



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

Tuesday, May 05, 2009

6:00 PM

Oakland City Hall, 3rd Floor

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)

S-3.1 Subject: Swine Influenza A Report
From: Oakland Fire Department
Recommendation: Receive An Informational Report On The Background Of The Current Swine Influenza A (H1N1) Virus Infection
[\(09-0399\)](#)

Pursuant to Section 2.20.080(E)2 of the Sunshine Ordinance an urgency finding was made at the April 30, 2009 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.

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.

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- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on April 21, 2009

8. PRESENTATION OF CEREMONIAL MATTERS

- 8.1 Subject: Hepatitis B Awareness Week
From: Council President Jane Brunner
Recommendation: Adopt A Resolution Declaring The Week Of May 18 Through 22, 2009 As Hepatitis B Awareness Week In The City Of Oakland And Encouraging Residents To Support Programs To Promote Awareness And Treatment Of The Disease In Oakland And Throughout Northern California
[\(09-0317\)](#)
- 8.2 Subject: Marj Saunders - Recognition
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution Designating Saturday, May 9, 2009 As Marj Saunders Day In Recognition Of Her 100th Birthday And Her Inspirational Example Of Community Activism Over More Than 60 Years On Behalf Of Her Beloved Oakland
[\(09-0319\)](#)
- 8.3 Subject: William Patterson - Recognition
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution Honoring William "Bill" Patterson For His Many Years Of Service To The Oakland Community
[\(09-0322\)](#)
- 8.4 Subject: National Police Week
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution Recognizing May 10-16th, 2009 As National Police Week
[\(09-0331\)](#)
- 8.5 Subject: Marge Gladman - Recognition
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution Honoring Marge Gladman For 12 Years Of Dedicated and Distinguished Service To The City Of Oakland And Congratulating Her On Her Retirement
[\(09-0364\)](#)
- 8.6 Subject: Municipal Clerks Week
From: Council President Jane Brunner
Recommendation: Adopt A Resolution Declaring May 3, 2009 Through May 9, 2009 As Municipal Clerks Week
[\(09-0366\)](#)

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

10. CONSENT CALENDAR (CC) ITEMS:

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- 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
(09-0361)
- 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
(09-0362)
- 10.3-CC Subject: Katie W. Lew - 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 CSAA Insurance Company As Subrogee Of Katie W. Lew, In The Amount Of Five Thousand Two Hundred Ninety Five Dollars And Sixty Two Cents (\$5,295.62), As A Result Of Property Damage Sustained In An Automobile Accident With A City Vehicle On January 13, 2009 (Library)
(09-0359)
- 10.4-CC Subject: Aram Sohigian - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Attorneys' Fees Demand In The Case Of Aram Sohigian, Et Al. V. City Of Oakland, Et Al., Alameda County Superior Court Case No. 2002-065397, Our File No. 22751, In The Amount Of \$35,000.00. This Case Involves A Challenge To A City Ordinance, Chapter 9.56 Of The Oakland Municipal Code (City Council)
(09-0360)
- Council discussed this item in Closed Session on April 21, 2009. Motion authorizing settlement passed with: 8 Ayes**
- 10.5-CC Subject: Contractor Debarment Ordinance
From: Contracting and Purchasing
Recommendation: Adopt An Ordinance Amending Title 2 Of The Oakland Municipal Code To Add Chapter 2.12, Debarment Program (TITLE CHANGE)
(07-1210-1)
- ACTION ON THIS ITEM WILL RESULT IN THE FINAL PASSAGE
(SECOND READING) OF THE ORDINANCE**
- Introduction (First Reading) was approved on April 21, 2009; 8 Ayes**
- 10.6-CC Subject: Salary Ordinance Amendment - Construction Coordinator
From: Finance and Management Agency

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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 Construction Coordinator
(09-0217)

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

Introduction (First Reading) was approved on April 21, 2009; 8 Ayes

10.7-CC Subject: Parking Pass-Through Surcharge
From: Finance and Management Agency
Recommendation: Adopt An Ordinance Adding Section 10.48.025 To The Oakland Municipal Code (O.M.C.) To Add A \$10.00 "Pass-Through" Surcharge To All O.M.C. Parking Violation Fines Including All California Vehicle Code (C.V.C.) Violation Citations To Offset And Remit To State/Alameda County Surcharges Imposed By California Government Code (GC) Sections 76000(b) And GC 70372(b) (TITLE CHANGE)
(09-0223)

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

Introduction (First Reading) was approved on April 21, 2009; 8 Ayes

10.8-CC Subject: Budget Changes
From: The Budget Office
Recommendation: Adopt An Ordinance Amending Ordinance Number 12880 C.M.S. (Master Fee Schedule), As Amended, To Establish, Modify And Delete Fees Assessed By The Office Of Parks And Recreation
(09-0226-1)

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

Introduction (First Reading) was approved on April 21, 2009; 8 Ayes

10.9-CC Subject: Priority Project Funds - District 6
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing A Grant Of \$60,000.00 From Councilmember Desley Brooks' Priority Project Funds To Oakland Fund For Co-Sponsorship Of The Annual Concert At Arroyo Park Series, Sponsorship Of A 3 On 3 Basketball Tournament, And Operating Expenses
(09-0314)

10.10-CC Subject: Priority Project Funds - District 6
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing A Grant Of \$7,623.00 From

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Councilmember Desley Brooks' Priority Project Funds To Urban Services YMCA For Expenses Associated With The Dare To Dream Program
[\(09-0315\)](#)

S-10.11-CC Subject: Willie Wilkins Park Improvement Project
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To The Lowest Responsive, Responsible Bidder, Rosas Brothers Construction, For The Willie Wilkins Park Improvement Project (City Project No. C352920) In An Amount Not-To-Exceed One Hundred Seventy-Eight Thousand Five Hundred Dollars (\$178,500.00)
[\(09-0210\)](#)

**The April 28, 2009 Public Works Committee approved recommendations; 4
Ayes**

S-10.12-C Subject: San Pablo Pedestrian Streetlight Project
C From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award A Contract To Construct The Substructure For The San Pablo Pedestrian Streetlights Project On San Pablo Avenue, Between The Emeryville (53rd Street) And Berkeley (67th Street) Borders In Accord With Specifications For Project No. C315010 And Contractor's Bid Therefore, To The Lowest Responsible, Responsive Bidder, Ray's Electric, Inc., In An Amount Not To Exceed Six Hundred Seventeen Thousand Five Hundred Two Dollars (\$617,502.00)
[\(09-0238\)](#)

**The April 28, 2009 Public Works Committee approved recommendations; 4
Ayes**

S-10.13-C Subject: Curb Ramp Transition Plan
C From: Office of the City Administrator
Recommendation: Adopt A Resolution Adopting The City Of Oakland Americans With Disabilities Act (ADA) Curb Ramp Transition Plan Dated April 1, 2009
[\(09-0251\)](#)

**The April 28, 2009 Public Works Committee approved recommendations; 4
Ayes**

S-10.14-C Subject: Kaiser Foundation Hospitals - Conditional And Revocable Permit
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting Kaiser Foundation Hospitals A Revocable And Conditional Permit To Allow A Basement Excavation Shoring System For The Phase II Hospital And Medical Support Buildings At 235 West Macarthur Boulevard To Encroach Under The Sidewalk And Roadway Along Broadway, West Macarthur Boulevard, And Piedmont Avenue
[\(09-0257\)](#)

The April 28, 2009 Public Works Committee approved recommendations; 4

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Ayes

S-10.15-C Subject: Peralta Street And Mandela Parkway Equivalent Exchange
C From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Summarily Vacating A Portion Of The Peralta Street Right-Of-Way Between The Intersections Of West Grand Avenue And 20th Street To Brian Collins And Hemmat And Dokhanchy Associates; And

[\(09-0272\)](#)

2) An Ordinance Authorizing The City Administrator Without Returning To Council To Acquire The Underlying Fee Simple Interest Of A Portion Of The Mandela Parkway Right-Of-Way By An Equivalent Exchange Without Compensation Of A Portion Of The Peralta Street Right-Of-Way Near The Intersections Of West Grand Avenue And 20th Street Between The City And Brian Collins And Hemmat And Dokhanchy Associates

[\(09-0272-1\)](#)

The April 28, 2009 Public Works Committee approved recommendations; 4

Ayes

S-10.16-C Subject: Peralta Hacienda Historical Park - Phase 3B
C From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Awarding A Construction Contract To The Lowest Responsive, Responsible Bidder For The Peralta Hacienda Historical Park - Phase 3B Project (City Project No. C284510) Without Further Council Review Or Action, Or, If No Valid Bids Are Received, Authorizing The City Administrator To Reject All Bids And Award A Negotiated Contract For The Project On The Open Market In An Amount Not-To-Exceed Five Hundred Thousand Dollars (\$500,000.00) Without Further Council Review Or Action, And

[\(09-0273\)](#)

The April 28, 2009 Public Works Committee approved recommendations and authorized staff to negotiate and seek a price reduction during negotiations. The Committee also directed staff to report back in a future report on the final outcomes of the negotiations; 4 Ayes

2) A Resolution Authorizing The City Administrator To Increase The Agreement With Gonzales Architects For The Peralta Hacienda Historical Park - Phase 3B Project From Fifty Thousand (\$50,000.00) Dollars To A Total Amount Not-To-Exceed Sixty-Eight Thousand Dollars (\$68,000.00) For Additional Work

[\(09-0273-1\)](#)

The April 28, 2009 Public Works Committee approved recommendations; 4

Ayes

S-10.17-C Subject: Chapter 4.16 The Parking Tax - Municipal Code Amendment
C From: Finance and Management Agency

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Recommendation: Adopt An Ordinance Amending Chapter 4.16 Of The Oakland Municipal Code To Exempt From The Parking Tax Occupants Who Pay Rent For Occupancy Of Spaces At Parking Stations Operated Exclusively For Large Diesel Trucks
(09-0206)

The April 28, 2009 Finance and Management Committee approved recommendations and directed staff to clarify the ordinance language in Section 3(2a) and provide an amended Ordinance with alternative language to go before the full Council; 3 Ayes, 1 Excused-De La Fuente

ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION (FIRST READING) OF THE ORDINANCE

Final Passge (Second Reading) has been scheduled for May 19, 2009

S-10.18-C Subject: General Obligation Bonds
C From: Finance and Management Agency
Recommendation: Adopt An Ordinance Authorizing The Director Of Finance To Determine Whether To Issue General Obligation Bonds By An Open Competitive Sale Or A Negotiated Sale
(09-0311)

The April 28, 2009 Finance and Management Committee approved recommendations and amended the Ordinance at Section 4 is to read as follows: The debt service structure and other terms of any general obligation bonds issued pursuant to this Ordinance shall be in accordance with the Debt Policy and as provided in the fiscal agent agreement for such bonds. Staff was also directed to do the following: 1) Identify the appropriate checks and balances system in place; and 2) Schedule the financial advisor pool to come before Council.; 3 Ayes, 1 Excused-De La Fuente

ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION (FIRST READING) OF THE ORDINANCE

Final Passge (Second Reading) has been scheduled for May 19, 2009

S-10.19-C Subject: Alice Street Learning Center - Lease
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City To Lease The Alice Street Learning Center Property At 250 - 17th Street From The East Bay Municipal Utility District For One Year With Two One Year Renewal Options For An Initial Rent Not To Exceed \$7,649 Per Month Plus The Cost Of Utilities, Services, Assessments And Index Adjustments, And Accepting Approximately \$98,000 From The Oakland Unified School District For Such Costs.
(09-0276)

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**The April 28, 2009 Finance and Management Committee approved
recommendations; 3 Ayes, 1 Excused-De La Fuente**

S-10.20-C Subject: Lake Merritt BART Station Area Specific Plan
C From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing A Contribution Of An Amount Not To Exceed Fifty Thousand Dollars (\$50,000) From The Central City District Redevelopment Project And Two Hundred Fifteen Thousand Dollars (\$215,000) From The Central District Redevelopment Project To The City Of Oakland Under The Cooperation Agreement To Fund The Development Of The Lake Merritt BART Station Area Plan And Environmental Document; And
(09-0247)

2) A City Resolution Accepting And Appropriating A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement In An Amount Not To Exceed Two Hundred Sixty-Five Thousand Dollars (\$265,000) For The Development Of The Lake Merritt Bart Station Area Plan And Environmental Document, And Authorizing The City Administrator To Negotiate And Execute A Professional Services Agreement With Dyett & Bhatia For Development Of The Lake Merritt Bart Station Area Plan In An Amount Not To Exceed One Million Eighty-Five Thousand Dollars (\$1,085,000)
(09-0247-1)

**The April 28, 2009 Community and Economic Development Committee
approved recommendations; 3 Ayes, 1 Excused-De La Fuente**

S-10.21-C Subject: Tax Defaulted Properties Purchase - 7525 & 7533 MacArthur Blvd
C From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of The Following Tax Defaulted Properties In The Central City East And Coliseum Redevelopment Project Areas From The County Of Alameda: (1) 7525 MacArthur Boulevard, Purchase Price \$214,828 Plus Interest Of Approximately \$35,000; (2) 7533 MacArthur Boulevard, Purchase Price \$122,720 Plus Interest Of Approximately \$35,000, And (3) 9959 International Boulevard, Purchase Price Of \$46,263 Plus Interest Of Approximately \$10,000, And Allocation Of \$25,000 From Central City East And Coliseum Redevelopment Project Area Funds For Related Real Estate Cost
(09-0254)

**The April 28, 2009 Community and Economic Development Committee
approved recommendations; 3 Ayes, 1 Excused-De La Fuente**

S-10.22-C Subject: 2008-2009 Homebuyers Downpayment Assistance
C From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Contributing Central City East Redevelopment Funds In The

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Amount Of \$2,623,434, And West Oakland Redevelopment Funds In The Amount Of \$2,165,266, To The City Under The Cooperation Agreement For Fiscal Year 2008-2009 To Provide Mortgage Assistance To Homebuyers Earning Up To 100% Of Area Median Income;

[\(09-0255\)](#)

2) A City Resolution Accepting, Appropriating And Allocating Central City East Redevelopment Funds In The Amount Of \$2,623,434, And West Oakland Redevelopment Funds In The Amount Of \$2,165,266, From The Redevelopment Agency Under The Cooperation Agreement For Fiscal Year 2008-2009 To Provide Mortgage Assistance To Homebuyers Earning Up To 100% Of Area Median Income; And

[\(09-0255-1\)](#)

3) A City Resolution Amending Resolution No. 70274 C.M.S. To Allow Mortgage Assistance To Homebuyers Earning Up To 100% Of Area Median Income

[\(09-0255-2\)](#)

The April 28, 2009 Community and Economic Development Committee approved recommendations and directed staff to include in future reports under the "Fiscal Impact Section" the further economic benefits of the Mortgage Assistance Program; 3 Ayes, 1 Excused-De La Fuente

S-10.23-C Subject: Oakland Museum Of California Renovation Project
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate Donated Funds In The Amount Of Approximately \$10,300,000.00 Or More From The Oakland Museum Of California Foundation For The Design, Construction, City Project Management, And Related Compliance And Permitting Costs For The Oakland Museum Of California Renovation Project
[\(09-0277\)](#)

The April 28, 2009 Life Enrichment Committee approved recommendations; 4 Ayes

S-10.24-C Subject: Emergency Communications Enhancements
C From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Apply For, Accept, Appropriate And Administer Grant Funding In An Amount Up To \$1,300,000 From The U.S. Department Of Homeland Security Public Safety Interoperable Communications Grant (PSIC) For Emergency Communications Enhancements That Will Move The City Of Oakland Towards P-25 Full Compliance And Interoperability, And To Purchase Materials, Equipment And Services In Any Amount, Including Purchases In Excess Of The City Administrator's Purchasing Authority, Without Further Council Review Or Action Provided The Contracts Are Awarded Through Competitive Solicitation And Are In Accord With Oakland's Purchasing Programs/Policies
[\(09-0120\)](#)

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The April 28, 2009 Public Safety Committee approved recommendations and directed staff to return to the June 23, 2009 Public Safety Committee with a separate report on the compatibility with the P-25 system; 4 Ayes

S-10.25-C Subject: Urban Search And Rescue Team Training
C From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Apply For, Accept And Appropriate A Cooperative Agreement Program Grant From The Federal Emergency Management Agency (FEMA) For The Period May 01, 2009 To August 31, 2010 In The Amount Of One Million One Thousand Nine Hundred Ten Dollars (\$1,001,910) For Continuing Management, Training And Equipment Needs Of The Fire Department's Urban Search And Rescue (USAR) Team, 2) Enter Into A Cooperative Agreement With The Federal Emergency Management Agency (FEMA) For The Grant Period To Comply With The Terms Of The Grant, 3) Waive The City's Competitive Bidding Requirements And Authorize Procurement Of Equipment From The General Services Administration Agency And Or Other Government Pricing Schedules, And 4) Award Equipment Contracts Without Return To Council; And, 5) Approve Travel For City Personnel Participating In The FEMA Cooperative Agreement Program On Short Notice Without Return To Council
(09-0219)

The April 28, 2009 Public Safety Committee approved recommendations; 4 Ayes

S-10.26-C Subject: Travel Authorization - Councilmembers Brooks And Reid
C From: Councilmembers Brooks and Reid
Recommendation: Adopt A Resolution Authorizing Councilmembers Desley Brooks And Larry Reid To Attend The International Council Of Shopping Centers (ICSC) Conference From May 17 - May 21, 2009
(09-0395)

Pursuant to Section 2.20.080(E)2 of the Sunshine Ordinance an urgency finding was made at the April 28, 2009 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.

S-10.27-C Subject: Assembly Bill 283
C From: Public Works Agency
Recommendation: Adopt A Resolution In Support Of Assembly Bill 283 (Chesbro)-"Extended Producer Responsibility Program" That Would Establish A Comprehensive Approach To Reducing Product Waste

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(09-0289)

**The April 30, 2009 Rules and Legislation Committee approved
recommendations; 3 Ayes, 1 Absent-Reid**

S-10.28-C Subject: Support Of Assembly Bill 280
C From: Councilmembers Nancy Nadel and Jean Quan
Recommendation: Adopt A Resolution In Support Of Assembly Bill 280, If Amended,
(Blakeslee/Ma) Relating To The California Earthquake Authority Accepting And
Distributing Federal Stimulus Funds For Seismic Retrofit Of Multi-Family, Soft-Story
Residences

(09-0320)

**The April 30, 2009 Rules and Legislation Committee approved
recommendations; 3 Ayes, 1 Absent-Reid**

S-10.29-C Subject: Support Of Assembly Bill 766
C From: Council President Brunner And Councilmember Quan
Recommendation: Adopt A Resolution In Support Of Assembly Bill 766 (Krekorian)
Which Would Provide Local Governments With A Means Of Limiting Increases In Speed
Limits On Local Streets

(09-0373)

**The April 30, 2009 Rules and Legislation Committee approved
recommendations; 3 Ayes, 1 Absent-Reid**

- 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:

14.1 Subject: Dawit Mabrahtu - Appeal
From: Office of the City Administrator
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution
Denying The Appeal Filed By Dawit Mebrahtu And Upholding The Administrative
Hearing Officer's Decision To Deny The Application For A Permit To Operate A Cabaret
Under The Name "Oasis" At 135 12th Street

(09-0225)

This item was rescheduled from the April 21, 2009 City Council Agenda

14.2 Subject: 2009-2010 Consolidated Plan Annual Action Plan
From: Community and Economic Development Agency

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Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution
1) Authorizing The City Administrator To Prepare And Submit To The U.S. Department
Of Housing And Urban Development The Consolidated Plan Annual Action Plan For
Fiscal Year 2009-2010; 2) Accepting And Appropriating Grant Funds Totaling
\$14,857,042 For The Home, Emergency Shelter Grant, Housing Opportunities For
Persons With Aids, And The Community Development Block Grant Programs; 3)
Appropriating \$670,480 In Program Income And Any Amounts In Excess Thereof For
Housing Rehabilitation Loans; And 4) Authorizing The City Administrator To Negotiate
And Execute Agreements With Contractors For Fiscal Years 2009-2011 For The
Community Development Block Grant Program

(09-0215)

The April 28, 2009 Community and Economic Development Committee approved recommendations and directed staff to revise Attachment A to include information on goals and accomplishments. The Committee also directed staff to be more specific in the July 2009 report with economic development funds in regards to the Community Development Block Grant Program (CDBG) funds to include more details on performance based development goals; 3 Ayes, 1 Excused-De La Fuente

14.3

Subject: Bing Rong Mi - Appeal

From: Office of the City Administrator

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution
Denying The Appeal Filed By Bing Rong Mi And Upholding The Administrative
Hearing Officer's Decision To Deny A Massage Establishment Permit For Sunny Relax,
Located At 1531 Webster Street, Oakland, California

(09-0324)

S-14.4

Subject: Homeless Prevention Formula Program

From: Council President Jane Brunner

Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf
Of The City Of Oakland, To Apply For, Accept, And Appropriate Grant Funds From The
American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus
Package") Under The Homeless Prevention And Rapid Re-Housing Program 1)
Authorizing The City Administrator To Amend The Consolidated Plan Annual Action
Plan For Housing And Community Development For Fiscal Year 2008-2009 Action Plan
To The U.S. Department Of Housing And Urban Development; 2) Authorizing The City
Administrator To Accept And Appropriate Funds Totaling \$3,458,120 To The
Department Of Human Services To Develop And Administer The Homelessness
Prevention And Rapid Re-Housing Program (HPRP); 3) Authorizing The Department Of
Human Services To Issue A Request For Proposal/Qualifications For The Homeless
Prevention And Rapid Re-Housing Program; And 4) Authorizing Use Of HPRP As
Needed For Housing Assistance Services And Rapid Re-Housing (TITLE CHANGE)

(09-0374)

The April 28, 2009 Life Enrichment Committee approved recommendations and requested that staff consider using the funds to

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**sponsor a Deposit Assistance Program to help residents with move in costs;
4 Ayes**

S-14.5 Subject: Proposed Vacation Of Skyline Circle
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The
Following Pieces Of Legislation:

1) A Resolution Adopting Findings And Setting A Hearing To Receive Supporting
Evidence And Public Testimony For A Proposed Vacation Of The Public Right-Of-Way
Of Skyline Circle To The Abutting Property Owners Without Cost And Reserving Public
Service Easement

[\(09-0308\)](#)

S-14.6 Subject: Proposed Vacation Of Skyline Circle
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Vacating The Public Right-Of-Way Of Skyline
Circle To The Abutting Property Owners Without Cost And Reserving Public Service
Easements

[\(09-0312\)](#)

**The April 28, 2009 Public Works Committee approved recommendations; 4
Ayes**

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION
(FIRST READING) OF THE ORDINANCE**

Final Passage (Second Reading) has been scheduled for May 19, 1009

ACTION ON NON-CONSENT ITEMS:

15 Discussion And Action On Potential Proposals To Obtain Grant Funds Provided Under
The American Recovery And Reinvestment Act Of 2009 (Federal Government's
"Stimulus Package")

S-15.1 Subject: Alternative Fueled Vehicles Competitive Grant
From: Council President Jane Brunner
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf
Of The City Of Oakland, To Apply For, Accept, And Appropriate Grant Funds From The
American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus
Package") For The U.S. Department Of Energy Under Clean Cities Fiscal Year 2009
Petroleum Reduction Technologies Projects For The Transportation Sector Area Interest
#4 For Up To \$500,000 (Five Hundred Thousand) In Funds To Cover The Incremental
Cost Of Electric Vehicle Hybrid Technology On Light Duty And Medium Duty Fleet
Vehicles And To Upgrade The City Of Oakland's Existing Electric Vehicle Charging
Infrastructure (TITLE CHANGE)

[\(09-0367\)](#)

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Pursuant to Section 2.20.080(E)2 of the Sunshine Ordinance an urgency finding was made at the April 30, 2009 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 and relates to federal or state legislation

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-15.2 Subject: Transportation Electrification Grant
From: Council President Jane Brunner
Recommendation: Action On A Status Report On The City's Progress In Preparing Projects For Funding And Identifying And Applying For Grants From The American Recovery And Reinvestment Act Of 2009 - Transportation Electrification (Federal Government's "Stimulus Package")
(09-0368)

The April 28, 2009 Public Works Committee received and forwarded the report; 4 Ayes

S-15.3 Subject: Brownfield Cleanup Revolving Loan Fund
From: Council President Jane Brunner
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Grant Funds In A Total Amount Of Up To \$4.5 Million From The United States Environmental Protection Agency, American Recovery And Reinvestment Act (ARRA) Funding, For The City's Brownfield Cleanup Revolving Loan Fund ("BCRLF") (Federal Government's "Stimulus Package")
(09-0375)

The April 28, 2009 Public Works Committee approved recommendations; 4 Ayes

S-15.4 Subject: Head Start And Early Head Start Programs
From: Council President Jane Brunner
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept, And Appropriate Grant Funds In The Amount Of Approximately \$1,341,178.00 From The American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus Package") To Provide Funding For A Cost Of Living Adjustments/Increases (COLA) And Quality Improvements (QI) For The Head Start Grantee And Its Delegate Agency (TITLE CHANGE)
(09-0369)

The April 28, 2009 Life Enrichment Committee received and forwarded the

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report; 4 Ayes

S-15.5 Subject: Formula Allocation And State Fiscal Stabilization Grant
From: Council President Jane Brunner
Recommendation: Action On A Report On The State Fiscal Stabilization Fund (SFSF)
Grant From The American Recovery And Reinvestment Act Of 2009 (Federal
Government's "Stimulus Package")
(09-0370)

The April 28, 2009 Life Enrichment Committee directed staff to provide information on the kinds of programs that the city can apply for what programs can be funded (i.e. safety around schools) and clarification of the Government Services Fund

S-15.6 Subject: Edward Byrne Grant
From: Council President Jane Brunner
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf
Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To
Exceed Three Million Three Hundred And Eleven Thousand Six Hundred And Eighty
Dollars (\$3,311,680) From The U.S. Department Of Justice, Edward Byrne Memorial
Justice Assistance Grant (JAG) Formula Program, American Recovery And
Reinvestment Act Of 2009 (Federal Government's "Stimulus Package") And Appropriate
Said Funds To The Police Department
(09-0371)

The April 28, 2009 Public Safety Committee approved recommendations and directed staff to submit a supplemental report on further defining what type of personnel will be funded using the grant funds and to apply for specific funding for the 10 civilian investigators; 4 Ayes

S-15.7 Subject: Internet Crimes Against Children
From: Council President Jane Brunner
Recommendation: Action On A Report On The Fiscal Year 2009 Internet Crimes Against
Children Task Force Training And Technical Assistance Grant From The American
Recovery And Reinvestment Act Of 2009(Federal Government's "Stimulus Package")
(09-0372)

The April 28, 2009 Public Safety Committee received and forwarded the report; 4 Ayes

16 Subject: Security Pilot Program
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Rescinding Resolution 2009-0047, Amending Resolution
2008-0034, And Contributing Central City East And Coliseum Redevelopment Funds In
An Amount Not To Exceed \$180,000 To The City Of Oakland Under The Cooperation
Agreement To Implement The Central City East Commercial Security Pilot Program And

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The Coliseum Commercial Security Pilot Program Using City Of Oakland Police Officers; And
(09-0290)

2) A City Resolution Accepting And Appropriating Redevelopment Funds In An Amount Not To Exceed \$180,000 Under The Cooperation Agreement To Implement The Central City East Commercial Security Pilot Program And The Coliseum Commercial Security Pilot Program Using City Of Oakland Police Officers
(09-0290-1)

At the April 21, 2009 Council meeting: A motion was made by Councilmember Brooks, seconded by Councilmember Reid to approve the staff recommendations and adopt the two pieces of legislation noticed on the agenda. A substitute motion was then made by Councilmember De La Fuente, seconded by Councilmember Brunner to proceed with Resolution 2009-0047 passed on the March 31, 2009 agenda authorizing a professional services agreement for an amount not to exceed \$180,000 with International Services Incorporated or DTM to provide armed security patrol services in the Central City East and Coliseum Redevelopment Areas...

Upon call of the roll on the substitute motion, the motion tied: Ayes: Councilmembers De La Fuente, Kaplan, Quan, President Brunner -4; Noes: Councilmembers Brooks, Kernighan, Nadel, Reid -4;

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 May 5, 2009 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 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, Council will return to the original motion.

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From: Finance and Management Agency
Recommendation: Adopt An Ordinance Of The City Of Oakland Authorizing An Amendment To The Contract Between The City Of Oakland And The Board Of Administration Of The California Public Employees' Retirement System (CalPERS) That Authorizes California Government Code Section 20903, Two Years Additional Service Credit For Local Miscellaneous Members And Local Safety Members
(09-0323)

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION
(FIRST READING) OF THE ORDINANCE**

Final Passage (Second Reading) has been scheduled for May 19, 2009

18 Subject: ~~Landmark Preservation Advisory Board Appointments~~
From: ~~Office of the Mayor~~
Recommendation: ~~Adopt a Resolution Confirming The Mayor's Appointment Of Daniel Schulman, Anna Naruta And Valerie Garry, And The Re-Appointment Of Delphine Prevost And Kirk Peterson, As Members Of The Landmark Preservation Advisory Board~~
(09-0376)

**This item was withdrawn by the April 30, 2009 Rules and Legislation
Committee**

S-18.1 Subject: Uptown Project Amendments
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To Execute A Lease With FC Uptown Parcel 4 Parking, LLC, Or Related Entities, For A Term Of Up To 36 Months To Reconstruct And Operate A Parking Lot At 1911 Telegraph Avenue
(09-0117-2)

The April 28, 2009 Community and Economic Development Committee approved recommendations and amended the lease agreement to include one weekend day for a farmers market or similar use and to provide clearer signage of other parking lots. The committee also directed staff to keep the Franklin Street parking garage open later and to provide a cost analysis of the using Grass Crete as an alternative to asphalt on the parking lot; 3 Ayes, 1 Excused-De La Fuente

S-18.2 Subject: Educational Revenue Augmentation Fund Adjustment
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Amending Resolution Number 01-85 C.M.S. To Decrease The Redevelopment Agency's Contribution Of The Additional 5% To The Low And Moderate Income Housing Fund By An Amount Sufficient To Provide A Proportional Share Of The Amount Required To Be Paid To The Educational Revenue Augmentation Fund (ERAF) In Fiscal Year 2008-2009, And In Fiscal Year 2009-2010 And Fiscal Year 2010-2011 If A Payment To The ERAF Is Required, And Reallocating \$2,504,000 In Fiscal Year 2008-2009 ERAF Payments To Non-Housing Redevelopment

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Funds
(09-0271)

The April 28, 2009 Community and Economic Development Committee approved recommendations and amended the resolution to include the following language “FURTHER RESOLVED: That this reduction in the LMIHF, which is authorized solely for the purpose of making the state-required ERAF payment, in no way changes the Oakland Redevelopment Agency's commitment to its policy of voluntarily contributing an additional 5% of gross tax increment to the LMIHF in subsequent years when ERAF payments are not required, and that any necessary reductions for Fiscal Year 2009-2010 or Fiscal Year 2010-2011 may be made solely for this purpose”; 2 Ayes, 1 No-Brunner, 1 Excused-De La Fuente

S-18.3 Subject: 2009 Summer Food Service Program
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept And Appropriate The Summer Food Service Program Grant From The California Department Of Education Nutrition Services Division In An Estimated Amount Of \$550,000 And To Negotiate And Execute A Professional Service Agreement Between The City And The San Lorenzo Unified School District In An Amount Not To Exceed \$200,000 And To Negotiate And Execute A Professional Services Agreement Between The City And Revolution Foods Not To Exceed \$99,000 To Provide Food Services For The 2009 Summer Food Service Program For Children And To Accept The Donation Of \$32,000 From Allen Rossum For The 2009 Summer Food Service Program (TITLE CHANGE)
(09-0221)

The April 28, 2009 Life Enrichment Committee did not approve the staff recommendations, but staff was directed to bring alternative language to the full Council; 4 Ayes

19 Subject: Community Policing Advisory Board Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Re-Appointing Marcus Johnson As A Member Of The Community Policing Advisory Board
(09-0377)

20 Subject: Cultural Affairs Commission Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Ise Lyfe, As A Member Of The Cultural Affairs Commission
(09-0378)

21 Subject: Civil Service Board Appointments
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Wendall Mitchell, Michelle J.

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Hatchell, And Winnie Lu Anderson As Members Of The Civil Service Board
(09-0379)

22 Subject: Violence Prevention And Public Oversight Committee Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Jose Dorado As A Member Of The
Violence Prevention And Public Safety Oversight Committee
(09-0380)

23 Subject: Housing Residential Rent And Relocation Board Appointments
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Ryan Hunter, Jasmin V. Edouard And
Re-Appointing Jessica Leavitt As Members Of The Housing, Residential Rent And
Relocation Board
(09-0381)

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

**(Meeting shall conclude no later than 10:30 p.m., unless extended by Majority Vote of the
Council)**

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(...)

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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**

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