



# SUPPLEMENTAL

## City of Oakland

### Meeting Agenda

#### Meeting of the Oakland City Council

Office of the City Clerk  
Oakland City Hall  
1 Frank H. Ogawa Plaza  
Oakland, California 94612  
LaTonda Simmons, City Clerk

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**Tuesday, October 04, 2005**

**6:00 PM**

**Oakland City Hall, 3rd Floor**

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- 1 Pledge of Allegiance
- 2 Roll Call / ORA & Council
- 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 September 20, 2005

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

- 8.1 Subject: Airport Expansion  
From: Councilmember Reid  
Recommendation: Receive A Power Point Presentation By The Port Of Oakland On the Conceptual Plan For Airport Expansion For 2010-2012  
[\(05-0741\)](#)
- 8.2 Subject: California National Guard Withdrawal  
From: Councilmember Nadel  
Recommendation: Adopt A Resolution Calling Upon The Governor Of California To Urge The Pentagon, The President And Congress To Take Immediate Steps To Withdraw California National Guard Troops From Iraq  
[\(05-0724\)](#)
- 8.3 Subject: PG&E Anniversary  
From: Council President De La Fuente  
Recommendation: Adopt A Resolution Recognizing The 100th Anniversary Of The

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Pacific Gas & Electric Company And Proclaiming October 10, 2005 To Be "PG&E Day"  
In The City Of Oakland

[\(05-0745\)](#)

8.4 Subject: New Book Celebrating Oakland's History and Landmarks  
From: Council President De La Fuente  
Recommendation: Adopt A Resolution Commending Edmond Clausen And Annalee  
Allen For Creating An Innovative New Book Celebrating Oakland's History And  
Landmarks

[\(05-0746\)](#)

8.5 Subject: Jack And Jill Anniversary  
From: Councilmember Reid  
Recommendation: Adopt A Resolution Commemorating The 50th Anniversary Of The  
Founding Of The Oakland-East Bay Chapter Of Jack And Jill Of America, Inc.

[\(05-0783\)](#)

S-8.6 Subject: Domestic Violence Awareness Month - October 2005  
From: Councilmember Quan  
Recommendation: Adopt a Resolution Proclaiming October 2005 Domestic Violence  
Awareness Month

[\(05-0806\)](#)

**Pursuant to Section Section 2.20.080(E)2 of the Sunshine Ordinance an  
urgency finding was made at the September 29, 2005 Rules and Legislation  
Committee to place this item on the agenda for the following reasons: That  
there is a need to take immediate action which came to the attention of the  
local body after the agenda was posted, and that the need to take  
immediate action relates to a purely ceremonial or commendatory action.**

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

[\(05-0742\)](#)

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

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(05-0743)

10.3-CC Subject: Claudine Nuriddin - Settlement  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Claudine Nuriddin v. City Of Oakland, Et Al., Superior Court, County Of Alameda, Case No. RG04191852, In The Amount Of \$8,000.00 As A Result Of An Trip And Fall Accident In The Vicinity Of MacArthur Boulevard And Patterson Avenue, Oakland, On May 18, 2004 (Public Works Agency - Trip And Fall)

(05-0747)

**This item was not heard in Closed Session**

10.4-CC Subject: Steve Splendorio And Bruce Nielsen - Settlement  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Steve Splendorio And Bruce Nielsen, And Other Employees Similarly Situated (Plaintiffs) v. City Of Oakland, Et Al. (Defendants), United States District Court, Northern District Of California, Case No. C044349-CW, As Follows: (1) City Shall Pay A Total Amount Of \$418,506.19, As Compensation To Qualifying Members Of Local 55 For Incorrect FLSA Overtime Calculations, Of Which Sum Only \$150,932.42 Remains To Be Paid; And, (2) City Shall Pay \$8,000.00 In Attorneys' Fee

(05-0773)

**Council discussed this item in closed session on September 20, 2005.  
Motion authorizing settlement passed with 7 Ayes, 1 Absent - Reid**

10.5-CC Subject: Ratification of the Mayor's Actions During 2005 Recess  
From: Office of the City Clerk  
Recommendation: Adopt A Resolution Ratifying Action Taken By The Mayor During The Oakland City Council 2005 Annual Recess In Conformance With Resolution Number 79006 C.M.S. Dated January 4, 2005

(05-0748)

10.6-CC Subject: Traffic Stop Signs And Parking Meter Zone For 19th Street And Thomas L. Berkley Way  
From: Community And Economic Development Agency  
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending Oakland Municipal Code Chapter 10.36 And Adding A Metered Parking Zone Along A New Street Connecting 19th Street, William Street, And Thomas L. Berkley Way For The Uptown Oakland Mixed Use Redevelopment Project

(05-0562-1)

**Introduction (First Reading) was on approved September 20, 2005; 7 Ayes,  
1 Absent - Brooks**

S-10.7-CC Subject: Microsoft Windows/Exchange Software Migration  
From: Finance and Management Agency

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Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Contract With Micromenders Inc. For Products And Services To Implement A Microsoft Windows 2003/Exchange 2003 Software Migration For An Amount Not To Exceed Six Hundred And Eighteen Thousand Nine Hundred Seventeen Dollars (\$618,917.00)

[\(05-0702\)](#)

**The September 27, 2005 Finance and Management Committee approved recommendations; 3 Ayes, 1 Abstain - Brunner**

S-10.8-CC Subject: Give Something Back - Contract Amendment  
From: Finance And Management Agency  
Recommendation: Adopt A Resolution Amending The Contract Awarded To Give Something Back For Laser Printer Toner Cartridges And Recycled Content Dioxin-Free Paper Authorized By Council Resolution No. 78749 C.M.S., Dated July 20, 2004, From A Not To Exceed Amount Of \$60,000 Per Year To A New Not To Exceed Amount Of \$500,000 Per Year

[\(05-0704\)](#)

**The September 27, 2005 Finance and Management Committee approved recommendations; 4 Ayes**

10.9CC Subject: Design Review Program For Commercial Properties  
From: Community and Economic Development Agency  
Recommendation: Action On A Report And Recommendations On Proposal To Expand Design Review To The City's Commercial Zoning Districts

[\(05-0616\)](#)

**The September 27, 2005 Community and Economic Committee approved recommendations; 4 Ayes**

S-10.10-C Subject: Second Hand Smoke Policy  
C From: President De La Fuente  
Recommendation: Approve the Introduction (First Reading) of an Ordinance Amending Oakland Municipal Code, Title 8, Chapter 8.30, Smoking, To Define The Smoke-Free Area Required Outside Work Buildings As 25 Feet From Any Entrance, Exit, Window And Air Intake Vent Of Buildings That Serve As Places Of Employment

[\(05-0633\)](#)

**The September 27, 2005 Public Safety Committee approved recommendations; 3 Ayes, 1 Excused - Kernighan**

**Final Passage (Second Reading) has been scheduled for October 18, 2005**

S-10.11-CC Subject: Paul Coverdell National Forensic Science Improvement Act Program - Grant  
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 Twelve Thousand Seven Hundred Eighty Dollars (\$12,780) From The Governor's Office Of Emergency Services For The Paul Coverdell National Forensic Science Improvement Act Program To The Police Department For Participation In The Program

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(05-0710)

**The September 27, 2005 Public Safety Committee approved recommendations; 3 Ayes, 1 Excused - Kernighan**

S-10.12-C Subject: California Commission On Peace Officers Standards And Training -  
C Agreement  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Execute An Agreement With The California Commission On Peace Officer Standards And Training (POST) For The Purpose Of Permitting The Police Department To Present The POST Certified Emergency Vehicle Operations Course (EVOC) To A Maximum Of One Hundred Twenty (120) Police Officer Trainees And Receive Up To Fifty-Three Thousand Four Hundred Dollars (\$53,400) In Reimbursement Funds

(05-0709)

**The September 27, 2005 Public Safety Committee approved recommendations; 3 Ayes, 1 Excused - Kernighan**

S-10.13-C Subject: Opposition Proposition 73  
C From: Councilmember Nadel  
Recommendation: Adopt A Resolution Declaring Opposition To Proposition 73 "Termination of Minor's Pregnancy, Waiting Period And Parental Notification. Initiative Constitutional Amendment"

(05-0640)

**The September 29, 2005 Rules and Legislation 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

**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: Forest City Residential West - Amendments  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

- 1) An Agency Resolution (1) Approving Amendments To The Lease Disposition And Development Agreement, Ground Lease, And Related Documents Between The

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Redevelopment Agency, The City, And FC Oakland, Inc. Or Related Entities, For The Development Of A Mixed-Use Residential Rental And Retail Development Project In The Uptown Activity Area Of The Central District Redevelopment Project Area To (A) Modify Public Park Maintenance Obligations, (B) Change The Date For Receipt Of Net Available Tax Increment, And (C) Change The Noise Reduction Plan For The Oakland School For The Arts, And Related Amendments; (2) Approving The Revised Site Plan For The Project; And (3) Changing The Use Of Agency Funds For The Implementation Of The Project; And

(05-0729)

2) A Resolution (1) Approving Amendments To A Lease Disposition And Development Agreement, Ground Lease, And Related Documents Between The Redevelopment Agency, The City, And FC Oakland, Inc. Or Related Entities, For The Development Of A Mixed-Use Residential Rental And Retail Development Project In The Uptown Activity Area Of The Central District Redevelopment Project Area To (A) Modify Public Park Maintenance Obligations, (B) Change The Date For Receipt Of Net Available Increment, (C) Change The Noise Reduction Plan For The Oakland School For The Arts, (D) Modify The Replayment Schedule; And (E) Add Various Amendments; (2) Approving The Revised Site Plan For The Project; And (3) Changing The Use Of City Funds For The Implementation Of The Project (TITLE CHANGE)

(05-0729-1)

**The September 27, 2005 Community and Economic Development Committee approved recommendations as amended to include the following language " and only administrative authority."; 4 Ayes**

14.2

~~Subject: Taxi Medallion Number 303~~

~~From: Office Of The City Administrator~~

~~Recommendation: Conduct A Public Hearing On Maurice Thomas' Appeal Of The Administrative Hearing Officer's Decision To Revoke Taxi Medallion Number 303, And Affirm Hearing Officer's Decision~~

(05-0513)

**This item was withdrawn at the September 29, 2005 Rules and Legislation Committee**

14.3

~~Subject: Tree Appeal—335 Hanover Avenue~~

~~From: Public Works Agency~~

~~Recommendation: Conduct A Public Hearing And Adopt A Resolution Denying The Appeal Filed By Jesse Kupers, Kim Goodwin, Deborah Cowder, Keith Wilson And Jessica Seaton Against The Decision Of The Public Works Agency Approving The Issuance Of Tree Removal Permit DRO4 019 For 335 Hanover Avenue, In Order To Build A Nine Unit Condominium Building~~

(05-0635)

**This item was withdrawn at the September 29, 2005 Rules and Legislation Committee**

## ACTION ON NON-CONSENT ITEMS:

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15 Subject: Hurricane Rent Reduction  
From: Office Of The City Attorney  
Recommendation: Adopt An Emergency Ordinance Amending The Rent Adjustment Ordinance (Oakland Municipal Code Chapter 8.22) To Allow Rental Property Owners To (1) Charge Temporary Below Market Rate Rent To Persons Displaced By Disasters And (2) Increase The Rent To Market Rates At The End Of The Temporary Period, And Invoking This Provision For Hurricane Katrina And Hurricane Rita  
(05-0774)

**(PURSUANT TO CITY CHARTER SECTION 213 (EMERGENCY ORDINANCE) THIS ITEM MAY BE INTRODUCED AND ADOPTED AT THE SAME MEETING, REQUIRING 6 VOTES, UPON PASSAGE ORDINANCE WILL BE DEEMED APPROVED)**

S-15.1 Subject: Hurricane Katrina And Rita Relief Efforts  
From: Rules And Legislation Committee  
Recommendation: Discussion And Action On A Report And Recommendations On The City Of Oakland's Participation In Hurricanes Katrina and Rita Relief Efforts  
(05-0804)

**Pursuant to Section Section 2.20.080(E)2 of the Sunshine Ordinance an urgency finding was made at the September 29, 2005 Rules and Legislation Committee to place this item on the agenda for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting.**

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

16 Subject: Animal Definition Amendments  
From: Councilmember Reid  
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending Section 6.04.020 Of The Oakland Municipal Code, Definitions; Amending Section 6.04.320 Prohibiting The Keeping Of Roosters In The City; Adding Section 6.04.400 To Limit The Number Of Dogs Per Household To Three; Amending Section 6.04.050 Making Chipping Required For Licensing, And Adding Section 6.04.410 To Add Exemptions To The Provisions Of This Ordinance  
(05-0574)

**Introduction (First Reading) was approved on July 19, 2005; 7 Ayes, 1 No - Nadel**

17 Subject: Rent Adjustment Ordinance  
From: Community And Economic Development Agency  
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance

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Amending Rent Adjustment Ordinance (OMC Chapter 8.22) To Add Three Alternate Members To The Housing Residential Rent And Relocation Board (TITLE CHANGE)  
[\(05-0685\)](#)

**Introduction (First Reading) was approved on September 20, 2005; 6 Ayes, 1 Abstain - Brooks, 1 Absent - De La Fuente**

- 18      Subject:      Opus West Exclusive Negotiating Agreement - Extension  
From:          Community And Economic Development Agency  
Recommendation: Adopt An Agency Resolution Amending The Exclusive Negotiating Agreement With Opus West Developer Group For The Development Of Approximately 50 Acres Within The Former Oakland Army Base, In Order To: (1) Change The Developer Name To Oakland West Wind, LLC; And (2) Extend The Term Of The Agreement From 6 Months To 12 Months  
[\(05-0687\)](#)

**This item was withdrawn from the September 20, 2005 City Council meeting and rescheduled to this agenda**

- 19      Subject:      Public Utilities And Right-Of- Way Improvements For Uptown Project  
From:          Community And Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving A Subdivision Improvement Agreement With FC Oakland, Inc., For Deferred Construction Of Public Infrastructure Improvements For The Final Map From Tract 7616 For The Uptown Oakland Mixed Use Redevelopment Project; And  
[\(05-0563\)](#)

2) A Resolution Approving The Final Map For Tract 7616 For The Uptown Oakland Mixed Use Redevelopment Project And Accepting Offers Of Dedication For A Public Park And For Public Right-Of-Way For A Portion Of William Street And For A New Street Connecting William Street With 19th Street And Thomas L. Berkley Way  
[\(05-0563-2\)](#)

**This item was withdrawn and rescheduled to this agenda at the September 15, 2005 Rules and Legislation Committee meeting.**

- 20      Subject:      Paramount Theater - Appointments  
From:          Office Of The Mayor  
Recommendation: Adopt A Resolution Appointing David Foulkes, Michael Panico And Robert McKean As Members Of The Paramount Theater Of The Arts Board  
[\(05-0770\)](#)

- 21      Subject:      Budget Advisory Committee - Appointment  
From:          Council President De La Fuente  
Recommendation: Adopt A Resolution Marcie Hodge As A Member Of The Budget Advisory Committee  
[\(05-0771\)](#)



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- 22            Subject:    Commission On Aging - Appointment  
              From:        Office Of The Mayor  
              Recommendation: Adopt A Resolution Appointing Samuel Miller To The Commission  
              On Aging  
              (05-0772)
- 23            Subject:    Children's Fund Planning And Oversight Committee - Appointments  
              From:        Office Of The Mayor  
              Recommendation: Adopt A Resolution Appointing Cody Kopowski And Patricia Gima  
              As Members Of The Children's Fund Planning And Oversight Committee  
              (05-0779)
- 24            Subject:    Budget Advisory Committee - Appointments  
              From:        Office Of The Mayor  
              Recommendation: Adopt A Resolution Appointing Benjamin Scott And Sok Ki Yoon As  
              Members Of The Budget Advisory Committee  
              (05-0780)
- 25            Subject:    Housing, Residential Rent And Relocation Board - Appointment  
              From:        Office Of The Mayor  
              Recommendation: Adopt A Resolution Appointing George Rosen As A Member Of The  
              Housing, Residential Rent And Relocation Board  
              (05-0776)
- 26            Subject:    Civil Service Board - Appointment  
              From:        Office Of The Mayor  
              Recommendation: Adopt A Resolution Appointing Steven Jimenez As A Member Of The  
              Civil Service Board  
              (05-0782)
- S-27         Subject:    Multifamily Housing Revenue Bonds  
              From:        Finance And Management Agency  
              Recommendation: Adopt The Following Pieces Of Legislation:
- 1) An Agency Resolution Authorizing The Issuance And Prescribing The Terms,  
              Conditions And Form Of Not To Exceed \$170,000,000 Principal Amount Of The  
              Redevelopment Agency Of The City Of Oakland Multifamily Housing Revenue Bonds  
              (Uptown Apartments Project), Series 2005A, Approving The Form Of And Authorizing  
              The Execution And Delivery Of A Trust Indenture, A Loan Agreement, A Regulatory  
              Agreement, And A Bond Placement Agreement; Authorizing Payment Of Costs Of  
              Issuance; And Authorizing And Approving Necessary Actions In Connection Therewith;  
              And  
              (05-0703)
- 2) 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 \$170,000,000  
              Aggregate Principal Amount Of Redevelopment Agency Of The City Of Oakland  
              Multifamily Housing Revenue Bonds (Uptown Apartments Project), Series 2005A, And

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Providing Other Matters Properly Relating Thereto  
(05-0703-1)

**The September 27, 2005 Finance and Management Committee approved recommendations; 4 Ayes**

S-28 Subject: Chevron U.S.A. - Agreement  
From: Community And Economic Development Agency  
Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To Enter Into An Agreement With Chevron U.S.A., Inc., Regarding Environmental Cleanup Obligations, Mutual Releases, And Cost Reimbursements For The Petroleum Contamination At The Former Service Station Site On The Sears Parking Lot Property At 1911 Telegraph Avenue In Downtown Oakland; And Authorizing The Agency Administrator To Pass Through Any Cost Reimbursements From Chevron To Forest City Residential West, Inc., Or Another Agency-Designated Development Entity  
(05-0714)

**The September 27, 2005 Community and Economic Development Committee approved recommendations as amended to include an additional resolve stating the contractor will be responsible for run-over costs; 4 Ayes**

29 Subject: Stanton Bluiett Contract Restructuring  
From: Community And Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate A Loan Restructuring With Stanton D. Bluiett DBA Pill Hill Printing For Outstanding Principal Notes Totaling \$240,000  
(05-0555)

**The September 27, 2005 Community and Economic Development Committee approved recommendations with support of option # 2; 3 Ayes, 1 Abstain - 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)**

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.

Office of the City Clerk - Agenda Management Unit  
Phone: (510) 238-6406

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Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 839-6451

[\(TTD\)](#)

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.

[\(...\)](#)

**LaTonda Simmons**  
**City Clerk and**  
**Clerk of the Council**