



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

1 Frank H. Ogawa Plaza, Council Chambers, 3rd Floor

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

Tuesday, October 16, 2007

6:00 PM

Oakland City Hall, 3rd Floor

DEFINITION OF TERMS:

Consent Item: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.

Non-Consent Item: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.

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

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

1 Pledge of Allegiance

2 Roll Call / ORA & Council

COUNCIL MEMBERS: Jane Brunner, Dist. 1; Patricia Kernighan, Dist. 2; Nancy Nadel, Dist. 3; Jean Quan, Dist. 4; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; 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)

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- 6 Requests from Councilmember(s) to schedule an Action Item considered by Committee but not forwarded to Council, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.
- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on October 2, 2007

8. PRESENTATION OF CEREMONIAL MATTERS

- 8.1 Subject: United Nations Month
From: Councilmember Nancy Nadel
Recommendation: Adopt A Resolution Declaring October 2007 'United Nations Month' In The City Of Oakland And Authorizing The City Of Oakland To Serve As Honorary Sponsor Of The United Nations Association-USA East Bay's Anniversary Flag Ceremony
(07-0639)
- 8.2 Subject: Impacts Of Global Climate Change - Presentation
From: Councilmember Larry Reid
Recommendation: Hear A 10 Minute Presentation On The Impacts Of Global Climate Change On San Francisco Bay By The San Francisco Bay Conservation And Development Commission
(07-0677)
- S-8.3 Subject: Disability Awareness Month
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution Declaring October 2007 As Disability Awareness Month In The City Of Oakland
(07-0701)

Pursuant to Section 2.20.080(E)2 of the Sunshine Ordinance an urgency finding was made at the October 11, 2007 Rules and Legislation Committee to place this item on the agenda for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action relates to a purely ceremonial or commendatory action.

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

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

10. CONSENT CALENDAR (CC) ITEMS:

- 10.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health

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Crisis With Regard To The AIDS Epidemic
(07-0695)

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
(07-0696)

10.3-CC Subject: Darryl Ko - 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 Darryl Ko V. City Of Oakland, Alameda County
Superior Court Case No. RG06-263328 In The Amount Of \$9,000 (Public Works
Agency)
(07-0659)

This item was not heard in Closed Session

10.4-CC Subject: Sydney S. L. Buffet - 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 Sydney S.L. Buffet V. City Of Oakland, Et Al.,
Alameda County Superior Court No. RG06265728, Our File No. 25094, In The Amount
Of \$20,000.00 (Public Works Agency - Trip And Fall)
(07-0671)

This item was not heard in Closed Session

10.5-CC Subject: Sunthorn Boswell And Alan Yee - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Claim Of Sunthorn Boswell And Alan S. Yee, The
Attorney Of Record In The Amount Of Seven Thousand Seven Hundred Fifty Dollars
And No Cents (\$7,750.00), As A Result Of Bodily Injury Damages Sustained In An
Automobile Collision With A City Vehicle On January 30, 2006. (Oakland Police
Department)
(07-0694)

This item was not heard in Closed Session

10.6-CC Subject: Rent Adjustment Program
From: Community and Economic Development Agency
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance
Amending Ordinance No. 12744 C.M.S. (Master Fee Schedule) To Increase The \$24
Rent Program Service Fee By \$6 To \$30
(07-0590)

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**Introduction (First Reading) was approved October 2, 2007; 7 Ayes, 1 No
De La Fuente**

- 10.7-CC Subject: Priority Project Funds - District Seven
 From: Councilmember Larry Reid
 Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$5,000.00
 From Councilmember Larry E. Reid's Priority Project Funds To Center For Family
 Counseling For Operating Expenses
 [\(07-0674\)](#)
- 10.8-CC Subject: Travel Authorization - Councilmember Brooks
 From: Councilmember Desley Brooks
 Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To
 Attend The Inner City Economic Forum, Philadelphia, PA, October 17-18, 2007
 [\(07-0675\)](#)
- 10.9-CC Subject: Jena Six
 From: Councilmember Larry Reid
 Recommendation: Adopt A Resolution For The City Council Of Oakland, California To
 Go On Record Opposing The Unfair Treatment By The Criminal Justice System In Jena,
 Louisiana Against, The "Jena Six" Youths
 [\(07-0684\)](#)
- 10.10 Subject: Priority Project Funds - District Seven
 From: Councilmember Larry Reid
 Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$5,000.00
 From Councilmember Larry E. Reid's Priority Project Funds For Operating Expenses To
 Civic Pride, A Youth-Centered Non-Profit Organization That Provides Increased
 Opportunities For Success, College Preparation, Career Readiness And Development Of
 Responsible Citizenship Skills
 [\(07-0688\)](#)
- 10.11-CC Subject: Debt Cancellation - Impoverished African Countries
 From: Councilmember Desley Brooks
 Recommendation: Adopt A Resolution Urging U.S. Support Of Debt Cancellation For
 Impoverished Countries In Africa
 [\(07-0690\)](#)
- 10.12-CC Subject: Dog Ordinance Amendment
 From: Councilmember Jean Quan
 Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance
 Changing Oakland Municipal Code Title 6, Chapter 6.04 Section 6.04.080 Dogs At
 Large And In Parks, To Allow Dogs On The Montclair Railroad Trail (TITLE
 CHANGE)
 [\(07-0619-1\)](#)

**Introduction (First Reading) was approved October 2, 2007; 7 Ayes, 1
Abstain Brunner**

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S-10.13 Subject: Police Department Salary Savings
 From: Oakland Police Department
 Recommendation: Adopt A Resolution Amending Resolution No. 80786 C.M.S., Which
 Establishes Protocol For Expenditures Of Police Department Salary Savings Funds, To
 Include Authorization To Use Salary Savings To Fund The Oakland Police Department's
 Internship Program
[\(07-0597\)](#)

**The October 9, 2007 Finance and Management Committee did not approve
the resolution; 4 Ayes**

**The October 9, 2007 Finance and Management Committee put forth the
following recommendation regarding the Oakland Police Department
Internship Program**

The Committee approved the internship program and directed the City Administrator to find an alternative funding source not using salary saving funds. The Committee also directed staff to provide a written response regarding the use of Redevelopment funds for the Police internship program; 4 Ayes
[\(07-0597-1\)](#)

S-10.14-C Subject: Sale Of Surplus Property At 73rd And Deerwood Avenues
C From: Community And Economic Development Agency
 Recommendation: Approve The Introduction (First Reading) Of An Ordinance
 Authorizing The City Administrator To Negotiate And Execute A Purchase And Sale
 Agreement To Sell Approximately 1,400 Square Feet Of City-Owned Surplus Real
 Property Located At 73rd And Deerwood Avenues To Johnny R. Nicks And Pinkey R.
 Mitchell-Nicks, The Adjoining Property Owners, For The Total Fair Market Value Of
 Four Thousand Two Hundred And Fifty Dollars (\$4,250.00) Including All Fees And
 Costs
[\(07-0584\)](#)

**The October 9, 2007 Finance and Management Committee approved
recommendations; 4 Ayes**

S-10.15-C Subject: Prudential Overall Supply - Living Wage Compliance
C From: Councilmember Jane Brunner
 Recommendation: Action On A Report And Recommendations On Prudential Overall
 Supply's Compliance With The City Of Oakland's Living Wage Ordinance
[\(07-0623\)](#)

**The October 9, 2007 Finance and Management Committee approved
recommendations and directed staff to submit a future report on the
compliance information of health benefits paid to employees. The
Committee further directed staff to send out 1) an invoice for staff costs;
and 2) a bi-lingual mailer to all employees with the information regarding
Oakland's Living Wage, and the reason they are receiving reimbursement
checks, including the current status of Prudential's compliance (the City or**

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Prudential can send out the mailer); 4 Ayes

S-10.16-C Subject: West Oakland Redevelopment Project Extension
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing A One-Year Extension Of The
Project Area Committee For The West Oakland Redevelopment Project To November
18, 2008
(07-0586)

**The October 9, 2007 Community and Economic Development Committee
approved recommendations; 4 Ayes**

S-10.17-C Subject: Re-Designation Of The Oakland Enterprise Zone
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Submit
An Enterprise Zone Application To The California Department Of Housing And
Community Development For The Re-Designation Of The Oakland Enterprise Zone For
An Additional 15 Years
(07-0641)

**The October 9, 2007 Community and Economic Development Committee
approved recommendations; 4 Ayes**

S-10.18-C Subject: Oakland Museum Renovation Project
C From: Oakland Museum
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept
And Appropriate Donated Funds In An Amount Not To Exceed Eight Hundred
Eighty-Five Thousand Seven Hundred And Ninety-Five Dollars (\$885,795.00) From The
Oakland Museum Of California Foundation For Reimbursement Of City Staff Costs As
Part Of The Oakland Museum Of California Renovation Project
(07-0672)

**The October 9, 2007 Life Enrichment Committee approved
recommendations; 3 Ayes, 1 Excused - Chang**

S-10.19-C Subject: Human Trafficking Grant Program
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf
Of The City Of Oakland, To Accept And Appropriate Two Hundred Twenty-Five
Thousand Dollars (\$225,000) In Additional Grand Funds For The Human Trafficking
Program From The U.S. Department Of Justice, Office Of Justice Programs, Bureau Of
Justice Assistance, Law Enforcement Response To Human Trafficking Grant Program;
Extending The Contract With Cross-Sector Solutions, LLC For Consulting And
Technical Services For An Additional Contract Amount Of Sixty-Two Thousand Dollars
(\$62,000); And Authorizing A Waiver Of The Request For Proposal Process And A
Waiver Of The Local And Small Local Business Enterprise Provision
(07-0594)

The October 9, 2007 Public Safety Committee approved recommendations;

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4 Ayes

S-10.20-C Subject: Interoperable Communications Grant Program
C 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 An Amount Not To Exceed Nine Hundred Eighty-Eight Thousand Nine Hundred And Sixty-Six Dollars (\$988,966) From The U.S. Department Of Justice, Office Of Community Oriented Policing Services (DOJ/COPS) Fiscal Year 2007 Law Enforcement Technology (Interoperable Communications) Grant Program For The Period October 1, 2007 Through September 30, 2008, And Authorizing The Police Department's Allocation Of Three Hundred Thirty-Two Thousand Nine Hundred And Eighty-Eight Dollars (\$332,988) From The Unclaimed Cash Fund To Meet The Mandatory Matching Fund Provisions For The Program, And Authorizing The Execution Of A Memorandum Of Understanding With The City And County Of San Francisco, Office Of Emergency Services, And Other Participating Agencies, For Implementation Of The Initiative, And Appropriate Said Funds To The Police Department
(07-0604)

**The October 9, 2007 Public Safety Committee approved recommendations;
4 Ayes**

S-10.21-C Subject: Project Safe Neighborhoods
C 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 An Amount Not To Exceed One Hundred Thousand Dollars (\$100,000) From The State Of California, Office Of Emergency Services, Serving As the Fiscal Agent For Project Safe Neighborhoods Grant Program As Administered Through The Office Of The U.S. Attorney For The Northern District Of California And The U.S. Department of Justice, Bureau Of Justice Assistance, In Support Of The Oakland Police Department's Criminalistics Division
(07-0620)

**The October 9, 2007 Public Safety Committee approved recommendations;
4 Ayes**

S-10.22-C Subject: Marine Unit Equipment - Oakland Police Department
C 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 An Amount Not To Exceed Sixty-Five Thousand Two Hundred Dollars (\$65,000) From The State Of California, Department Of Boating And Waterways, For Use By The Oakland Police Department Marine Unit For Equipment Purchases To Outfit And Maintain Marine Vessels Used For Public Safety And Other Homeland Security Projects On Oakland Waterways And The Port of Oakland
(07-0621)

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**The October 9, 2007 Public Safety Committee approved recommendations;
4 Ayes**

S-10.23-C Subject: Emergency Vehicle Operations Course
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Execute An Agreement With The California Commission On Peace Officer Standards And Training (POST) For The Purpose Of Permitting The Police Department To Present The POST Certified Emergency Vehicle Operations Course (EVOC) To One Hundred Fifty (150) Police Officer Trainees, And To Receive Up To Sixty-Six Thousand Seven Hundred Fifty Dollars (\$66,750) In Reimbursement Funds
(07-0653)

**The October 9, 2007 Public Safety Committee approved recommendations;
4 Ayes**

- 11 An oral report from the Agency Counsel / City Attorney of final decisions made during Closed Session
- 12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 15 of the Sunshine Ordinance

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

- 13 Reconsideration of Ordinances pursuant to Charter Section 216

14. Consideration of items with statutory Public Hearing Requirements:

14.1 Subject: 5248 Telegraph Avenue - Appeal
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeals And Upholding The Planning Commission's Approval For Construction Of 33 Dwelling Units Over Ground Floor Commercial At 5248 Telegraph Avenue, Oakland (Case File Number CDV06-476 & TPM-9212)
(07-0660)

ACTION ON NON-CONSENT ITEMS:

- 15 Subject: McKillop Roadway - Landslide Damage
From: Public Works Agency
Recommendation: Adopt A Resolution Renewing And Continuing The Local Emergency Due To Landslide Damage To McKillop Roadway First Proclaimed By the City Of Oakland On October 17, 2006
(07-0697)
- 16 Subject: Instant Runoff Voting - Implementation
From: Office of the City Attorney

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Recommendation: Hear A Presentation By Alameda County Registrar Dave Macdonald Regarding The Implementation Of Instant Runoff Voting In Alameda County
(07-0658)

- 17 Subject: ~~Residential Permit Parking Program—Jack London Square~~
From: ~~Councilmember Nancy Nadel~~
Recommendation: ~~Approve The Introduction (First Reading) Of An Ordinance Of The City Of Oakland Adding Chapter 10.45 Of The Oakland Municipal Code Entitled "Interim Mixed Use Parking Permit Program For The Jack London District" For A Period Not To Exceed Three Years From The Date Of Adoption~~
(07-0640)

This item was withdrawn and rescheduled to the November 6, 2007 City Council Agenda by the October 11, 2007 Rules Committee

- 18 Subject: High Speed Rail Alignment
From: Council President De La Fuente & Mayor Ronald Dellums
Recommendation: Adopt A Resolution Urging The Metropolitan Transportation Commission, The California High-Speed Rail Authority, The State Legislature And The Governor Of California To Implement And Fund The Regional Rail Plan In Accordance With Regional Measure 2 With A High Speed Rail Alignment Through The East Bay And Oakland With A Direct Link To The Transbay Terminal
(07-0578)

Pursuant to Resolution 79006 C.M.S. Council's Rules of Procedures, Rule 7(6), A motion was made by Councilmember Nadel, seconded by Councilmember Brunner to pull this item from the October 2, 2007 Consent Calendar and place it on the October 16, 2007 City Council Agenda as a Non-Consent Item.

TWO PIECES OF LEGISLATION ARE BEING PRESENTED IN ITEM 19, THE CITY COUNCIL WILL ONLY ADOPT ONE OF THOSE PIECES PRESENTED.

- 19 Subject: Smoking Ordinance
From: Office of the City Administrator
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending Oakland Municipal Code Chapter 8.30, "Smoking" To (1) Prohibit Smoking At Bus Stops And Other Areas Where The Public Waits For Service, (2) At Outdoor Dining Areas, Public Trails, Parks And City-Owned Golf Courses, (3) Family Childcare Centers, (4) Common Outdoor Areas In Multi-Unit Housing; (5) Restrict Smoking Outside Bars To Ten (10) Feet From Entrances; (6) Require New Rental And Sale Agreements For Multi-Unit Housing To Disclose Nonsmoking Prohibitions (TITLE CHANGE-ATTACHMENT A)
(07-0237)

Introduction (First Reading) was approved September 18, 2007; 5 Ayes, 2 Abstain - Brooks and Reid, 1 Excused - Brunner

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Pursuant to Resolution 79006 C.M.S. Council's Rules of Procedures, Rule 7(6), A motion was made by Councilmember Chang, seconded by President De La Fuente to pull this item from the October 2, 2007 Consent Calendar and place it on the October 16, 2007 City Council Agenda as a Non-Consent Item.

Subject: Smoking Ordinance
From: Office of the City Administrator
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Amending Oakland Municipal Code Chapter 8.30, "Smoking" To (1) Prohibit Smoking At Bus Stops And Other Areas Where The Public Waits For Service, (2) At Outdoor Dining Areas, Public Trails, Parks And City-Owned Golf Courses, (3) Family Childcare Centers, (4) Common Outdoor Areas In Multi-Unit Housing; (5) Establish Policy For Smoking Outside Bars; (6) Require New Rental And Sale Agreements For Multi-Unit Housing To Disclose Nonsmoking Prohibitions (ATTACHMENT B)
(07-0237-1)

Final Passage (Second Reading) has been scheduled for November 6, 2007

S-20 Subject: Anka Behavioral Health - Winter Shelter Agreement
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Waive The Competitive Process And Enter Into A Six Month Agreement In The Amount Of \$306,000 With Anka Behavioral Health, Inc. To Operate The Oakland Army Base Temporary Winter Shelter (OABTWS), And (2) Enter Into A Six Month Lease For \$1.00 A Year With The Oakland Redevelopment Agency For Use Of Building 821 At The Army Base, And (3) Accept And Appropriate \$125,000 From Alameda County, And \$66,000 From The City Of Berkeley To Establish And Operate The Temporary Winter Shelter At The Oakland Army Base, (4) Allocate \$15,000 In CDBG Funds For Tenant Improvements To The Winter Shelter; And (5) Enter Into An Agreement With Anka Behavioral Health, Inc. For \$22,094 For Purchase And Installation Of Security Cameras At The Henry Robinson Multi-Service Center
(07-0654)

The October 9, 2007 Life Enrichment Committee approved recommendations and directed staff to submit a supplemental report on the following: 1) further technical information regarding the security cameras (i.e. monitoring services and monthly fees); and 2) the annual ongoing expenses and up front cost to operate the Oakland Army Base Temporary agreement; 3 Ayes, 1 Excused - Chang

S-21 Subject: Dog Ordinance Amendment
From: Councilmember Jean Quan
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Changing Oakland Municipal Code Title 6, Chapter 6.04 Section 6.04.070 Dogs At Large Regarding Requirements To Dog Guardians Concerning Picking Up After Their Dogs, Tethering Of Dogs, Dogs In Vehicles And Specific Fines For Violations Of The

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Ordinance; And Oakland Municipal Code Section 1.28.020.B Allowing For An
Exception For The Amount Of Fines For Violations Of Section 6.040.070
(07-0619-2)

**The October 9, 2007 Life Enrichment Committee approved
recommendations and directed staff to submit in a future report the
following information: the code compliance procedures and enforcement
strategies for dogs on private property and "picking-up" after them; 2
Ayes, 1 Abstain - Brooks, 1 Excused - Chang**

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

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

Americans With Disabilities Act

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Office of the City Clerk - Agenda Management Unit

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(TDD)

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OVER THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO
ENSURE THE SAFETY OF THOSE ATTENDING MEETINGS.

(...)

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

ORA - Oakland Redevelopment Agency
S - Supplemental Item