



# 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>

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Tuesday, January 19, 2010

6:00 PM

Oakland City Hall, 3rd Floor

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### **DEFINITION OF TERMS:**

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

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

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

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

- 1 Pledge of Allegiance
- 2 Roll Call / ORA & Council

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

- 3 Open Forum / Citizens Comments  
(Time Available: 15 minutes)
- 4 Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.
- 5 Motion for 'Members' Requests for Reconsideration' of an Action taken at the preceding Council Meeting, shall be scheduled for the next-succeeding City Council meeting as a non-consent item. (Motion Maker must have voted on prevailing side)

# SUPPLEMENTAL

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

**Tuesday, January 19, 2010**

---

- 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 December 8, 2009 and January 5, 2010

## **8. PRESENTATION OF CEREMONIAL MATTERS**

- 8.1 Subject: Deputy Chief David Kozicki - Honorarium  
From: Councilmember Reid  
Recommendation: Adopt A Resolution Honoring Deputy Chief David Kozicki On His Retirement From The Oakland Police Department And For His Many Years Of Service To The Citizens Of Oakland  
(09-1108)
- 8.2 Subject: East Oakland Faith Deliverance Center Recognition  
From: Councilmember Reid  
Recommendation: A Resolution Honoring The Angelic Voices Of The East Oakland Faith Deliverance Center For Earning The Right To Compete In The National Finals Of The How Sweet The Sound Best Church Choir In America Competition In Detroit, Michigan.  
(09-1107)
- 8.3 Subject: Teen Dating Violence Awareness And Prevention Month  
From: Councilmember Jean Quan  
Recommendation: Adopt A Resolution Proclaiming The Month Of February 2010 As Teen Dating Violence Awareness And Prevention Month  
(09-1116)
- S-8.4 Subject: Robert Glaze - Retirement  
From: Councilmember Reid  
Recommendation: Adopt A Resolution Recognizing And Honoring Robert Glaze For His Dedicated Service To The City Of Oakland Upon His retirement After 40 Years  
(09-1125)

**Pursuant to Rule 28(a) of Resolution 79006 C.M.S., this item was added to the agenda and this item also requires an Urgency Finding ( 2/3 majority vote) pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance, prior to discussion.**

## **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

# SUPPLEMENTAL

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

**Tuesday, January 19, 2010**

---

Crisis With Regard To The AIDS Epidemic  
(09-1089)

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  
(09-1090)

10.3-CC Subject: Registration Of Foreclosed And Vacant Residential Buildings  
From: Councilmembers Reid, Quan, and Kaplan  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending The Oakland Municipal Code To Establish A New Chapter  
8.54 Requiring The Registration Of Foreclosed And Vacant Residential Building; And  
(09-0953)

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

**INTRODUCTION (First Reading) was passed January 5, 2010 with a vote  
of 8 Ayes**

2) An Ordinance Amending The Master Fee Schedule (Ordinance Number 12948  
C.M.S.) To Establish New Fees For Registering Vacant Buildings  
(09-0953-1)

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

**INTRODUCTION (First Reading) was passed as amended January 5, 2010  
with a vote of 8 Ayes**

10.4-CC Subject: Sewage Overflow Valves Installation  
From: Councilmember Jean Quan  
Recommendation: Adopt An Ordinance Amending Chapter 13.08 Of The Oakland  
Municipal Code To Require The Installation Of Sewage Overflow Devices On Privately  
Maintained Sewer Laterals  
(09-0946)

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

**INTRODUCTION (First Reading) was passed as amended January 5, 2010  
with a vote of 8 Ayes**

10.5-CC Subject: Leslie And Demarcus Carminer - Settlement  
From: Office of the City Attorney

# SUPPLEMENTAL

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

**Tuesday, January 19, 2010**

Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Leslie Carminer And Demarcus Carminer V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG09-430540, City Attorney File No. 26788, In The Amount Of \$19,000.00. This Case Involves A Claim For Damages Resulting From An Automobile Accident On July 17, 2008 Involving A Vehicle Driven By Leslie Carminer And An Oakland Police Department Patrol Vehicle (OPD)

[\(09-1114\)](#)

**This item was not discussed in Closed Session.**

10.6-CC Subject: Conflict Of Interest Code Amendments  
From: City Attorney's Office  
Recommendation: Adopt An Ordinance Amending The City Of Oakland's Conflict Of Interest Code (Ordinance Number 11562 C.M.S. Adopted March 23, 1993, As Amended, Oakland Municipal Code Chapter 3.16) Enacting A Conflict Of Interest Code For City Of Oakland Employees, Members Of Boards And Commissions, And Consultant Positions To Update The Designation Of Positions Covered By The Code  
[\(09-1113\)](#)

10.7-CC Subject: Amendment To Negotiate Settlement Agreement Contract  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Amending Resolution No. 82448 C.M.S. (1) To Reflect The Name Change Of The Alexandria Group Of MPRI, The Contractor That The Council Authorized To Perform Independent Monitoring Services In An Amount Not To Exceed \$1,500,000, To Assure Compliance With A Court Order In Delphine Allen, Et Al V. City Of Oakland, USDC Case No. COO-4599 THE, A Lawsuit Alleging That Certain Oakland Police Officers Violated Plaintiffs' Civil Rights, And (2) To Authorize The City Administrator To Execute The Agreement With The Contractor Under The Contractor's New Name, Police Performance Solutions, LLC  
[\(09-1117\)](#)

10.8-CC Subject: Robert Valladon - Settlement  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Robert Valladon, Et Al. V. City Of Oakland, United States District Court Case No. C06-07478, Our File No. X02960 (Oakland Police Department)  
[\(09-1122\)](#)

**Council discussed this item in closed session on December 8, 2009. Motion authorizing settlement passed by unanimous vote: 6 AYES; 2 NOES- Brooks; De La Fuente**

10.9-CC Subject: Amicus Brief - Challenging Chicago's Ban On Handguns Sales  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing The City Attorney, On Behalf Of The City Of Oakland, To Join In An Amicus (Friend Of The Court) Brief In The United

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council

Tuesday, January 19, 2010

States Supreme Court Asking The Court To Uphold The Decision Of The Court Of Appeals For The Seventh Circuit Dismissing Law Suits Challenging Chicago's Ban On The Possession And Sale Of Handguns  
(09-1123)

**This item was discussed in closed session but no action was taken**

S-10.10-C Subject: Rehabilitation Of Margarido Paths And Stairs - Mosto Construction  
C From: Community And Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To Mosto Construction For The Rehabilitation Of Margarido Paths And Stairs (Project No. C214850) In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Not-To-Exceed One Hundred Twenty-Nine Thousand Six Hundred Seventy-Four Dollars (\$129,674.00)  
(09-1055)

**The January 12, 2010 Public Works Committee approved recommendations; 4 Ayes**

S-10.11-C Subject: Rehabilitation Of Eucalyptus Paths And Stairs - Andes Construction  
C From: Community And Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To Andes Construction, Inc., For The Rehabilitation Of Eucalyptus Paths And Stairs (Project No. C214840) In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Not-To-Exceed One Hundred Ninety-Four Thousand Nine Hundred Twenty-Five Dollars (\$194,925.00)  
(09-1056)

**The January 12, 2010 Public Works Committee approved recommendations; 4 Ayes**

S-10.12-C Subject: Jefferson Square Park Improvement Project - Mcguire And Hester  
C From: Community And Economic Development Agency  
Recommendation: Adopt Resolution Awarding A Contract To The Lowest, Responsible, Responsive Bidder, Mcguire And Hester, In An Amount Not-To-Exceed Four Hundred Thirty Seven Thousand Seven Hundred Five Dollars (\$437,705.00) For The Construction Of The Jefferson Square Park Improvement Project In Accord With Plans And Specifications For The Project (No. P338310) And Contractor's Bid Therefore  
(09-1057)

**The January 12, 2010 Public Works Committee approved recommendations; 4 Ayes**

S-10.13-C Subject: As-Needed General Economic Consulting Contracts  
C From: Community And Economic Development Agency  
Recommendation: Adopt An Agency Resolution Amending Resolution No. 2007-0057 To Increase The Funding Allocation For As-Needed General Economic Consulting Service Contracts By \$150,000 From A Total Not-To-Exceed Amount Of \$480,000 To \$630,000

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council

Tuesday, January 19, 2010

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(09-1016)

**The January 12, 2010 Community and Economic Development Committee approved recommendations; 4 Ayes**

S-10.14-C Subject: Gazzali's Supermarket - Grant  
C From: Community and Economic Development Agency  
Recommendation: Adopt An Agency Resolution Authorizing A Grant In An Amount Not To Exceed \$65,000, To Gazzali's Supermarket At 73rd And Bancroft Avenue In The Central City East Redevelopment Project Area To Pay Off An Economic Development Administration Working Capital Loan

(09-0911)

**The January 12, 2010 Community and Economic Development Committee approved recommendations; 4 Ayes**

S-10.15-C Subject: Wopac One-Year Extension  
C From: Community And Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing A One Year Extension Of The Project Area Committee For The West Oakland Redevelopment Project To November 18, 2010

(09-1043)

**The January 12, 2010 Community and Economic Development Committee approved recommendations; 4 Ayes**

S-10.16-C Subject: Sole Source Agreement - Police Resource System  
C From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Waive The Competitive Request For Qualifications/Proposals (RFQ/RFP) Process, And Enter Into A Sole Source Agreement With Analysis Central Systems In An Amount Not To Exceed One Hundred Ninety Thousand And Seven Hundred Dollars (\$190,700) For Implementation Of The Police Resource Optimization System (PROS) Within The Oakland Police Department

(09-1087)

**The January 12, 2010 Public Safety Committee approved recommendations; 4 Ayes**

S-10.17-C Subject: 2008-2009 City Administrator Approved Purchases And Contracts  
C From: Contracting and Purchasing  
Recommendation: Receive An Informational Report Listing All Purchases And Contracts Authorized By The City Administrator, Or The City Administrator Designee, Within The City Administrator's Contract Authority During Fiscal Year 2008-2009 In Accordance With Oakland Municipal Code Section 2.04.020.D.2

(09-0629)

**The January 12, 2010 Finance and Management Committee received and forwarded this report; 4 Ayes**

S-10.18-C Subject: Employee and City Official Parking

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council

Tuesday, January 19, 2010

- C From: Finance And Management Agency  
Recommendation: Discussion And Possible Action On An Administrative Policy On Employee And City Official Parking Privileges And Assigning Employees And Officials To Specific Parking Garages  
(09-1040)

**The January 12, 2010 Finance and Management Committee received and forwarded report and directed staff to provide a supplemental report a list of employees who receive free parking.**

**The committee also directed staff to return in March with the results from a survey of other cities that may have similar benefits on transit use/auto allowances and information that explores offering transit benefits to employees who receive free parking to free up more parking spaces.**

**Staff was also directed to provide regular annual reports of who gets the spaces and their classifications; 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

**14. Consideration of items with statutory Public Hearing Requirements:**

**ACTION ON NON-CONSENT ITEMS:**

- 15 Subject: Appointment To The Board Of Port Commissioners  
From: Office of the Mayor  
Recommendation: Adopt A Resolution Appointing Michael Lighty As A Member Of The Board Of Port Commissioners  
(09-1082)

**Pursuant to Rule 29 of the Council's Rules of Procedure, Resolution No. 79006 C.M.S. and City Charter Section 200 this item was continued to the January 19, 2010 City Council meeting.**

**Pursuant to City Charter Section 200, which provides that "the Mayor shall have a vote on the Council if the councilmembers are evenly divided", and Rule 29 of the Council's Rules of Procedure, Resolution No. 79006 C.M.S. this item was continued to the Council's next regularly scheduled meeting solely for the purpose of allowing the Mayor to cast the tie**

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council

Tuesday, January 19, 2010

breaking vote on the motion.

**Rule 29 provides the following regarding the procedure: "Council and public discussion is permitted on the item to be voted on by the Mayor; however, Council members cannot change their vote unless the item has been properly noticed for reconsideration. The Mayor must appear at the Council meeting to cast his vote."**

**If the Mayor does not cast the tie breaking vote, the motion fails; 4 AYES; 4 NOES - Brooks; De La Fuente; Reid; Brunner**

16 Subject: Immediate Hiring Freeze  
From: Council President Brunner And Vice-Mayor De La Fuente  
Recommendation: Adopt A Resolution Implementing An Immediate Hiring Freeze On All Positions Funded By The General Fund And Requiring That The City Administrator And Other Appointing Authorities Obtain City Council Authorization/Approval To Fill Any Positions Funded By The General Fund  
(09-1119)

17 ~~Subject: Oakland Golf LLC Rent Relief~~  
~~From: Office Of Parks And Recreation~~  
~~Recommendation: Adopt A Resolution To Approve Fifty Percent (50%) Of The Minimum Rent Relief To Oakland Golf LLC For The Operation Of The Metropolitan Golf Links During Fiscal Year July 1, 2009 Through June 30, 2010 As Authorized In The First Sublease And Operating Agreement Approved By Resolution No. 81241 (C.M.S.) On May 6, 2008~~  
(09-1011)

**The December 15, 2009 Life Enrichment Committee approved recommendations and directed staff to provide a supplemental report to the January 19, 2010 City Council regarding; 1) actual profits of the Metropolitan Golf Links course; 2) analysis of the usage and revenues generated based on usage 3) revenues and profits analysis, and 4) details on the cost cutting measures that have been implemented. The committee also approved amendment of the contract to require performance of an Audit in year 2 instead of year 3 as stated in the contract. The audit should consider the future of the city's golf courses and whether or not the city can afford all three; 4 Ayes**

18 Subject: Paramount Theater Of The Arts Board Of Directors  
From: Office of the Mayor  
Recommendation: Adopt A Resolution Re-Appointing Lorenzo Hoopes, Clinton Killian, Rob McKean And Ed Thomas As Members Of The Paramount Theater Of The Arts Board Of Directors  
(09-1081)

**This item was rescheduled from the January 5, 2010 City Council agenda**



# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council

Tuesday, January 19, 2010

19 Subject: Vice Mayor - One Year Term  
From: President Jane Brunner  
Recommendation: Adopt A Resolution Electing Councilmember \_\_\_\_\_ As Vice  
Mayor Of The City Of Oakland For A One-Year Term Pursuant To City Charter Section  
208  
(09-1112)

20 Subject: 2010 Federal Legislative Agenda Approval  
From: City Council  
Recommendation: Action On A Report On 2010 Federal Legislative Agenda  
(09-1124)

**This item was placed on the agenda at the direction of the City Council at  
the December 8, 2009 meeting.**

S-20.1 Subject: City Of Oakland Recovery Zone (ARRA)  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Designating The City Of Oakland A Recovery  
Zone Pursuant To 26 U.S.C. 1400U-1-1400U-3, Enacted By The American Recovery  
And Reinvestment Act Of 2009 (Federal Government's "Stimulus Package")  
(09-1086)

**The January 12, 2010 Community and Economic Development Committee  
approved recommendations and amended the resolution to include an  
additional Further Resolve that all projects to be funded by the Recovery  
Zone to be approved by the City Council.**

**The Committee further directed staff to submit a Supplemental report with  
the criteria and/or categories of the projects that may receive the Recovery  
Zone funding; 4 Ayes**

S-20.2 Subject: Pacific Renaissance Plaza Lawsuit  
From: Community And Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A City Resolution Amending City Resolution No. 80841 C.M.S. Authorizing  
Settlement Of The Pacific Renaissance Plaza Lawsuit To (1) Extend The Timeline For  
Repaying The City's Legal Costs By Twenty-Four Months, And (2) Allow Resales Of  
Project Units To Households Earning Up To 120% Of Area Median Income And;  
(09-1015)

**The January 12, 2010 Community and Economic Development Committee  
approved recommendations; 3 Ayes; 1 Recusal - Brunner**

2) An Agency Resolution Amending Agency Resolution No. 2007-71 C.M.S.  
Authorizing Settlement Of The Pacific Renaissance Plaza Lawsuit To (1) Extend The  
Timeline For Repaying The City's Legal Costs By Twenty-Four Months, And (2) Allow  
Resales Of Project Units To Households Earning Up To 120% Of Area Median Income

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council

Tuesday, January 19, 2010

---

(09-1015-1)

**The January 12, 2010 Community and Economic Development Committee approved recommendations; 3 Ayes; 1 Recusal - Brunner**

S-20.3 Subject: Measure Y Report  
From: Office Of The City Administrator  
Recommendation: Receive An Informational Report: Outcome Evaluation Of Measure Y Community Policing Efforts For Fiscal Year 2008-2009, Conducted By Resource Development Associates (RDA)

(09-1012)

**The January 12, 2010 Public Safety Committee received and forwarded the report and directed staff to submit the following information in a future Evaluation report on Measure Y: 1) Analyzing the types of community policing projects in which the police department participates; 2) How to assess the PSO fairly within the district while working on Measure Y problems whether in pairs or individually; 3) Include statistical information from the SVU on domestic violence crimes; and 4) Include Truancy Officer statistics.**

**The Committee further directed staff to following up in a separate report with the following information:**

**1) Request a follow-up report on OFD's mentoring programs that are currently conducted at the Fire Houses; 2) Request a report from Neighborhood Services Detailing NCPC priorities; implementation status; and types of attendees at NCPC meetings as to whether the 10 or 30 attendees at the NCPC meetings are representing neighborhood watch groups; 3) Request an update from OPD regarding the implementation of the findings recommended in this evaluation; 4) Request that OPD and Neighborhood Services take a serious look at the data in Section 3 & 4 and incorporate it into their strategic plan where appropriate; 5) Provide recommendations that if we continue with Measure Y in its current state or an altered version that ensures the City has one person preferably in the City Administrator's office who is solely responsible for ensuring that all agencies receiving funds are using them appropriately and performing activities that adhere to the spirit and letter of the initiative; 6) Request that the City Administrator, appropriate City agencies and Council staff, work in collaboration with OPD on a comprehensive Violence prevention plan that incorporates OPD's strategic plan, and Measure Y; and 7) How OPD/the City is addressing preventative policing with decreased dispatch; 4 Ayes**

21 Subject: Public Safety And Transportation Protection Act  
From: Councilmember Jean Quan  
Recommendation: Adopt A Resolution In Support Of The Local Taxpayer, Public Safety And Transportation Protection Act Of 2010, Which Will Prohibit The State From Taking

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council

Tuesday, January 19, 2010

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Local Revenue  
(09-1118)

## 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)

NOTE: Americans With Disabilities Act  
If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

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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