



City of Oakland **DRAFT**
Redevelopment Agency / City Council
Legislative Calendar

Office of the City Clerk
City Hall
1 Frank Ogawa Plaza
Oakland, CA 94612
Ceda Floyd, City Clerk

ALL MEETINGS ARE HELD IN CITY HALL
ONE FRANK H. OGAWA PLAZA, OAKLAND, CA

Date	Time	Meeting Body	Meeting Location
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FOR THE WEEK OF OCTOBER 20, 2003:

10/21/2003	4:00 P.M.	Closed Session	Hearing Room Four 2 nd Floor
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Oakland Redevelopment Agency / City Council

6:00 P.M.	Ceremonial presentations and consent items	Council Chambers
7:00 P.M.	Items requiring discussion (non-consent)	3 rd Floor

10/23/2003	10:30 A.M.	*Rules and Legislation Committee	Council Chambers 3 rd Floor
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UPCOMING MEETINGS for City Council:

10/28/2003	1:00 P.M.	*Public Works Committee	Hearing Room One 1 st Floor
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10/28/2003	2:30 P.M.	*Finance & Management Committee	Hearing Room One 1 st Floor
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10/28/2003	4:00 P.M.	*Community and Economic Development Committee	Hearing Room One 1 st Floor
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10/28/2003	6:00 P.M.	*Life Enrichment Committee	Hearing Room One 1 st Floor
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10/28/2003	7:30 P.M.	*Public Safety Committee	Hearing Room One 1 st Floor
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10/30/2003	10:30 A.M.	*Rules and Legislation Committee	Council Chambers 3 rd Floor
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** In the event that a quorum of the City Council participates on this Committee, the meeting is noticed as a Special Meeting of the City Council; however, no final City actions can be taken.*

City of Oakland

This document is provided as a courtesy only and is not an official notice as prescribed by Local and State laws.

Please refer to the published Meeting Agendas for official noticing information.

7
RULES
10-9-03



City of Oakland
Meeting Agenda

DRAFT

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
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Concurrent Meeting of the Oakland Redevelopment
Agency/City Council

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

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

Tuesday, October 21, 2003

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; Danny Wan, Dist. 2; Vice Mayor 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")
- 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 Meetings of the Oakland Redevelopment Agency/City Council held on September 30, 2003 and October 7, 2003

- 8 Presentation of Ceremonial Matters
- 9 Council Acknowledgements / Announcements
- 10. CONSENT CALENDAR (CC) ITEMS:

The following Consent Calendar items are considered to be routine and will be acted upon by one motion of the City Council, unless a member of the public or a Councilmember requests the opportunity to speak on an item noticed. (CC)

- 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 (03-0188)
- 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 (03-0005)
- 10.3 CC Subject: John McDonald - Oakland Museum of California Foundation
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing John McDonald as a member of the Oakland Museum of California Foundation Board (03-0194)
- 10.4 CC Subject: David Kramer - Board of Port Commissioners
From: Office of the Mayor
Recommendation: Adopt a Resolution reappointing David Kramer as a member of the Board of Port Commissioners (03-0195)
- 10.5 CC Subject: Benjamin Fay - Budget Advisory Committee
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Benjamin Fay as Chair of the Budget Advisory Committee (03-0197)
- 10.6 CC Subject: Colleen Louis Brown - Community Policing Advisory Board
From: Councilmember Chang
Recommendation: Adopt a Resolution appointing Colleen Louis Brown as a member of the Community Policing Advisory Board (03-0196)
- 10.7 CC Subject: Kereem Thurston - 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 Kereem Thurston v. City of Oakland, et. al., United States District Court Case No. C-01 3839 WDB, our file no. 21395, in the amount of \$15,000.00; This case involves a claim of use of excessive force (Oakland Police Department-Alleged Civil Rights Violation) (03-0010)

10.8 CC Subject: Tim Twork - 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 Tim Twork v. City of Oakland, et al., Alameda County Superior Court No. 2002-049699, our file no. 21995, in the amount of \$17,500.00 (Public Works Agency - Trip and Fall) (03-0187)

10.9 CC Subject: Carlos and Maria Oliva - 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 Carlos and Maria Oliva, in the amount of \$6,405.16, as a result of property damage sustained due to a sewer flood caused by a clogged City sewer main (Public Works Agency) (03-0192)

10.10 CC Subject: Sysomphone Phiakhamta - 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 Sysomphone Phiakhamta in the amount of \$8,815.00, as a result of bodily injury damages sustained in an automobile collision with a City vehicle (Oakland Police Department) (03-0193)

10.11 CC Subject: Business Tax Incentive Program
From: Finance & Management Agency
Recommendations: Approve the Final Passage (Second Reading) of an Ordinance amending Section 5.04.151 of the Oakland Municipal Code to provide that all businesses regardless of location are eligible to participate in the Tax Abatement Program, to codify the definition of the benchmark year for both new and existing businesses, to require the completion of an application for any business that wants to enroll in the program, and to codify the sunset date for enrollment in the Program (003720)

(Introduction [First Reading] was approved on September 30, 2003; Vote Count 8 Ayes)

10.12 CC Subject: Development of Infiniti Automobile Dealership
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance authorizing sale of .93 acres of City land near Oakport Street and Hassler Way to the Redevelopment Agency for \$40,593, for sale to Hendrick Automotive Group for development of an Infiniti dealership (003832b)

(Introduction [First Reading] was approved on September 30, 2003; Vote Count 8 Ayes)

10.13 CC Subject: Oakland-Alameda County Coliseum Security
From: Oakland Police Department
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending Oakland Municipal Code Chapter 8.44, "Security for events at the Oakland-Alameda County Coliseum Complex, Section 8.44.040, "Activities Prohibited Within The Oakland-Alameda County Coliseum Complex Parking Facility" and Section 8.44.050, "Penalties" and amending Chapter 1.28, "General Penalty," Section 1.28.020, "Violations as Infraction," Subsection A.1.E. (03-0047)

(Introduction [First Reading] was approved on September 30, 2003; Vote Count 8 Ayes)

10.14 CC Subject: Large-Scale Combined Retail and Grocery Sales
From: Community and Economic Development Agency
Recommendation: Approve the Introduction (First Reading) of an Ordinance amending the Oakland Planning Code to define "Large-Scale Combined Retail and Grocery Sales Commercial Activities"; and to prohibit this activity type in all zones (TITLE CHANGE) (03-0053)

Revised Recommendation: The September 23, 2003 Community and Economic Development Committee approved staff recommendation to prohibit this activity type in all zones.

(Final Passage [Second Reading] has been scheduled for November 4, 2003)

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

- 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 to the Sunshine Ordinance
- 13 Reconsideration of Ordinances pursuant to Charter Section 216

14. Consideration of items with statutory Public Hearing Requirements:

14.1 Subject: Tree Removal Appeal - 2848 Longwalk Drive - Public Hearing
From: Office of Parks and Recreation
Recommendation: Conduct a Public Hearing and upon conclusion adopt a Resolution denying the appeal filed by Festus Ogbeide against the decision of the Director of the Office of Parks and Recreation approving the issuance of tree removal permit DR03-053 (2848 Longwalk Drive) (03-0144)

- 14.2 Subject: Service Enriched Permanent Housing Residential Activity
 From: Community and Economic and Development Agency
 Recommendation: Conduct a Public Hearing and upon conclusion Adopt a Resolution denying the appeal and sustaining the decision of the City Planning Commission in denying the application for a Major Conditional Use Permit to establish a Service Enriched Permanent Housing Residential Activity within an existing structure located at 2375 Fruitvale Avenue (03-0146)

ACTION ON NON-CONSENT ITEMS:

- 15 Subject: Family Violence Prevention Services
 From: Oakland Police Department
 Recommendation: Receive a report and Adopt a Resolution authorizing the acceptance and appropriation of one hundred fifteen thousand dollars (\$115,000) in U.S. Department of Justice, Governor's Office of Criminal Justice Planning Law Enforcement Specialized Units Program grant funds to the Police Department and authorizing the City Manager to enter into a professional services agreement with the Family Violence Law Center in the amount not to exceed four hundred forty seven thousand five hundred dollars (\$447,500) for Family Violence Prevention Services (03-0184)

Time Sensitive: This item was forwarded directly to the Council agenda due to its time-sensitive nature as determined by the October 2, 2003, Rules and Legislation Committee.

- 16 Subject: Clear Channel Billboard Relocation Agreement
 From: Community and Economic Development Agency
 Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Billboard Relocation Agreement with Clear Channel Outdoor Inc. to waive its rights to compensation, including all real property and personal property interests for twelve billboards located at 2024, 2564, and 6518 San Pablo Ave. (total of seven billboards), 6115 and 7326 International Blvd., 743 High Street, 2715 Foothill Blvd., and 1028 98th Ave. in exchange for the reconstruction of an existing billboard at 743 High Street, a new billboard at 3425 Ettie Street, and the commitment of Clear Channel Outdoor, Inc. to retain its office and operational facilities in the City of Oakland for a minimum period of ten years (03-0124)

(This item was rescheduled from the September 30, 2003, City Council agenda)

- 17 Subject: Endymion Systems, Inc.
 From: Finance and Management Agency
 Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute a professional services contract with Endymion Systems, Inc., for a telecommunications inventory in an amount not-to-exceed eight one thousand dollars (\$81,000) (03-0140)

(This item was rescheduled from the September 30, 2003, City Council agenda)

- 18 Subject: Salary Ordinance Amendment
 From: Finance and Management Agency
 Recommendation: A Continued discussion to Approve the Introduction (First Reading) of an Ordinance amending the salary schedule of Ordinance No. 12298 C.M.S. (The Salary Ordinance) to add the classifications of Animal Care Attendant, PT, Animal Care Attendant, PPT, Animal Care Attendant, Assistant Budget Analyst, Curator of Special Projects, Curator of Special Projects, PPT, Financial Analyst, PPT, Marine and Aquatics Supervisor and Sports Official, PT, and to amend the classifications of Assistant to the City Auditor, Complaint Investigator II, Jailer III, Legal Secretary II, Legal Secretary, Supervising, Payroll Control Specialist, Program and Performance Auditor, Senior Aide, PT and Special Needs Coordinator (03-0048)

(Final Passage [Second Reading] has been scheduled for November 4, 2003)

(This item was continued from the September 30, 2003, City Council meeting)

- 19 Subject: Safety Element of the General Plan
 From: Community and Economic Development Agency
 Recommendation: A Continued Discussion to Receive an Informational Report regarding the update to the Safety Element of the City of Oakland's General Plan (003474)

(This item was continued from the September 30, 2003, City Council meeting)

- 20 Subject: Draft Housing Element
 From: Community and Economic Development Agency
 Recommendation: Adopt a Resolution authorizing the City Manager to submit the Draft Housing Element to the California Department of Housing and Community Development for review (001639-4)

Revised Recommendation: At the July 15, 2003 City Council meeting staff was directed to extend the public comment period and to return to Council in September with those comments incorporated prior to submission of the Housing Element to the State.

- 21 Subject: Proposition 40 Projects
 From: Public Works Agency
 Recommendation: Approve Recommendations regarding allocating Proposition 40 (California Clean Water, Clean Air, Safe Parks, and Coastal Protection Act of 2002) Per Capita Program Funds (\$1,798,000) and Roberti-Z'Berg-Harris Program (\$1,804,043) Block Grants, applying for Proposition 40 Murray-Hayden and Frommer Urban Parks Act Competitive Grant Program Funds, and reallocating \$350,000 in Proposition 12 (2000 State Park Bond) Per Capita Program Funds (002431-2)

(The September 23, 2003 Life Enrichment Committee approved staff recommendations; 4 Ayes which included direction to prepare the following legislation:)

1. Adopt a Resolution authorizing the application, acceptance and appropriation of grant funds for the Per Capita Program under the California Clean Water, Clean Air, Safe Neighborhood Parks And Coastal Protection Act of 2002 in the amount of one million seven hundred ninety-eight thousand dollars (\$1,798,000), for the following projects: Lawn Bowling Roof Repair in the amount of one hundred fifty thousand dollars (\$150,000); Estuary Park in the amount of two hundred thousand dollars (\$200,000); Live Oak Pool Deck Repair in the amount of five hundred fifty thousand dollars (\$550,000); Dimond Recreation Center Deck Repair in the amount of five hundred thousand dollars (\$500,000); Dunsmuir House Electrical Repair in the amount of seventy thousand dollars (\$70,000); Recreation Center Fire Alarm Repairs in the amount of thirty thousand dollars (\$30,000) and Lincoln Square Park Tot Lot Repair in the amount of two hundred ninety-eight thousand dollars (\$298,000) (002431-2a)
2. Adopt a Resolution approving the application, acceptance and appropriation of Roberti-Z'berg-Harris Block Grant Program Funds from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 in the amount of one million, eight hundred four thousand and forty-three dollars (\$1,804,043) for the following projects: Martin Luther King, Jr. Plaza Park in the amount of one hundred thousand dollars (\$100,000); Castle Canyon Trust Riparian Habitat Preservation Acquisition in the amount of three hundred thousand dollars (\$300,000); Greenman Field in the amount of five hundred thousand dollars (\$500,000); Clinton Park Tot Lot Improvements in the amount of two hundred fifty thousand dollars (\$250,000); Lake Merritt Improvements in the amount of two hundred fifty-four thousand and forty-three dollars (\$254,043); and Arroyo Viejo Creek at The Oakland Zoo in the amount of four hundred thousand dollars (\$400,000) (002431-2b)
3. Adopt a Resolution authorizing the application, acceptance and appropriation of grant funds for the Murray-Hayden Program from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act Of 2002 for the following projects: The Main Library Children's Courtyard in the amount of one hundred forty-six thousand dollars (\$146,000); Raimondi Field in the amount of five hundred thousand dollars (\$500,000); and, Peralta Hacienda Historic Park in the amount of five hundred thousand dollars (\$500,000) (002431-2c)
4. Adopt a Resolution authorizing the application, acceptance and appropriation of grant funds for the Urban Park Act of 2001 Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 for the following projects: East Oakland Sports Complex in the amount of three million dollars (\$3,000,000); and The Cryer Site Conversion to a Community Center in the amount of six hundred fifty thousand dollars (\$650,000) (002431-2d)

5. Adopt a Resolution amending Resolution No. 76723 C.M.S. authorizing the application, allocation and appropriation of grant funds for the Per Capita Grant Program from the State Of California Department of Parks and Recreation under the Safe Neighborhood Parks Clean Water, Clean Air, and Coastal Protection Bond Act Of 2000 (Proposition 12) in order to authorize a change in the application, acceptance, allocation and appropriation of funding from Lafayette Square Park in the amount of three hundred fifty thousand dollars (\$350,000) to Lincoln Square Tot Lot in the amount of two hundred and two thousand dollars (\$202,000) and tot lot surfacing repairs in the amount of one hundred forty eight thousand dollars (\$148,000) (002431-2e)

- 22 Subject: Oakland Planning Code Amendment - Public Hearing
From: Community and Economic Development Agency
Recommendation: Approve the Introduction (First Reading) of an Ordinance amending the Oakland Planning Code to allow the conversion of existing non-residential buildings to residentially-oriented joint living and working quarters in the downtown area bounded by Highway 980/Brush Street, the estuary shoreline, the Lake Merritt/Estuary Channel, the western shore of Lake Merritt, and 27th Street (003623-1)

Revised Recommendation: The July 8, 2003, Community and Economic Development Committee directed staff to amend the ordinance removing the standard that the total floor area of the project does not exceed 100,000 square feet.

At the July 15, 2003, City Council meeting the introduction of the ordinance failed. The Council further directed staff to provide information regarding the number of downtown buildings eligible for conversion that have no parking.

(Final Passage [Second Reading] has been scheduled for November 4, 2003)

- 23 Subject: Statewide Ballot Initiative
From: Councilmember Brooks
Recommendation: Adopt a Resolution supporting a statewide ballot initiative to require voter approval before state government may confiscate local tax funds (03-0183)
- 24 Subject: Montclair Business Improvement District
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution of Intention to levy an annual assessment for Fiscal Year 2004-2005 for the Montclair Business Improvement District, approving the Annual Report of the Montclair Business Improvement District Advisory Board, and scheduling a public hearing for November 4, 2003 (03-0138)
- 25 Subject: Rockridge Business Improvement District
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution of Intention to levy an annual assessment for Fiscal Year 2004-2005 for the Rockridge Business Improvement District, approving the Annual Report of the Rockridge Business Improvement District Advisory Board, and scheduling a public hearing for November 4, 2003 (03-0145)

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)

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

Office of the City Clerk

Phone: (510) 238-7370

Fax: (510) 238-6699

Recorded Agenda (510) 238-2386

Telecommunications Display Device: (510) 839-6451 (TDD)

CEDA FLOYD

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

ORA - Oakland Redevelopment Agency
S - Supplemental Item



City of Oakland
Meeting Agenda **DRAFT**

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Ceda Floyd, City Clerk

***Rules & Legislation Committee**

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

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

Thursday, October 23, 2003

10:30 AM

City Council Chambers - 3rd Floor

DEFINITION OF TERMS:

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Roll Call / Call to Order

COMMITTEE MEMBERSHIP:

**Danny Wan, Dist. 1; Larry Reid, Dist 7; Henry Chang, At-Large; and
Chairperson Ignacio De La Fuente, Dist. 5**

- 1 Closed Session
- 2 Approval of the Draft Minutes from the Committee meeting of October 16, 2003
- 3 Determination of Schedule of Outstanding Committee Items
- 4 Scheduling of Agenda Items
- 5 A review of the Council Committees' actions and determination of scheduling to the ORA/City Council meeting
- 6 A review of the Supplemental Agendas for the Council Committees for the meetings of October 28, 2003
- 7 A review of the Agenda for the Concurrent Meeting of ORA/City Council for the meeting of November 4, 2003

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

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ORA- Oakland Redevelopment Agency

S- Supplemental Item

CEDA FLOYD

Agency Secretary/City Clerk and

Clerk of the Council

ORA - Oakland Redevelopment Agency

S - Supplemental Item