



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/Joint Powers Financing Authority

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California 94612

City of Oakland Website: <http://www.oaklandnet.com>

Tuesday, February 17, 2009

6:00 PM

Oakland City Hall, 3rd Floor

DEFINITION OF TERMS:

CONSENT ITEM: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee. These items are heard on the 6:00 P.M. portion of the agenda.

NON-CONSENT ITEM: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee. These items are heard on the 7:00 P.M. portion of the agenda.

ACTION ITEM: any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

INFORMATIONAL ITEM: an item of the agenda consisting only of an informational report that does not require or permit Council action.

1 Pledge of Allegiance

2 Roll Call / ORA & Council

COUNCIL MEMBERS: Patricia Kernighan, Dist. 2; Nancy Nadel, Dist. 3;
Jean Quan, Dist. 4; Ignacio De La Fuente, Dist. 5; Desley Brooks, Dist. 6;
Larry Reid, Dist. 7; Rebecca Kaplan, At-Large, and President Jane
Brunner, Dist. 1

3 Open Forum / Citizens Comments
(Time Available: 15 minutes)

4 Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.

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- 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 February 3, 2009

8. PRESENTATION OF CEREMONIAL MATTERS

- 8.1 Subject: Patricia Arredondo - Recognition
From: Councilmember Nancy Nadel
Recommendation: Adopt A Resolution Honoring Patricia Ibarra Arredondo For Thirty One Years Of Service To The City Of Oakland And Congratulating Her On Her Recent Retirement
[\(09-0041\)](#)
- 8.2 Subject: 2008 Earned Income Tax Credit
From: Councilmember Nancy Nadel
Recommendation: Hear A Presentation Regarding The City Of Oakland's 2008 Earned Income Tax Credit (EITC) Campaign And Launch Of The 2009 Campaign
[\(09-0064\)](#)
- S-8.3 Subject: Babe Ruth All Star Team Recognition
From: Councilmember Desley Brooks
Recommendation; Adopt A Resolution Commending And Congratulating The Oakland Babe Ruth All Star Team And The Oakland Cal Ripkin Babe Ruth League For Their Successes On The Field And Academically
[\(09-0109\)](#)

This item was placed on this agenda pursuant to Rule 28 of the Council's Rules of Procedure, Resolution 79006 C.M.S.

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

- S-8.4 Subject: Ralph J. Grant - Recognition
From: Councilmembers Larry Reid and Desley Brooks
Recommendation: Adopt A Resolution Honoring The Life Of Ralph J. Grant
[\(09-0110\)](#)

This item was placed on this agenda pursuant to Rule 28 of the Council's Rules of Procedure, Resolution 79006 C.M.S.

This item requires an urgency finding pursuant to Section 2.20.080 E(2) of

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the Sunshine Ordinance requiring a 2/3 majority vote.

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

10. CONSENT CALENDAR (CC) ITEMS:

- 10.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The AIDS Epidemic
(09-0098)
- 10.2-CC Subject: Medical Cannabis Health Emergency
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland
(09-0099)
- 10.3-CC Subject: Sherri Banks - 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 Sherri Banks V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG06-284463, In The Amount Of \$325,000 (Oakland Fire Department)
(09-0100)
- Council discussed this item in Closed Session on December 9, 2008. Motion Authorizing settlement was approved with 8 Ayes.**
- 10.4-CC Subject: Jane Roe - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Settle The Case Of Jane Roe V. City Of Oakland And Richard Valerga, U.S. District Court Action No. C08-04228 CW, Our File No. X03235, In The Amount Of \$110,000.00. This Case Involves Alleged Civil Rights Violations (Police Department)
(09-0101)
- Council discussed this item in Closed Session on February 3, 2009. Motion authorizing settlement passed with 7 Ayes, 1 Absent - Brooks**
- 10.5-CC Subject: Municipal Code Amendment - Massage Establishments & Therapists
From: Office of the City Administrator
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.36, "Massage Establishments And Massage Therapists," To Additionally Provide That: A) Fully Clothed Chair Massage Conducted In Public View, B) Offices Leased By Solo Practitioner Massage Therapists, And C) Non-Massage Businesses That Lease Space To

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Solo Practitioner Massage Therapists Or That Offer Massage As An Incidental Service
Are Exempt From The Requirement To Obtain A Massage Establishment Permit
(07-1738)

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

**Introduction (First Reading) was approved on January 20, 2009; 6 Ayes, 2
Excused - Brooks, Reid**

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

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

**Introduction (First Reading) was approved on February 3, 2009; 7 Ayes, 1
Excused - Brooks**

10.7-CC Subject: Storm Drain Design Standards
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Amending Title 13 Of The Oakland Municipal
Code Adding Section 13.14 To Establish Storm Drainage Design Standards
(07-1870)

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

**Introduction (First Reading) was approved on February 3, 2009; 7 Ayes, 1
Excused - Brooks**

10.8-CC Subject: Employee Bond Requirements - Amendment
From: Finance and Management Agency
Recommendation: Adopt An Ordinance Amending Ordinance No. 7997 C.M.S., Which
Established A Requirement That The City Provide Bond Insurance For Specified City
Employees And Officer To Insure The Honest And Faithful Performance Of Their
Official Duties, To: (1) Add The City Attorney As A Bonded City Officer, (2) Authorize
The City Administrator Or His/Her Designee To Approve The Bond Insurance
Agreements, Subject To Approval As To Form And Legality By The City Attorney; (3)

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Set The Minimum Bond Coverage Limit For Each Such Employee And Officer At Two Million Dollars (\$2,000.000); And (4) Authorize The City Administrator To Provide A Master Official Bond, That Will Cover All Such Employees And Officers If The City Administrator Or Designee Determines That It Is In The City's Best Interests To Do So (07-1881)

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

**Introduction (First Reading) was approved on February 3, 2009; 7 Ayes, 1
Excused - Brooks**

S-10.9-CC Subject: Central City East Formation Procedures Amendment
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Amending The Formation Procedures For The Central City East Redevelopment Project Area Committee: 1) To Remove The Age Requirement For Existing Community Organization Appointees; And 2) To Add Castlemont Leadership Preparatory High School And Mandela High School As Alternating "At Large" Community Organizations (09-0019)

**The February 10, 2009 Community and Economic Development
Committee approved recommendations; 4 Ayes**

S-10.10-C Subject: Broadway/MacArthur/San Pablo Area Façade Improvement Program
C From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Allocating \$300,000 To The Broadway/MacArthur/San Pablo Redevelopment Project Area Façade Improvement Program And Allocating \$300,000 To The Broadway/MacArthur/San Pablo Redevelopment Project Area Tenant Improvement Program; And (09-0028)

2) An Agency Resolution Reallocating \$500,000 From The Downtown Tenant Improvement Program (Retail Entertainment Catalyst Project) To The Downtown Façade Improvement Program (09-0028-1)

**The February 10, 2009 Community and Economic Development
Committee approved recommendations; 4 Ayes**

S-10.11-C Subject: Real Property Purchase - 10451 MacArthur Boulevard
C From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 10451 MacArthur Boulevard From Coast Capital Ventures For \$737,500 Less The Cost Of Any Environmental Site Remediation And Authorizing Up To \$10,000

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For Real Estate Closing Costs
(09-0038)

**The February 10, 2009 Community and Economic Development
Committee approved recommendations; 4 Ayes**

S-10.12-C Subject: Real Property Purchase - 5803-5833 Foothill Boulevard
C From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real
Property At 5803-5833 Foothill Boulevard, From Fame Faith Foundation LLC For
\$1,100,000 Less the Cost Of Any Environmental Site Remediation And Authorizing Up
To \$10,000 For Real Estate Closing Costs
(09-0040)

**The February 10, 2009 Community and Economic Development
Committee approved recommendations; 4 Ayes**

S-10.13-C Subject: Public Arts Plan
C From: Cultural Arts and Marketing
Recommendation: Adopt A Resolution To Adopt The 2009 Public Art Projects Plan
(09-0010)

**The February 10, 2009 Life Enrichment Committee approved
recommendations; 4 Ayes**

S-10.14-C Subject: 2009-2010 Open Circle Foundation Grant
C From: Cultural Arts and Marketing
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept
And Appropriate A Grant Of Up To \$100,000 From The Open Circle Foundation To The
City Of Oakland Public Art Program To Support "Open Proposals 2009-2010" Public
Art Projects
(09-0011)

**The February 10, 2009 Life Enrichment Committee approved
recommendations and directed staff to make equitable distributions of the
\$100,000 to the Public Art Projects so that each council district receives a
portion; 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 2.20.130
of the Sunshine Ordinance

COMMENCING AT 7:00 P.M. OR AS SOON AS REASONABLY PRACTICAL
THEREAFTER:

- 13 Reconsideration of Ordinances pursuant to Charter Section 216

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14. Consideration of items with statutory Public Hearing Requirements:

- 14.1 Subject: Citizen's Options For Public Safety Grant
 From: Oakland Police Department
 Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution
 Authorizing (1) The Acceptance And Appropriation Of A State Of California "Citizen's
 Options For Public Safety" (State Cops) Grant In An Amount Not To Exceed Six
 Hundred Sixty-Nine Thousand Nine Hundred And Eighty-Two Dollars (\$669,982); (2)
 Implementing California Government Code Sections 30061-30065, And (3) Approving
 The Oakland Police Department's Fiscal Years 2008-2010 State Cops Grant Spending
 Plan
 (07-1908)

**The February 10, 2009 Public Safety Committee approved
recommendations and directed staff to provide the following information:
1) What Oversight Committee and /or Congressional Senate Committee
issues the State COPS grant funds; 4 Ayes**

ACTION ON NON-CONSENT ITEMS:

- 15 Subject: Oakland Tourism Business Improvement District
 From: Office of the City Administrator
 Recommendation: Adopt A Resolution To Establish The Oakland Tourism Business
 Improvement District (OTBID) Proposed By The Oakland Convention & Visitors
 Bureau, Declare The Results Of The Majority Protest Proceedings, And Authorizing The
 City Administrator To Negotiate And Enter Into A Professional Services Agreement
 With The Oakland Convention & Visitors Bureau To Operate The OTBID
 (07-1393-1)
- This item is scheduled to appear as a Public Hearing on the March 3, 2009
City Council Agenda**
- 16 Subject: Public Art Advisory Committee Appointments
 From: Cultural Arts and Marketing
 Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Judy
 Moran And Julie Trosper As Members Of The Public Art Advisory Committee
 (09-0012)
- 17 Subject: Commission On Persons With Disabilities Appointments
 From: Office of the Mayor
 Recommendation: Adopt A Resolution Appointing/Reappointing Lynne Cutler, Lori Ann
 Dotson And Lateef McLeod As Members Of The Commission On Persons With
 Disabilities (TITLE CHANGE)
 (09-0106)
- 18 Subject: Wildfire Prevention Assessment District Appointment
 From: Office of the Mayor
 Recommendation: Adopt A Resolution Appointing Donald Johnson As A Member Of

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The Wildfire Prevention Assessment District Advisory Board
(09-0107)

S-19 Subject: Central District Redevelopment Project Bonds
From: Finance and Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Of The City Council Of The City Of Oakland Approving Issuance By The Redevelopment Agency Of The City Of Oakland Of Not To Exceed \$60,000,000 Aggregate Principal Amount Of Redevelopment Agency Of The City Of Oakland Central District Redevelopment Project Subordinated Tax Allocation Bonds, Series 2009T (Federally Taxable), And Providing Other Matters Properly Relating Thereto;
(09-0042)

2) An Agency Resolution Of The Redevelopment Agency Of The City Of Oakland Authorizing The Issuance And Prescribing The Terms, Conditions And Form Of Not To Exceed \$60,000,000 Principal Amount Of The Redevelopment Agency Of The City Of Oakland Central District Redevelopment Project Subordinated Tax Allocation Bonds, Series 2009T (Federally Taxable), Approving The Form Of And Authorizing The Execution And Delivery Of A Third Supplemental Indenture Of Trust And A Bond Purchase Contract; Approving The Form Of And Authorizing The Distribution Of A Preliminary Official Statement And Authorizing Execution And Delivery Of An Official Statement; Approving The Purchase And Cancellation Of A Portion Of The Series 2005 Bonds; Approving The Selection And Retention Of A Financial Advisor And Underwriter; Authorizing Payment Of Costs Of Issuance; Allocating Bond Proceeds To Finance Redevelopment Activities In The Redevelopment Project Area; And Authorizing And Approving Necessary Actions In Connection Therewith; And
(09-0042-1)

3) A Resolution Of The Oakland Joint Powers Financing Authority Authorizing The Purchase And Sale Of Not To Exceed \$60,000,000 Principal Amount Of Redevelopment Agency Of The City Of Oakland Central District Redevelopment Project Subordinated Tax Allocation Bonds, Series 2009T (Federally Taxable), Upon Certain Terms And Conditions, Approving Distribution Of Official Statement Relating Thereto, And Providing Other Matters Properly Relating Thereto
(09-0042-2)

The February 10, 2009 Finance and Management Committee approved recommendations and directed staff to return to the March 24, 2009 Committee meeting with a proposal for a "not-to-exceed" number for the bonds and a market status update; 4 Ayes

S-20 Subject: Council Approval Of Compensation
From: City Council
Recommendation: Adopt An Ordinance (1) Amending The Salary Ordinance To Require Council Approval Of Certain Forms Of Compensation And Certain Terms In Hiring

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Agreements For Agency And Department Heads Who Are Appointed By The City Administrator In Circumstances Specified In The Ordinance And (2) Supplementing And Amending Ordinance Nos. 12187 C.M.S. And 12903 C.M.S.
(09-0108)

The February 10, 2009 Finance and Management Committee amended the ordinance to include the following language: the City Council must approve terms and compensation for the department and agency heads other than those provided in the Memorandum of Understanding between the City and its recognized miscellaneous employee organizations, and for department and agency heads offered an initial salary above the midpoint of the salary range; 4 Ayes

S-21 Subject: Oakland Maritime Support Services Agreement Amendment
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Amending The Exclusive Negotiating Agreement ("ENA") With Oakland Maritime Support Services For The Development Of Approximately 15 Acres Within The Former Oakland Army Base ("Army Base") To Extend The ENA Term From February 28, 2009 To The Earlier Of February 28, 2011 Or The Resolution Of The California Environmental Quality Act Litigation Filed By The East Bay Municipal Utility District Against The City And Redevelopment Agency Regarding The Army Base
(09-0007)

The February 10, 2009 Community and Economic Development Committee approved recommendations; 3 Ayes, 1 Abstention-Brunner

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)

Americans With Disabilities Act

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Office of the City Clerk - Agenda Management Unit

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(TDD)

THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY 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
Agency Secretary/City Clerk
and Clerk of the Council**

ORA - Oakland Redevelopment Agency
S - Supplemental Item