(10-0059)

**The September 28, 2010 Public Safety Committee approved
recommendations; 4 Ayes**

S-7.20-CC Subject: Negotiation Authorization - Workforce Investment Board Budget
From: Office Of The Mayor
Recommendation: Adopt A Resolution Accepting And Appropriating \$6,050,607 In Fiscal Year 2010-2011 Workforce Investment Act Title 1 Funds Plus An Additional \$1,093,462 In Federal And State Workforce Development Grant Funds, Allocating Such Funds In Accordance With The Oakland Workforce Investment Board Approved 2010-2011 Budget, And Authorizing The City Administrator To Enter Into Contracts With Workforce Development Service Providers Through A Competitive Procurement Process Without Returning To Council [TITLE CHANGE]

(10-0017)

**The September 28, 2010 Community and Economic Development
committee approved recommendations as amended to the resolution to:**

1) Stipulate that approval and appropriation of the budget is contingent upon contracts for the following line items returning to Council for approval:

- Line Item 10 - Innovation RFP
- Line Item 12 - Adult & DW Program Services and Administration (for one-stop affiliates only)
- Line Item 16: Youth Program Services and Administration

2) Redirect WIA funds that are going to current providers that are underperforming (i.e. providers that have failed to reach 50% to 75% of any goal in any given program) towards current contractors who are running successful programs. (Not inclusive of Stimulus funds)

3) Eliminate the last 2 columns (the ARRA 08-10 and WIA 09-10 Carry

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Forward, and Total Available Fund) from the budget matrix in the resolution, as Council is not approving those funds.

4) Direct staff to provide a supplemental report providing more detailed description of expenditures under line Items 1-6.; 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:**

**9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING
REQUIREMENTS:**

9.1 Subject: West Oakland Redevelopment Plan Eminent Domain Property Acquisition
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Approving And Recommending Adoption Of A First Amendment To The West Oakland Redevelopment Plan To Modify The Authority Of The Agency To Acquire Property In The Clawson/McClymonds/Bunche Subarea Through Eminent Domain; And
(09-1628)

2) An Ordinance Adopting The First Amendment To The West Oakland Redevelopment Plan To Modify The Authority Of The Agency To Acquire Property In The Clawson/McClymonds/Bunche Subarea Through Eminent Domain
(09-1628-1)

**ACTION ON THIS ORDINANCE WILL RESULT IN INTRODUCTION
OF THE ORDINANCE**

Final Passage (Second Reading) has been scheduled for October 19, 2010

Upon the reading of Item 14. _ by the City Clerk, the Public Hearing was opened at __ p.m.

The following individuals spoke on this item:

Agency/Councilmember ---- made a motion, seconded by

Agency/Councilmember ---, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, De La Fuente, Kaplan, Kernighan, Nadel, Reid, Quan, and President of the Council Brunner -8

9.2 Subject: Regulations On Laundromats
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Alternative Ordinances:

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1) An Ordinance Adopting Various Planning Code Text Amendments To Regulate Laundromats. In Addition, To Improve Consistency Among Chapters, Chapters 17.58, 17.73, 17.86, And 17.98 Are Being Revised To Add "Other Zoning Provisions," These Amendments Also Contain Regulations Not Related To Laundromats.(TITLE CHANGE); OR

(09-1606)

2) An Ordinance Adopting Various Planning Code Text Amendments To Regulate Laundromats Including A Conditional Use Permit Requirement. In Addition, To Improve Consistency Among Chapters, Chapters 17.58, 17.73, 17.86, And 17.98 Are Being Revised To Add "Other Zoning Provisions," These Amendments Also Contain Regulations Not Related To Laundromats, OR

(09-1606-2)

3) An Ordinance Adopting Various Planning Code Text Amendments As A Clean-Up Item From Other Zoning Amendments, Sections 17.58, 17.73, 17.86, and 17.98 Are Herby Revised To Add "Other Zoning Provisions"

(09-1606-1)

ACTION ON EITHER OF THESE OPTIONAL ORDINANCES WILL RESULT IN INTRODUCTION OF THE ORDINANCE

Final Passage (Second Reading) has been scheduled for October 19, 2010

Upon the reading of Item 14. _ by the City Clerk, the Public Hearing was opened at __ p.m.

The following individuals spoke on this item:

Agency/Councilmember ---- made a motion, seconded by

Agency/Councilmember ---, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, De La Fuente, Kaplan, Kernighan, Nadel, Reid, Quan, and President of the Council Brunner -8

At the meeting of September 21, 2010, Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember De La Fuente, to introduce the 2nd Ordinance supporting the recommendations of the July 27, 2010 Community and Economic Development Committee with a further amendment to use a Minor Conditional Use Permit, and upon call of the roll the motion failed by Ayes: Agency/Councilmember: Brooks, De La Fuente, Quan, and Council President Brunner - 4, Noes, Kaplan, Kernighan, Nadel - 3 Absent: Reid - 1

Agency/Councilmember Brooks made a motion, seconded by

Agency/Councilmember De La Fuente, to continue each optional ordinance

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of the public hearing item number 9.4 to the October 5, 2010 City Council agenda, and hearing no objections, the motion passed by Ayes:
Agency/Councilmember: Brooks, De La Fuente, Kaplan, Kernighan, Nadel, Quan, and Council President Brunner - 7, Absent: Reid - 1

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 Subject: Medical Marijuana Cultivation Facility
From: Office Of The City Administrator
Recommendation: Action On A Report Regarding Proposed Request For Permit Applications (RFP) To Operate A Medical Cannabis Cultivation Facility Pursuant To Oakland Municipal Code Chapter 5.81
(10-0044)

The September 28, 2010 Public Safety Committee approved recommendations and directed staff to revised the RFP to reflect changes/increases to the points system that will be used to score permit applicants. The proposed changes should be applied to the following "Bonus" categories:

Labor Practices

- **Hiring of local residents (50 points), Include language that requires facilities to hire 80% locally.**
- **Purchasing from local businesses (40-50 points)**
- **Labor Agreements and equivalent co-ops and Employment Issues**
- **Eliminate some employment categories**
- **Ensure that entities that apply as a worker owned co-op, with no employees do not lose points for not having employees. Add equivalent language for collective bargaining agreements.**
- **Provide more specific language for first hire provisions, Make local hire more than just a general agreement, Applicants should utilize Oakland's training facilities to hire employees.**

Product Safety

- **Product Testing in laboratories (Look at vulnerability of the laboratories) to increase patient safety**

Environmental Mitigations

- **Environmental Issues (ie., Emissions and greenhouse gas) Increase**
- **Energy and Climate (20 point increase)**

Community Benefits

- **Include Oakland Public Schools as a category**

The committee further directed that applicants should not receive bonus points for complying with the law (ie, ADA Compliance)

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Public Hearing

- Staff will also change the language to ensure the public hearing will occur after the examination and the 4 permits have been selected or issued.

The committee further directed staff to include in the Definition section the following language, " That light manufacturing, industrial and other equivalent use should be defined to include areas for medical service, research service, crop raising, cultivation and agricultural activities are conditionally permitted where the applicants property is located".

The following individual spoke on this item:

- S-10.1 Subject: Feasibility Determination for the Ninth Avenue Terminal
From: Community and Economic Development Committee Agenda
Recommendation: Report and Consideration of Alternative Actions on Ninth Avenue Partners' Proposal and Possible Adoption of a Resolution to Not Accept Ninth Avenue Terminal Partners' Proposal for Reuse of the Ninth Avenue Terminal
(09-1629)

The September 28, 2010 Community and Economic Development committee approved the staff recommendation as stated on the floor to reject the proposed reuse of the Ninth Avenue Terminal; 4 Ayes

- 11 Subject: Improving Language Access To City Services
From: Office Of The City Administrator/ Equal Access
Recommendation: Receive A Status Report On The Implementation Of The Equal Access To Services Ordinance
(09-1526)

This item was withdrawn and reschedule from the September 21, 2010 City Council agenda

- 12 Subject: Action Taken By Mayor During Council Recess 2010
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Ratifying Action Taken By The Mayor During The Oakland City Council 2010 Annual Recess In Conformance With Resolution No. 82580 C.M.S., Dated March 10, 2010
(10-0070)

- S-13 Subject: 2009-10 Fourth Quarter R & E Results & Year-End Projections
From: The Budget Office
Recommendation: Receive A Report On Fiscal Year 2009 - 2010 Fourth Quarter Revenue And Expenditure Results And Year-End Projections For Four Selected Funds - General Purpose Fund (1010), Landscape And Lighting Assessment District Fund (2310), Equipment Fund (4100) And City Facilities Fund (4400); Overtime Analysis For The General Purpose Fund (1010) And All Funds

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(10-0049)

The September 28, 2010 Finance and Management received and forwarded the report; 4 Ayes

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)

There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting at _____ p.m.

Americans With Disabilities Act

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(TTD)

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

ORA - Oakland Redevelopment Agency
S - Supplemental Item