



SUPPLEMENTAL

City of Oakland

Meeting Agenda

Concurrent Meeting of the Oakland Redevelopment Agency/ City Council

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

Tuesday, July 20, 2004

6:00 PM

Oakland City Hall, 3rd Floor

- 1 Pledge of Allegiance
- 2 Roll Call / ORA & Council
COUNCIL MEMBERS; Jane Brunner, Dist. 1; Danny Wan, Dist. 2; Nancy Nadel, Dist. 3; Jean Quan, Dist. 4; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; Vice Mayor Henry Chang, At-Large, and President Ignacio De La Fuente, Dist. 5
- 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 2004-2005 Mid-Cycle Special Budget Review held on June 29, 2004 and the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held July 6, 2004

8. PRESENTATION OF CEREMONIAL MATTERS

- 8.1 Subject: Oakland Citizens' Academy Graduation Class of Spring 2004
From: Office of the City Administrator
Recommendation: A presentation from the City Administrator for the City of Oakland Citizens' Academy Graduation Class of Spring 2004
(04-0629)
- 8.2 Subject: Dwight Chambers - Service Recognition
From: Councilmember Brooks
Recommendation: Adopt a Resolution commending Dwight A. Chambers for 39 years of dedicated service to the City of Oakland
(7874804-0536)

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- 8.3 Subject: Ernie Robinson - Service Recognition
 From: Councilmember Reid
 Recommendation: Adopt a Resolution commending Deputy Chief Ernest A. Robinson III
 for 30 years of outstanding and dedicated service and congratulating him on his
 retirement
 [\(04-0613\)](#)
- 8.4 Subject: Gerald Simon - Service Recognition
 From: Councilmember Reid
 Recommendation: Adopt a Resolution commending Chief Gerald Simon for outstanding
 and dedicated service and congratulating him on his retirement
 [\(04-0614\)](#)
- 8.5 Subject: Henry Renteria - Service Recognition
 From: Councilmember Reid
 Recommendation: Adopt a Resolution commending Henry R. Renteria for his 19 years
 of dedicated service as Oakland's Emergency Manager, congratulating him on his
 retirement from the City of Oakland, and wishing him well as assumes leadership as the
 Director of the Governor's Office of Emergency Services
 [\(04-0615\)](#)
- 8.6 Subject: Barry Weiland - Service Recognition
 From: Councilmember Reid
 Recommendation: Adopt a Resolution honoring Barry Weiland upon his retirement from
 the City of Oakland
 [\(04-0616\)](#)

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

10. CONSENT CALENDAR (CC) ITEMS:

- 10.1CC 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
 [\(04-0631\)](#)
- 10.2CC 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
 [\(04-0632\)](#)
- 10.3CC Subject: Gary Deskins - Settlement Agreement
 From: Office of the City Attorney
 Recommendation: Adopt a Resolution authorizing and directing the City Attorney to

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compromise and settle the case of Gary Deskins, et al. v. City of Oakland et al., United States District Court no. C-03-3653-VRW, our file no. 23467, in the amount of \$40,000 (Oakland Police Department - Warrentless Search)
(04-0633)

Council discussed this item in Closed Session on June 15, 2004. Motion authorizing settlement passed by unanimous vote: 8 Ayes

10.4CC Subject: Leslie Perez - 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 Leslie Perez, in the amount of \$6,000, as a result of bodily injury sustained in an auto collision involving a City of Oakland vehicle. (Public Works Agency)
(04-0636)

This item was not heard in Closed Session.

10.5CC Subject: Deborah Carney - 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 Allstate Insurance as subrogee for Deborah Carney, in the amount of \$9,248.47, as a result of an automobile collision involving a City of Oakland vehicle (Public Works Agency)
(04-0635)

This item was not heard in Closed Session.

10.6CC Subject: Fe Hanson - 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 Fe Hanson v. City of Oakland, et al., Alameda County Superior Court number RG03124039, our file number 23493, in the amount of sixty thousand dollars (\$60,000). This case involves a claim for disability discrimination (Oakland Police Department)
(04-0638)

Council discussed this item in Closed Session on July 6, 2004. Motion authorizing settlement passed with 5 Ayes, 1 No - De La Fuente, 2 Abstain - Brooks, Brunner

10.7CC Subject: Yakpasua Zazaboi - 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 Yakpasua Zazaboi v. City of Oakland, et al., Alameda County Superior Court case no. 2001-032605 our file no. 21415, in the amount of \$9,900 (Oakland Police Department)
(04-0640)

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Council discussed this item in Closed Session on July 6, 2004. Motion authorizing settlement passed with 7 Ayes, 1 No - De La Fuente

- 10.8CC Subject: Cheryl D. Taylor - Service Recognition
From: Councilmember Reid
Recommendation: Adopt a Resolution commending Cheryl D. Taylor for 31 years of devoted and dedicated service and congratulating her on her retirement
(04-0591)
- 10.9CC Subject: Edna Davis - Service Recognition
From: Councilmember Reid
Recommendation: Adopt a Resolution honoring Edna Davis upon her retirement from the City of Oakland for more than 31 years of devoted and dedicated service and congratulating her on her retirement
(04-0592)
- 10.10CC Subject: Janie B. Young - Service Recognition
From: Councilmember Reid
Recommendation: Adopt a Resolution commending Janie B. Young for 36 years of devoted and dedicated service and congratulating her on her retirement
(04-0593)
- 10.11CC Subject: Doris M. Malvo - Service Recognition
From: Finance and Management Agency
Recommendation: Adopt a Resolution commending Doris M. Malvo for 36 years of outstanding and dedicated service and congratulating her on her retirement
(04-0607)
- 10.12CC Subject: Standard Specifications for Public Works Construction
From: Public Works Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance adopting the "Standard Specifications for Public Works Construction, 2003 Edition" and repealing Ordinance No. 12321 C.M.S. and all resolutions related thereto
(04-0516)

Introduction (First Reading) was approved July 6, 2004; Vote Count: 8 Ayes.

- 10.13CC Subject: Sale of City-Owned Property - 3615 and 3619 35th Avenue
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance authorizing the negotiation and execution of a purchase and sale agreement for the sale of City-owned property at 3615 and 3619 35th Avenue at fair market value (\$279,000) to Collins/PBA for the development of a mixed-use project
(04-0489)

Introduction (First Reading) was approved July 6, 2004; Vote Count: 8 Ayes.

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10.14CC Subject: Urban Renewal and Redevelopment Planning
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of the following Ordinances regarding the Acorn, Central District, Oak Center and Stanford/Adeline project areas:

1) Approve the Final Passage (Second Reading) of an Ordinance amending the Acorn Urban Renewal Plan to extend the time limits on plan effectiveness and receipt of tax increment revenue by one year; and

[\(04-0427\)](#)

Introduction (First Reading) was approved July 6, 2004; Vote Count: 8 Ayes.

2) Approve the Final Passage (Second Reading) of an Ordinance amending the Central District Urban Renewal Plan to extend the time limits on plan effectiveness and receipt of tax increment revenue by one year; and

[\(04-0427a\)](#)

Introduction (First Reading) was approved July 6, 2004; Vote Count: 8 Ayes.

3) Approve the Final Passage (Second Reading) of an Ordinance amending the Oak Center Urban Renewal Plan to extend the time limits on plan effectiveness and receipt of tax increment revenue by one year; and

[\(04-0427b\)](#)

Introduction (First Reading) was approved July 6, 2004; Vote Count: 8 Ayes.

4) Approve the Final Passage (Second Reading) of an Ordinance amending the Stanford/Adeline Redevelopment Plan to extend the time limits on plan effectiveness and receipt of tax increment revenue

[\(04-0427c\)](#)

Introduction (First Reading) was approved July 6, 2004; Vote Count: 8 Ayes.

10.15CC Subject: Amendment to View Ordinance
From: Councilmember Quan
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending Oakland Municipal Code Section 15.52 (View Ordinance) to clarify application to properties in the entire City of Oakland and that the private right to reconciliation and arbitration established by the View Ordinance is not affected by the provisions of Section 15.52.040, protected view corridors in the North Oakland Hill Area Specific Plan

[\(04-0573\)](#)

Introduction (First Reading) was approved July 6, 2004; Vote Count 7 Ayes - 1 Absent - Brunner

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10.16CC Subject: Increase of City Council Salaries
From: Public Ethics Commission and Office of the City Administrator
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending Ordinance Number 4727 C.M.S. to adjust the monthly salary schedule for the classification of Council Member
[\(04-0541\)](#)

**Introduction (First Reading) was approved June 29, 2004; Vote Count 7
Ayes, 1 Excused - Brooks**

S-10.17CC Subject: I-880 Public Art Project
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Administrator to allocate an additional \$70,000 from the City's Public Art Municipal Capital Improvement Fund (Fund 5505) for the Broadway at I-880 Public Art Project, to reject all bids, to negotiate a contract and to award a construction contract in an amount not to exceed \$385,000, without returning to Council (TITLE CHANGE) (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE OF THE COUNCIL - 6 AFFIRMATIVE VOTES)
[\(04-0397-1\)](#)

**The July 13, 2004 Public Works Committee approved recommendations: 4
Ayes**

S-10.18CC Subject: Lake Merritt Clean Up
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the sixth amendment to the professional services agreement with the Lake Merritt Institute for the cleanup of Lake Merritt for Fiscal Year 2004-2005 in an amount not to exceed \$151,570 for a total contract amount not to exceed \$951,725
[\(04-0436-1a\)](#)

**The July 13, 2004 Public Works Committee approved recommendations
and directed staff to return during the next budget process for future
funding; 4 Ayes**

S-10.19CC Subject: Local Street and Road Repairs
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Administrator to apply for, accept, and appropriate \$1,573,482 of Federal Surface Transportation Program Funds for local street rehabilitation work in Fiscal Year 2005-2006 and Fiscal Year 2006-2007
[\(04-0535\)](#)

**The July 13, 2004 Public Works Committee approved recommendations: 4
Ayes**

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S-10.20CC Subject: Installation of Stop Signs in the City of Oakland
From: Public Works Agency
Recommendation: Adopt a Resolution approving the installation of stop signs on: 1) 84th Avenue at E Street; 2) East 31st Street at 22nd Avenue; and 3) Gaskill Street at Aileen Street
(04-0554)

**The July 13, 2004 Public Works Committee approved recommendations: 4
Ayes**

S-10.21CC Subject: Traffic Counts and Speed Zone Studies
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing amendment to the agreement with Kimley-Horn and Associates to conduct average daily traffic counts and radar speed zone studies for an additional amount not to exceed \$25,000 (total contract amount not to exceed \$270,790) and a time of performance extension from June 30, 2004 to December 31, 2004
(04-0555)

**The July 13, 2004 Public Works Committee approved recommendations: 4
Ayes**

S-10.22CC Subject: Korve Engineering - Design Services for Traffic Signals
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Administrator to enter into a professional services agreement with Korve Engineering for the design of traffic signals at four locations (Project Nos. C229310, C229110, C232710, C232310) for an amount not to exceed eighty-five thousand seven hundred ten dollars (\$85,710)
(04-0557)

**The July 13, 2004 Public Works Committee approved recommendations: 4
Ayes**

S-10.23CC Subject: Parking Designations in the City of Oakland
From: Public Works Agency
Recommendation: Adopt a Resolution approving the: 1) establishment of a No-Parking between 3:00 A.M. and 6:00 A.M. Zone on Hegenberger Place (both sides) between Hegenberger Road and the end; 2) establishment of a One-Hour Parking Zone on East 12th Street (both sides) between 33rd Avenue and 35th Avenue; 3) removal of a No-Parking Zone and establishment of a Two-Hour Parking Zone on Perkins Street (east side) between Grand Avenue and Bellevue Avenue
(04-0558)

**The July 13, 2004 Public Works Committee approved recommendations: 4
Ayes**

S-10.24CC Subject: Funding of Various Transportation Projects
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City of Oakland to apply for,

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accept, and appropriate up to \$1,357,000 in Fiscal Year 2004-2005 Transportation Fund for Clean Air Funds for the following four projects: 1) Oakland Airport - Coliseum Area Intelligent Transportation Systems Deployment - Phase I (\$800,000); 2) Market Street Regional Bikeway (\$400,000); 3) Clay Street Garage Central Cashiering System (\$97,000); and 4) Bicycle Parking Request Program (\$60,000)
[\(04-0561\)](#)

**The July 13, 2004 Public Works Committee approved recommendations: 4
Ayes**

S-10.25CC Subject: DKS Associates - Citywide Pedestrian Safety Program
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Administrator to enter into a professional services agreement with DKS Associates for design services for the Citywide Pedestrian Safety Program (City Project No. C188510) for an amount not to exceed one hundred three thousand one hundred and forty dollars (\$103,140)
[\(04-0553\)](#)

**The July 13, 2004 Public Works Committee approved recommendations: 4
Ayes**

S-10.26CC Subject: Safe Routes to School Program
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Administrator to accept and appropriate the Safe Routes To School Program Fourth Cycle State funds in the amount of \$441,045 for pedestrian safety improvements at various school locations
[\(04-0560\)](#)

**The July 13, 2004 Public Works Committee approved recommendations: 4
Ayes**

S-10.27CC Subject: Bay Area Air Quality Management District
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Administrator to apply for, accept and appropriate \$106,500 in grant funds to offset the incremental cost of acquiring one garbage packer truck and one street sweeper powered by compressed natural gas instead of diesel fuel and to enter into a funding agreement with the Bay Area Quality Management District if the application is approved by the Bay Area Air Quality Management District Board of Directors
[\(04-0582\)](#)

**The July 13, 2004 Public Works Committee approved recommendations: 4
Ayes**

S-10.28CC Subject: PSAI Old Oakland Associates
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution granting PSAI Old Oakland Associates, LLC, a California Limited Liability Company, a conditional revocable permit for the encroachment of existing building structural supports, sidewalk basement to be

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converted into commercial space and sidewalk basement stairs into the public right-of-way area of 9th Street and sidewalk basement into the public right-of-way area of Broadway located at 901 Broadway
(04-0576)

**The July 13, 2004 Public Works Committee approved recommendations: 4
Ayes**

S-10.29CC Subject: Community Choice Aggregation Demonstration Project
From: Office of the City Administrator
Recommendation: Adopt the following legislation regarding alternative energy opportunities:

1) A Resolution authorizing the City Administrator to accept and appropriate \$3,500,000 from the Williams Energy Settlement to be used for activities that promote alternative energy production or improve energy efficiency in the City, and;
(04-0540)

2) A Resolution authorizing allocation of Williams Settlement Funds for a professional services agreement with Navigant Consulting, Inc. to join the Bay Area Consortium Community Choice Aggregation Demonstration Project to assess the feasibility, opportunities, and risks for Oakland to become an aggregator in an amount not to exceed \$24,500
(04-0540-1)

**The July 13, 2004 Finance and Management Committee approved
recommendations: 4 Ayes**

S-10.30CC Subject: Abatement of Dangerous and Insanitary Building Sewer Conditions
From: Public Works Agency
Recommendation: Adopt a Resolution confirming the report of assessment for the abatement of dangerous and insanitary building sewer conditions throughout the City of Oakland
(04-0538)

**The July 13, 2004 Finance and Management Committee approved
recommendations: 4 Ayes**

S-10.31CC Subject: Nuisance Abatement Liens and Costs
From: Community and Economic Development Agency
Recommendation: Approve the Introduction (First Reading) of an Ordinance amending Oakland Municipal Code Sections 15.08.130, 1.08.040, 1.12.040 and 1.16.040 to authorize foreclosure proceedings to collect nuisance abatement liens and costs, and amending Oakland Municipal Code 1.08.060 to increase the maximum annual cumulative civil penalties from \$250,000 to \$365,000.
(04-0604)

**Final Passage (Second Reading) has been scheduled for September 21,
2004.**

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**The July 13, 2004 Finance and Management Committee approved
recommendations: 4 Ayes**

S-10.32CC Subject: Minor Home Repair Program
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution authorizing an increase in the existing contract with the County of Alameda, Housing and Community Development Department, by an amount not to exceed \$229,210, for a total contract amount of \$729,210 to administer the Minor Home Repair Program (MHRP)
(04-0509)

**The July 13, 2004 Community and Economic Development Committee
approved recommendations: 4 Ayes**

S-10.33CC Subject: Culinary Arts Academy
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution authorizing the reallocation of \$436,000 of Community Development Block Grant funds, and authorizing the City Administrator to negotiate and execute agreements with the Oakland Unified School District for the Castlemont High School Culinary Arts Academy (\$25,000) and with the Alameda County Health Care Services Agency for the Project YES! Youth Center renovation (\$411,000)
(04-0510)

**The July 13, 2004 Community and Economic Development Committee
approved recommendations: 4 Ayes**

S-10.34CC Subject: Origins Design Network - Extension of Contract Period
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution amending a professional services contract between the City of Oakland and Origins Design Network to perform residential design review services, to extend the contract time period until such time contract funds are depleted (no change to the contract amount)
(04-0542)

**The July 13, 2004 Community and Economic Development Committee
approved recommendations: 4 Ayes**

S-10.35CC Subject: After-School Homework and Teen Homework Assistance Program
From: Oakland Public Library
Recommendation: Adopt a Resolution authorizing the City Administrator, on behalf of the City of Oakland, to accept and appropriate a grant in the amount of \$225,000 from the Oakland Public Library Foundation for the PASS! After-School Homework Program and the Teen Homework Assistance Program for Fiscal Year 2004-2005
(04-0448)

**The July 13, 2004 Life Enrichment Committee approved
recommendations: 4 Ayes**

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S-10.36CC Subject: Cultural Arts Revolving Loan Program
From: Cultural Arts and Marketing Department
Recommendation: Adopt a Resolution rescinding Resolution Number 94-43 C.M.S., which authorized the implementation of the Cultural Arts Revolving Loan Program managed by the Oakland Business Development Corporation, and authorizing the City's participation in the Arts Loan Fund managed by the Northern California Grantmakers (04-0424)

**The July 13, 2004 Life Enrichment Committee approved
recommendations: 2 Ayes, 1 Abstain - Brunner, 1 Excused - Quan**

S-10.37CC Subject: Oakland Museum of California Master Plan
From: Cultural Arts and Marketing Department
Recommendation: Receive an Informational progress Report on the Oakland Museum of California Master Plan (04-0423)

**The July 13, 2004 Life Enrichment Committee approved
recommendations: 3 Ayes, 1 Excused - Quan**

S-10.38CC Subject: Public Artwork - Bella Vista Park
From: Cultural Arts and Marketing Department
Recommendation: Adopt a Resolution authorizing a professional services agreement between the City of Oakland and Eric Powell in an amount not to exceed \$16,500 for the creation of public artwork for the Bella Vista Park (04-0469)

**The July 13, 2004 Life Enrichment Committee approved
recommendations: 2 Ayes, 1 Abstain - Brunner 1 Excused - Quan**

S-10.39CC Subject: Public Artwork for the Oakland Childrens Zoo
From: Cultural Arts and Marketing Department
Recommendation: Adopt a Resolution authorizing a professional services agreement between the City of Oakland and Robin Murez in an amount not to exceed ninety thousand dollars (\$90,000) for the creation of public artwork for the Oakland Children's Zoo (04-0471)

**The July 13, 2004 Life Enrichment Committee approved
recommendations: 3 Ayes, 1 Excused - Quan**

S-10.40CC Subject: Home Improvements For Paratransit Riders
From: Department of Human Services
Recommendation: Adopt a Resolution authorizing the City Administrator to apply for, accept, and appropriate funds in the amount of \$132,763 from Alameda County Transportation Improvement Authority (ACTIA) Measure B Funds for the Fiscal Years 2004-2006 and to execute one year contracts with Center for Independent Living, Rebuilding Together - Oakland, Rebuilding Together - Albany/Emeryville, to provide accessible home improvements for paratransit services for Fiscal Years 2004-2006 in an

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amount not to exceed \$78,000 and to amend the contracts for additional amounts received without returning to City Council

[\(04-0442\)](#)

**The July 13, 2004 Life Enrichment Committee approved
recommendations: 3 Ayes, 1 Excused - Quan**

S-10.41CC Subject: Oakland Youth Commission
From: Department of Human Services
Recommendation: Adopt a Resolution authorizing the City Administrator, on behalf of the City of Oakland, to accept donations up to \$5,000 and grants up to \$20,000 on behalf of the Oakland Youth Commission without further City Council approval of these future donations and grants; and to apply for, accept and appropriate a grant of \$5,000 from the ARC Foundation for youth in civic engagement activities

[\(04-0441-1\)](#)

**The July 13, 2004 Life Enrichment Committee approved
recommendations: 3 Ayes, 1 Excused - Quan**

S-10.42CC Subject: Child Care Food Program (CCFP) Grant
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 Child Care Food Program (CCFP) Grant from the California Department of Education in an estimated amount of \$360,000 for program year 2004-2005

[\(04-0584\)](#)

**The July 13, 2004 Life Enrichment Committee approved
recommendations: 3 Ayes, 1 Excused - Quan**

S-10.43CC Subject: Access to Electronic Health Information Project Grant
From: Oakland Public Library
Recommendation: Adopt a Resolution authorizing the City Administrator to apply for, accept, and appropriate a grant in the amount of \$8,000 from the National Network of Libraries of Medicine Access to Electronic Health Information Project for Fiscal Year 2004-2005

[\(04-0449\)](#)

**The July 13, 2004 Life Enrichment Committee approved
recommendations: 3 Ayes, 1 Excused - Quan**

S-10.44CC Subject: Library Services Grants
From: Oakland Public Library
Recommendation: Adopt a Resolution authorizing the City Administrator, on behalf of the City of Oakland, to apply for, accept, and appropriate a grant in the amount of \$25,000 from the California State Library, Library Services and Construction Act Global Languages Programs for Fiscal Year 2004-2005

[\(04-0446\)](#)

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**The July 13, 2004 Life Enrichment Committee approved
recommendations: 3 Ayes, 1 Excused - Quan**

S-10.45CC Subject: National Forensic Sciences Improvement Act Program
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing the City Administrator, on behalf of the City of Oakland to accept and appropriate grant funds in the amount of nine thousand one hundred and eighty dollars (\$9,180) from the Governor's Office of Emergency Services for the Paul Coverdell National Forensic Sciences Improvement Act Program being conducted in the Police Department
(04-0537)

**The July 13, 2004 Public Safety Committee approved recommendations: 3
Ayes, 1 Excused - Quan**

S-10.46CC Subject: Domestic Violence Abatement Activities
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing the City Administrator, on behalf of the City of Oakland, to accept and appropriate funds in the amount of seventeen thousand three hundred forty-three dollars and forty-five cents (\$17,343.45) from the State of California, Domestic Violence Restraining Order System Fund, for use by the Oakland Police Department for Domestic Violence Abatement Activities
(04-0585)

**The July 13, 2004 Public Safety Committee approved recommendations: 3
Ayes, 1 Excused - Quan**

S-10.47CC Subject: Oakland Youth Court Project
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing the City Administrator on behalf of the City of Oakland to accept and appropriate a grant in an amount not to exceed one hundred fifty-three thousand two hundred and three dollars (\$153,203) from the State of California, Board of Corrections (BOC), Juvenile Accountability Block Grant (JABG) Program, and authorizing a funding agreement in an amount not to exceed one hundred forty-two thousand dollars (\$142,000) with the Donald P. McCullum Youth Court for implementation of the Oakland Youth Court Project
(04-0586)

**The July 13, 2004 Public Safety Committee approved recommendations: 3
Ayes, 1 Excused - Quan**

S-10.48CC Subject: Police Patrol Vehicle Mobile Data Computers
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing the City Administrator, or her designee, to execute a purchase order with Oakland Computer Company for two hundred fifty (250) hardware upgrade kits for Police Patrol Vehicle Mobile Data Computers (MDC), in an amount not to exceed one hundred seventy-five thousand dollars (\$175,000)

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(04-0587)

**The July 13, 2004 Public Safety Committee approved recommendations: 3
Ayes, 1 Excused - Quan**

S-10.49CC Subject: New Weed and Seed Sites in East and West Oakland
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing a professional services agreement with Resource Development Associates in the amount of forty thousand dollars (\$40,000) for the development of two official recognition applications for submission to the U.S. Department of Justice, Office of Justice Programs, Executive Office for Weed and Seed, for the establishment of New Weed and Seed Sites in East and West Oakland
(04-0610)

**The July 13, 2004 Public Safety Committee approved recommendations: 3
Ayes, 1 Excused - Quan**

S-10.50CC Subject: Sutter Health - Contract Amendment
From: Oakland Fire Department
Recommendation: Adopt a Resolution authorizing the City Administrator to amend Resolution Number 76105 C.M.S dated October 31, 2000 to increase the contract with Sutter Health @ Work by ninety thousand dollars (\$90,000) for physical fitness assessments and health testing services for the City of Oakland's Firefighting Personnel to meet current regulatory requirements and standards of compliance, to a total contract amount not to exceed one hundred eighty four thousand one hundred fifty dollars (\$184,150.00)
(04-0611)

**The July 13, 2004 Public Safety Committee approved recommendations: 3
Ayes, 1 Excused - Quan**

S-10.51CC Subject: Recreation and Sports Programs - Assembly Bill 2404
From: President of the Council De La Fuente
Recommendation: Adopt a Resolution proclaiming support for initiatives that encourage equal access to local recreation and sports programs for girls and boys throughout California (including those in Oakland) who want to participate in such programs, specifically State Assembly Bill 2404 introduced by Assembly Member Darrell Steinberg
(04-0639)

**The July 15, 2004 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

There were 3 final decisions made during Closed Session

**Item 2 (a): Eleanor Colbert v. City of Oakland
Council authorized a settlement of \$5,000 in a case involving a slip and fall
accident.**

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Agency/Councilmember Wan made a motion, seconded by Agency/Councilmember Quan to approve the settlement, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

Agency/Councilmember -- made a motion, seconded by Agency/Councilmember --, to accept the oral report from the City Attorney on final decisions made during Closed Session, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

- 12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 15 to 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: Uptown Activity Area - Continued Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a continued Public Hearing and upon conclusion adopt the following City and Agency Resolutions regarding redevelopment activities in the Uptown Activity Area of the Central District Redevelopment Project Area (Councilmember Nadel, District 3):

(1) A Resolution authorizing approval and execution of a Lease Disposition and Development Agreement, Ground Leases, and related documents between the Redevelopment Agency and Uptown Partners, LLC., a California Limited Liability Company, 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; (04-0430)

The June 22, 2004 Community and Economic Development Committee requested that staff provide additional information regarding the following: the option for purchase (chart format); what happens if Phase II is not built and could Phase I costs be recouped; performance guarantees/penalties; environmental clean-up costs; subordination of the affordable housing restrictions under a foreclosure scenario; how is the rent triggered and the impact/benefit if rents increase faster than anticipated; term sheet chart, including land assembly costs; the sale of the property for the 17th Street garage; Forest City's liability if they default on

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**construction; and mitigation measure for environmental impacts,
particularly traffic and air quality; 3 Ayes, 1 Excused - Reid**

2) An Agency Resolution authorizing the Agency Administrator to execute a Lease Disposition and Development Agreement, a Ground Lease, and related documents with Uptown Partners, LLC, a California Limited Liability Company, 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;

(04-0430a)

3) A Resolution authorizing the City Administrator to execute a Cooperation Agreement with the Redevelopment Agency of the City of Oakland, and the Coalition for Workforce Housing relating to the development of a one hundred percent (100%) affordable housing project on a parcel located immediately behind the Fox Theater between 18th and 19th Streets in the Uptown Activity Area of the Central District Redevelopment Project Area

(04-0430b)

4) An Agency Resolution authorizing the Agency Administrator to execute a Cooperation Agreement with the City of Oakland, and the Coalition for Workforce Housing Relating to the development of a one hundred percent (100%) affordable housing project on a parcel located immediately behind the Fox Theater between 18th and 19th Streets in the Uptown Activity Area of the Central District Redevelopment Project Area; and

(04-0430c)

5) An Agency Resolution adopting a Replacement Housing Plan for housing units to be demolished at the Westerner Hotel, 1918-1954 San Pablo Avenue, for the Uptown Project

(04-0430d)

**The June 22, 2004 Community and Economic Development Committee
approved recommendations; 3 Ayes, 1 Excused - Reid**

**At the July 6, 2004 City Council meeting, the Public Hearing for this item
was opened and continued to July 20, 2004 at which time Council will take
action.**

14.2

~~Subject: Planned Development Zoning District – Public Hearing~~

~~From: Community and Economic Development Agency~~

~~Recommendation: Conduct a Public Hearing and upon conclusion approve the
Introduction (First Reading) of an Ordinance adopting Oakland Planning Code Chapter
17.139 (Planned Development Zoning District Procedure) and making related changes to
Oakland's Master Fee Schedule and Chapter 17.152 (Enforcement)~~

(04-0545)

**The July 13, 2004 Community and Economic Development Committee
directed staff to return to Committee on September 28, 2004 with the**

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following information: 1) a chart showing the differences between the Planned Unit Development and Planning Development Zoning District; 2) the pros and cons of the Planned Unit Development and Planning Development Zoning District; and 3) information regarding possible community benefits provided by the developer. The Public Hearing previously scheduled on the July 20, 2004 Council Agenda was withdrawn in light of the above direction; 4 Ayes

14.3 Subject: Temescal Business Improvement Management District - Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Public Hearing and upon conclusion adopt the following pieces of legislation (Councilmember Brunner, District 1):

1) A Resolution establishing the Temescal/Telegraph Avenue Property Business Improvement District of 2005, approving the Management Plan, directing filing of the proposed assessment district boundary description, making a determination with regard to the majority protest procedure for approval of the proposed assessments; and approving the assessments for the District; and
(04-0350-1)

2) A Resolution authorizing payment of the Temescal/Telegraph Avenue Property Business Improvement District of 2005 Assessment for the City owned property (APN 014-1219-003-00 - the Temescal Library) in an amount not to exceed a total of \$1,824.78 for the Fiscal Year 2004-2005 assessment period.
(04-0350-2)

14.4 Subject: Tree Permit Appeal-4437 Mountain View Avenue - Public Hearing
From: Office of Parks and Recreation
Recommendation: Conduct a Public Hearing and upon conclusion adopt a Resolution denying the appeal filed by Guy Moore and Shirley Leonard-Moore against the decision of the Director of the Office of Parks and Recreation approving the issuance of a tree removal permit - DR04-021 at 4455 - Mountain View Avenue (Councilmember Brooks - District 6)
(04-0524)

**NON-CONSENT ITEMS ARE CONTINUED ON THE FOLLOWING
PAGES**

ACTION ON NON-CONSENT ITEMS:

15 Subject: Cannabis Initiative Petition
From: Office of the City Clerk
Recommendation: Receive a Report from the City Clerk on the results of signature verification of the Oakland Cannabis Initiative Petition and adopt the following

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legislation:

(04-0626)

1) A Resolution submitting to the voters a Proposed Initiative Ballot Measure - an Ordinance that would require that the City of Oakland (1) Make investigation, citation and arrest for private adult cannabis (marijuana) offenses the City's lowest law enforcement priority; (2) Advocate through its lobbyist and City officers for changes in state and other laws to (a) allow and authorize taxation and regulation of cannabis (marijuana) for adults and eliminate criminal penalties for private, adult cannabis use, (b) grant local control to cities and counties to license and regulate cannabis businesses and collect appropriate fees and taxes, and (c) end the prosecution arrest, investigation and imprisonment for adult private cannabis offenses; (3) Establish a system to license, tax and regulate cannabis (marijuana) sales if California law is amended to allow and authorize such actions; and (4) Create a committee to oversee the Ordinance's implementation and disbursement of revenue from licensing and taxation of businesses that sell Cannabis; at the General Municipal Election to be held on Tuesday, November 2, 2004; and directing the City Clerk to fix the date for submission of arguments and to provide for notice and publication in accordance with law and requesting the County Board of Supervisors to consolidate Oakland's Election with the Statewide General Election

(04-0626-1)

This matter was scheduled directly to the City Council agenda by the July 1, 2004 Rules and Legislation Committee due to the time sensitive nature of this item.

16

Subject: Community Policing and Violence Prevention Ballot Measure

From: City Administrator's Office/Office of the City Attorney

Recommendation: Adopt a Resolution submitting, on the City Council's own motion, to the Electors at the November 2, 2004 General Election, a proposed Ordinance (1) creating a special parcel tax and (2) increasing the parking tax, (3) increasing the Business License Tax for massage establishments and liquor stores in order to fund violence and crime prevention programs; consolidating the Election with the Statewide Presidential Election; and directing the City Clerk to fix the date for submission of arguments and provide for notice and publication in accordance with the November 2, 2004, Statewide Presidential Election

(04-0389-6c)

Revised Recommendation: The June 29, 2004 ORA/City Council carried a motion to direct staff to prepare a Resolution for consideration of the July 20, 2004 City Council meeting incorporating the amendments as proposed by Councilmember Wan, and including the following revisions:

- 1) Each fire station is to establish a mentorship program:**
- 2) Delete the word "for" from Section 3, Item 5**
- 3) The Oversight Committee will be comprised of eleven members, 1 from each Councilmember and 3 from the Mayor: Vote Count: 6 Ayes, 1 Abstain-Nadel, 1 Excused- Brooks.**

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The Council carried a motion to direct staff to use the following option:

1) Parcel Tax Option 3;

2) Parking Tax Option 2; and

directed staff to analyze the possibilities of raising the Business License Tax on massage parlors and liquor stores, and a car rental tax: Vote Count 7 Ayes, 1 Excused - Brooks

- 17 Subject: Phoenix Model Implementation Report
From: Office of the City Attorney
Recommendation: A Discussion and Action on a report regarding allocating costs of general liability claims among City agencies according to a model used by the City of Phoenix
(04-0637)

This item was scheduled directly to the agenda by the July 8, 2004 Rules and Legislation Committee.

- 18 Subject: Solar Power Project
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Administrator to accept and appropriate approximately \$3,839,258 in rebates from Pacific Gas and Electric Company for implementing a one megawatt solar power and energy efficiency project
(04-0625c)

- S-18.1 Subject: Solar Power Project
From: Public Works Agency
Recommendation: Adopt the following legislation regarding a solar power project:

1) A Resolution authorizing the City Administrator to implement a one megawatt solar power and energy efficiency project by appropriating and allocating funds in the total amount of \$7,759,500; and entering into an agreement with PowerLight Corp. in an amount not to exceed \$7,214,338 (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE OF THE COUNCIL - 6 AFFIRMATIVE VOTES); and
(04-0625)

2) A Resolution authorizing the City Administrator to solicit, and enter into agreements for 15-year financing in an amount not to exceed \$3,138,858 and temporary construction financing in an amount not to exceed \$1,000,000 for implementing a one megawatt solar power and energy efficiency project; and
(04-0625a)

The July 13, 2004 Finance and Management Committee directed staff to amend the Resolution to include the following language: "A significant portion of the payments and allocation will be covered by the avoided energy costs; 4 Ayes

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system and other energy efficiency improvements for the Oakland Ice Center at 519 18th Street and to provide for annual payments not to exceed \$130,000 to the City for fifteen years

(04-0625b)

The July 13, 2004 Finance and Management Committee approved recommendations; 4 Ayes

S-18.2

Subject: One Megawatt Solar Power Project

From: Office of the City Auditor

Recommendation: Receive the City Auditor's report regarding the Resolutions authorizing the City Administrator and Agency Administrator to implement a One Megawatt Solar Power Project by: Soliciting and entering into agreements for 15-year financing and temporary construction financing; allocating funds in the total amount of \$7,759,500; entering into an agreement with Powerlight Corp. in an amount not to exceed \$7,214,338; accepting and appropriating approximately \$3,839,258 in rebates from Pacific Gas and Electric Company; and taking related actions on behalf of the Redevelopment Agency

(04-0625 ca)

19

Subject: Rehabilitation of Sanitary Sewers

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to reject all bids and to rebid the rehabilitation of sanitary sewers in the area bounded by Crest, Michigan, 82nd Avenue, and MacArthur Boulevard - Subbasin 84-112, Project No. (C158110) using new revised standard specifications (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE OF THE COUNCIL - 6 AFFIRMATIVE VOTES)

(04-0628)

Time Sensitive: This item was forwarded directly to the Council agenda due to its time-sensitive nature as determined by the July 8, 2004 Rules and Legislation Committee.

20

Subject: Tree Appeal - 6036 Contra Costa Road

From: Public Works Agency

Recommendation: Adopt a Resolution to amend Resolution No. 77953 C.M.S. and Tree Removal Permit DR01-154 Conditions of Approval regarding a Tree Removal Permit Appeal at 6036 Contra Costa Road

(04-0630)

This item was previously heard by Council on July 15, 2003.

21

Subject: Assembly Bill 2782

From: Office of the City Attorney

Recommendation: Adopt a Resolution declaring the City of Oakland's position on the following 2004 State Legislation support for Assembly Bill 2782. Public Agencies, Joint Powers Agencies, Meetings. Assemblyman Benoit

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(04-0643)

Time Sensitive: This item was forwarded directly to the Council agenda due to its time-sensitive nature as determined by the July 8, 2004 Rules and Legislation Committee.

22 Subject: Oakland Workforce Investment Board - Ultimate Staffing
From: Community and Economic Development Agency
Recommendation: Adopt the following legislation regarding the Workforce Investment Board's Business Services Plan:

1) A Resolution authorizing the appropriation of all revenues generated through the implementation of the Oakland Workforce Investment Board's Business Services Plan to business service activities; and

(04-0399)

2) A Resolution authorizing a contract for professional services with Ultimate Staffing to provide business services on behalf of the Oakland Workforce Investment Board from July 1, 2004 through June 30, 2005, in an amount not to exceed \$350,000

(04-0399a)

This item was withdrawn by Councilmember Brooks and rescheduled from the July 6, 2004 City Council agenda.

23 Subject: Closeout of 1992 Residential Recycling Agreement
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Administrator to execute an Agreement with California Waste Solutions (CWS) in the amount of \$109,405 to pay for the closeout of CWS' 1992 Residential Recycling Agreement and for both parties to indemnify each other for any claims resulting from the provision of residential recycling services for the period of September 9, 1992 through May 4, 2004

(04-0552)

Council discussed this item in Closed Session on May 18, 2004. Motion authorizing settlement passed with 7 Ayes, 1 Absent - De La Fuente

24 Subject: Patrick Daughton and Keshonda East Perkins
Children's Fund Planning and Oversight Committee
From: Councilmember Brunner
Recommendation: Adopt a Resolution reappointing Patrick Daughton and Keshonda East Perkins as members of the Children's Fund Planning and Oversight Committee

(04-0634)

25 Subject: Nicole Franklin and Michael Lighty - City Planning Commission
From: Office of the Mayor
Recommendation: Adopt a Resolution reappointing Nicole Franklin and Michael Lighty as members of the City Planning Commission

(04-0641)

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26 Subject: Alfred Lee - Oakland Housing Authority
From: Office of the Mayor
Recommendation: Adopt a Resolution reappointing Alfred Lee as a member of the Oakland Housing Authority
(04-0642)

S-27 Subject: City of Oakland Infrastructure Needs
From: Public Works Agency
Recommendation: A continued discussion and action on a follow-up report and adopt a Resolution establishing prioritization methods for the City of Oakland's facilities and structures, parks and open space, sewers, storm drains, streets sidewalks, and traffic improvement infrastructure needs
(04-0226-1)

The July 13, 2004 Public Works Committee directed staff to amend the Resolution to provide information on the available funding and the equitable distribution throughout the City of these funds for maintenance repairs on existing facilities and new construction; 3 Ayes 1 Abstain - Quan

S-28 Subject: Summer Recess Purchase Authorizations
From: Office of the City Administrator
Recommendation: Adopt a Resolution authorizing the City Administrator to take action on procurement of the following supplies and services exceeding \$500,000 and professional services contracts exceeding \$150,000 during the Oakland Redevelopment Agency /City Council 2004 Summer Recess:

1) Authorization to negotiate and execute a professional services contract for transportation planning services with the selected consultant in an amount not to exceed \$156,000 from the Fruitvale Alive Environmental Justice Grant; and
(04-0612)

2) Authorization to increase the change order limit by \$115,000 on the construction contract with Ray's Electric for the Eastlake Streetscape and Pedestrian Enhancement Project, for a total contract amount not to exceed \$1,909,685. (Project Number G174710)
(04-0612a)

3) Authorization to award a construction contract to the lower responsible bidder for a not to exceed amount of one hundred fifty thousand dollars (\$150,000) for the installation of merchant kiosks at the Frank Ogawa Plaza, without return to the Council/Agency, provided that if bids are not received or are non-responsive, the City/Agency Administrator may reject all bids and negotiate and award the contract not to exceed \$150,000, without return to the Council/Agency, and reprogram funds for this purpose; and
(04-0612b)

4) Authorization to use Redevelopment Agency funds, or alternative non-Agency funds, in the amount of one hundred fifty thousand dollars (\$150,000) for the installation of

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merchant kiosks at the Frank Ogawa Plaza, and making supporting findings
(04-0612c)

**The July 13, 2004 Finance and Management Committee approved
recommendations; 4 Ayes**

S-29 Subject: Office Supply Vendors - Toner Cartridges
From: Finance and Management Agency
Recommendation: Adopt a Resolution awarding two contracts to the lowest responsible,
responsive bidders, Corporate Express, Inc., for miscellaneous office supplies, and Give
Something Back for laser printer toner cartridges and recycled content, Dioxin free
paper, in an amount not to exceed \$1,100,000.00 per year in accordance with
Specification No. 07-615-00-01 for the two-year period of July 15, 2004 to June 30,
2006, and authorizing, without return to Council, extension of said contracts one year at
a time for a total of three additional years
(04-0588)

**The July 13, 2004 Finance and Management Committee directed staff to
amend the Resolution to split the value of the contracts for both vendors
for a total contract not to exceed 600K, with return to committee to address
the issue of how the City will continue to support local vendors (Kerry's
and Give Something Back); 4 Ayes**

S-30 Subject: Street Tree Protection
From: Councilmember Brunner
Recommendation: Approve the Introduction (First Reading) of an Ordinance amending
Oakland Municipal Code Sections 12.36.010 and 12.36.090 and adding a new Section
12.04.400 for the purpose of further protecting Oakland's City-owned street trees
(.04-0543)

Final Passage (Second Reading) has been scheduled for September 21, 2004

**The July 13, 2004 Life Enrichment Committee approved
recommendations; 4 Ayes**

S-31 Subject: Oakland Trust for Clean Water and Safe Parks
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the implementation plans for the
Oakland Trust for Clean Water and Safe Parks, Measure DD, Creek Restoration,
Watershed Acquisition and Lake Merritt Water Quality Programs
(04-0422)

**The July 13, 2004 Life Enrichment Committee approved
recommendations; 4 Ayes**

S-32 Subject: Oakland City Stables
From: Office of Parks and Recreation
Recommendation: Discussion and action on a report and recommendations to issue a
Request for Proposals for the operation of Oakland City Stables and to proceed with

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Capital Improvements
(04-0609)

The July 13, 2004 Life Enrichment Committee approved the recommendation to proceed with the Request for Proposals, but did not approve the capital improvements. In addition, the discussion regarding continuing operations for the City stables through the Summer of 2004 will be referred to the July 20, 2004 Closed Session; 4 Ayes

S-33 Subject: Cultural Service Contracts
From: Cultural Arts and Marketing Department
Recommendation: Adopt a Resolution authorizing the City Administrator to enter into cultural services contracts with 67 Oakland-based nonprofit organizations and individual artists providing arts and cultural services in Oakland during Fiscal Year 2004-2005 in a total amount not to exceed \$1,306,517
(04-0425)

The July 13, 2004 Life Enrichment Committee approved recommendations; 4 Ayes

S-34 Subject: Swinerton Builders - Police Administration Building
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Administrator to amend the professional services contract with Swinerton Builders for Construction Manager At-Risk Services to include the construction phase of the Police Administration Building Weak Story Seismic Retrofit Phase I Project and to either (1) increase the contract compensation amount by \$8 million for a total contract amount not to exceed \$8.5 million if the Federal government approves Federal Emergency Management Agency ("FEMA") Grant Funds for the project or, (2) increase the contract compensation amount by \$5.5 million of Measure I funding (Bond funding for public safety purposes) for a total contract amount of \$6 million, if FEMA grant funds are not approved (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE OF THE COUNCIL - 6 AFFIRMATIVE VOTES)
(04-0622)

The July 13, 2004 Public Safety Committee directed staff to return to Committee in September 2004 with a status report regarding the bid process; 2 Ayes, 1 Abstain - Brooks, 1 Excused - Quan

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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LATONDA SIMMONS

**Agency Secretary/City Clerk
and Clerk of the Council**

ORA - Oakland Redevelopment Agency

S - Supplemental Item