



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

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

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

Tuesday, July 01, 2008

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. These items are heard on the 6:00 P.M. portion of the agenda.

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. These items are heard on the 7:00 P.M. portion of the agenda.

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; Vice Mayor 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 June 17, 2008

8. PRESENTATION OF CEREMONIAL MATTERS

- 8.1 Subject: Patricia Anne "Tricia" Freitas Recognition
From: Office of the City Administrator
Recommendation: Adopt A Resolution Honoring The Achievements Of Patricia Anne "Tricia" Freitas For Forty Years Of Exemplary And Dedicated Service To The City Of Oakland Upon Her Retirement
(07-1463)
- 8.2 Subject: Recreation And Parks Month
From: Office of Parks and Recreation
Recommendation: Adopt A Resolution Proclaiming July 2008 As Recreation And Parks Month In The City Of Oakland
(07-1478)

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

10. CONSENT CALENDAR (CC) ITEMS:

- 10.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The AIDS Epidemic
(07-1471)
- 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
(07-1472)
- 10.3-CC Subject: Babe Ruth All Star Team Grant
From: Councilmember Nancy Nadel
Recommendation: Adopt A Resolution Authorizing A Grant Of \$750.00 From Councilmember Nancy J. Nadel's Pay-Go Funds To The Oakland California Babe Ruth All Star Team To Sponsor Airfare And Lodging For One At-Risk Teenager To Participate In A College Tour Of Morehouse College And Florida A&M University In November 2008
(07-1438)

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10.4-CC Subject: Assembly Bill 822
From: Councilmember Quan
Recommendation: Action On A Report Providing An Analysis Of Assembly Bill 822
(Levine) An Act To Add Section 42913 To The Public Resources Code, Relating To
Recycling: Multi-Family Dwellings
[\(07-1318\)](#)

**The May 22, 2008 Rules and Legislation Committee approved
recommendations; 4 Ayes**

10.5-CC Subject: Library Services Retention And Enhancement Act (Measure Q)
From: The Budget Office
Recommendation: Adopt An Ordinance Authorizing A Fiscal Year 2008-2009 Increase
To A Special Tax Imposed For Library Services In Accordance With The Library
Services Retention And Enhancement Act Of 2004 (Measure Q)
[\(07-1302\)](#)

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

Introduction (First Reading) was approved on June 17, 2008; 8 Ayes

10.6-CC Subject: Paramedic Services Act Of 1997 (Measure N)
From: The Budget Office
Recommendation: Adopt An Ordinance Authorizing A Fiscal Year 2008-2009 Increase
To A Special Tax Imposed For Paramedic Emergency Services In Accordance With The
Paramedic Services Act Of 1997 (Measure N)
[\(07-1303\)](#)

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

Introduction (First Reading) was approved on June 17, 2008; 8 Ayes

10.7-CC Subject: Emergency Medical Services Retention Act Of 1997 (Measure M)
From: The Budget Office
Recommendation: Adopt An Ordinance Authorizing A Fiscal Year 2008-2009 Increase
To A Special Tax Imposed For Emergency Medical Services In Accordance With The
Emergency Medical Services Retention Act Of 1997 (Measure M)
[\(07-1304\)](#)

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

Introduction (First Reading) was approved on June 17, 2008; 8 Ayes

10.8-CC Subject: Library Advisory Commission Meetings
From: Oakland Library
Recommendation: Adopt An Ordinance To Amend Ordinance No. 8064 C.M.S., To

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Change The Frequency Of Meetings To Be Held By The Library Advisory Commission
(07-1274)

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

Introduction (First Reading) was approved on June 17, 2008; 8 Ayes

10.9-CC Subject: Priority Project Funds - District One
From: Councilmember Jane Brunner
Recommendation: Adopt A Resolution Authorizing A Grant Of \$6,400 From
Councilmember Brunner's Priority Project Funds To The Friends Of Golden Gate Library
For Expenses Associated With Their Annual "Jazz On Sunday" Series From July 13th
Through August 31st
(07-1473)

10.10-CC Subject: Patricia Laguna - 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 Patricia Laguna V. City Of Oakland, Alameda
County Superior Court Case No. RG08380745 In The Amount Of \$7,500.00 (Public
Works Agency)
(07-1486)

This item was not heard in Closed Session.

10.11-CC Subject: Charles Thomas Walker - Recognition
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution In Recognition And Acknowledgement Of The
Retirement Of Mr. Charles Thomas Walker After 20 Years Of Dedicated Service To The
City Of Oakland
(07-1488)

10.12-CC Subject: Priority Project Funds - District Five
From: Council President De La Fuente
Recommendation: Adopt A Resolution Authorizing A Grant From Councilmember De
La Fuente's Priority Project Funds To The KIPP: Bridge College Preparatory School In
The Amount Of \$2,400 For Their Scholarship Fund
(07-1489)

10.13-CC Subject: Travel Authorization For Councilmember Brunner
From: Councilmember Jane Brunner
Recommendation: Adopt A Resolution Authorizing Councilmember Jane Brunner To
Travel To Los Angeles, California To Attend And Observe Los Angeles Police
Department's Compstat Meeting On June 25, 2008, At Which The Police Department's
Management Discusses Crimes And Crime Trends
(07-1490)

S-10.14-C Subject: Stop Sign Installation

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C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Approving The Installation Of Stop Signs On 4th
Street At Webster Street
(07-1394)

**The June 24, 2008 Public Works Committee approved recommendations; 3
Ayes, 1 Excused - Nadel**

S-10.15-C Subject: Municipal Code Amendments - Sewer Design
C From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Amending Title 13 Of The Oakland Municipal
Code Adding Chapter 13.02 Authorizing The Engineer To Establish Sewer Design
Standards
(07-1406)

**The June 24, 2008 Public Works Committee approved recommendations; 3
Ayes, 1 Excused - Nadel**

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

Final Passage (Second Reading) has been scheduled for July 15, 2008

S-10.16-C Subject: Parking Zones
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Approving: 1) The Removal Of Two-Hour
Parking Zone On The East Side Of Mandela Parkway Between 26th And 28th Streets; 2)
The Establishment Of A No Parking Anytime/Tow-Away Zone On The South Side Of
International Boulevard Between 54th And 57th Avenues; 3) The Establishment Of A
No Parking Any Time Zone On The North Side Of La Salle Avenue Between Liggett
Drive And Trafalgar Place; 4) The Establishment Of No Parking Between 3:00 A.M.
And 6:00 A.M. Zone On Both Sides Of 56th Street Between Carberry And Telegraph
Avenues; And 5) The Establishment Of A No Parking Anytime Zone On The East Side
Of Tunnel Road From Hiller Drive To A Point 500 Feet North Thereof
(07-1408)

**The June 24, 2008 Public Works Committee approved recommendations; 3
Ayes, 1 Excused - Nadel**

S-10.17-C Subject: Coliseum BART Station Area Undergrounding
C From: Public Works Agency
Recommendation: Adopt A Resolution Rejecting All Bids For The Coliseum BART
Station Area Underground Utility District No. 235 Project Panel Conversion, Project No.
C332110 ("Project") And Authorizing The City Administrator, Or Her Designee, To
Negotiate And Award A Construction Contract In An Amount Not To Exceed Eighty
Two Thousand Three Hundred Six Dollars (\$82,306.00) With Summerhill Electric For
The Project
(07-1415)

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**The June 24, 2008 Public Works Committee approved recommendations; 3
Ayes, 1 Excused - Nadel**

S-10.18-C Subject: MacArthur Transit Village Project Agreements
C From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator
To Negotiate And Execute A Time Extension Of Six To Twelve Months To The
Three-Party Exclusive Negotiating Agreement With MacArthur Transit Community
Partners, LLC And The San Francisco Bay Area Rapid Transit District For The
Development Of The MacArthur Transit Village Project
(07-1256)

**The June 24, 2008 Community and Economic Development Committee
approved recommendations; 4 Ayes**

S-10.19-C Subject: Alliance For West Oakland Grant
C From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing A \$100,000 Grant To The
Alliance For West Oakland Development To Provide Job Training For West Oakland
Redevelopment Projects, And Allocating West Oakland Redevelopment Funds For The
Grant
(07-1331)

**The June 24, 2008 Community and Economic Development Committee
approved recommendations and amended the resolution to add a resolve to
include language that at the end of the programmatic year a job training
evaluation would be performed and directed staff to submit a supplemental
report with the following information: 1) Number of people that entered
the program; 2) Number of people that completed the program; 3) Number
of people that have been placed; 4) Number of jobs created and people
benefited; and 5) A description of the difference between the Mandela
Training Center and this program; 4 Ayes**

S-10.20-C Subject: Brown Sugar Kitchen Restaurant Grant
C From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Approving A \$75,000 Tenant
Improvement Grant To Brown Sugar Kitchen Located At 2534 Mandela Parkway, And
Allocating West Oakland Redevelopment Funds For The Grant
(07-1357)

**The June 24, 2008 Community and Economic Development Committee
approved recommendations; 4 Ayes**

S-10.21-C Subject: East Oakland Sports Center Project
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her
Designee, To: 1) Award A Construction Manager At Risk Contract To Turner
Construction Company For An Amount Not To Exceed Eleven Million Nine Hundred

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Thousand Dollars (\$11,900,000.00) For The East Oakland Sports Center Project; And 2)
Appropriate \$8,415,000.00 Of Measure DD Series B Funds In The Oakland Sports
Center Project (C244610)
(07-1407)

**The June 24, 2008 Community and Economic Development Committee
approved recommendations: 4 Ayes**

S-10.22-C Subject: Hausrath Economics Group - Agreement
C From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing A Professional Services
Agreement With Hausrath Economics Group In An Amount Not To Exceed \$131,460
Including Contingency To Prepare An Updated Blight Study And Provide Other Services
For An Amendment To The Coliseum Redevelopment Plan Extending The Eminent
Domain Time Limits, And Allocating A Contract Compliance Fee To The City Under
The Cooperation Agreement In The Amount Of 3% of the Contract Amount
(07-1450)

**The June 24, 2008 Community and Economic Development Committee
approved recommendations: 4 Ayes**

S-10.23-C Subject: Oakland Medical Reserve Corps - Capacity Expansion
C From: Oakland Fire Department
Recommendation: Adopt A Resolution To Authorize The City Administrator Or Her
Designee To Accept And Appropriate A Capacity Building Grant (CBA) Of Ten
Thousand Dollars (\$10,000.00) From The United States Department Of Health And
Human Services, Administered By The National Association Of County And City Health
Officials (NACCHO), To Build The Capacity Of The Newly Established Oakland
Medical Reserve Corps (MRC)
(07-1301)

**The June 24, 2008 Public Safety Committee approved recommendations; 3
Ayes, 1 Excused - Nadel**

S-10.24-C Subject: CORE Program Funding
C From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept
And Appropriate Two Grants Totaling One Hundred Forty Four Thousand Three
Hundred Six Dollars (\$144,306.00) Applied For During Federal Fiscal Year 2006 And
Federal Fiscal Year 2007 Community Emergency Response Team (CERT) Grant Periods
From The State Of California's Homeland Security Grant Program For The City Of
Oakland, Office Of Emergency Services (OES), Citizens Of Oakland Respond To
Emergencies (CORE) Program
(07-1308)

**The June 24, 2008 Public Safety Committee approved recommendations; 3
Ayes, 1 Excused - Nadel**

S-10.25-C Subject: 2007 Super Urban Area Security Initiative Grant

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- C From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To: 1) Enter Into The Governance Memorandum Of Understanding With The City Of San Jose, Santa Clara County, Alameda County, San Francisco City And County, And A Grant Administration Agreement With City And County Of San Francisco For Distribution Of Fiscal Year 2007 Super Urban Area Security Initiative (SUASI) Grant Funds In The Amount Of \$2,667,062.00 To Oakland, And 2) Accept, Appropriate And Administer The Fiscal Year 2007 SUASI Grant Allocations, And 3) Approve The Preliminary Spending Plan And Waive City Of Oakland Central Services Overhead Fees Of \$100,769.00, And 4) Expend Funds In Accord With The Preliminary Spending Plan Without Further Council Authorization, Including Purchases In Excess Of The City Administrator's Purchasing Authority For Equipment On The Federally Authorized Equipment List And Services Required By The Grant, Provided City Bidding Requirements And Purchasing Programs/Policies Are Followed
(07-1336)

The June 24, 2008 Public Safety Committee approved recommendations and staff made a correction to the report stating that the \$137,000 discussed on Page 4, Paragraph 2) is to be split 50/50 between the Oakland Fire Department and the Oakland Police Department; 3 Ayes, 1 Excused - Nadel

- 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: Zoning Map Amendments
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Interim Ordinance, Recommended By The Planning Commission, Amending The Zoning Maps For Two Years, Applying The S-4 Design Review Combining Zone, Which Requires New Or Rehabilitated Non-Residential Facilities To Follow Established Design Review Procedures, To Those C-10, C-30, C-35 And C-40 Zones Which Are Designated In The General Plan As Neighborhood Center Commercial, Community Commercial And Urban Residential
(07-1332)

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

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Final Passage (Second Reading) has been scheduled for July 15, 2008

- 14.2 Subject: Bicycle Parking Regulations
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Amending The Oakland Municipal Code To: (1) Add Chapter 17.117 "Bicycle Parking Regulations" To The Planning Code, Which Will Create Bicycle Parking Requirements For Certain Types Of Development And Making Related Amendments To Other Provisions Of The Planning Code; And (2) Amend Chapter 9.52 Of The Oakland Municipal Code, "Special Event Permit," To Require Valet Bicycle Parking At Large Public Events
(07-1283)

The May 27, 2008 Community And Economic Development Committee approved as amended and directed staff to amend the ordinance to state: 1) that the 1 million dollar threshold be exclusive of seismic retrofitting renovations; 2) that nursery schools and kindergartens be eliminated from the requirement for bicycle racks for students and that elementary schools be included with the jr. high school and high schools for bicycle rack requirements; 4 Ayes

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

Final Passage (Second Reading) has been scheduled for July 15, 2008

- 14.3 Subject: MacArthur Transit Village Project
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:
- 1) A Resolution Affirming And Sustaining The Planning Commission Decision To Approve The Development Permits (Planned Unit Development Permit, Design Review, Conditional Use Permit) For The Project; And
(07-1236)
 - 2) An Ordinance Rezoning The MacArthur Transit Village Project Site Located At The MacArthur Bart Station Between 40th Street, Telegraph Avenue, West MacArthur Boulevard And Highway 24 From The C-28 Commercial Shopping, R-70 Residential High Density And The S-18 Design Review Combining Zone To The S-15 Transit Oriented Development Zone; And Adopting A Text Amendment To Modify Required Open Space In The S-15 Zone
(07-1236-1)

The June 24, 2008 Community and Economic Development Committee approved recommendations and made changes to the Conditions of

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Approval and Design Guidelines as follows:

Conditions of Approval

1. The project sponsor will make every effort to beat the timeline laid out in the conditions of approval and construct the project more quickly.
2. The timeline for Phase III of the project, the first market rate housing, will moved up to be concurrent with Phase I the affordable housing component.
3. The Residential Parking Permit program will be funded with \$150,000 from the project proponent. The program will expire five years after the entire project has been completed.
4. Council will have final approval over the quality of materials and windows in the final development plans.
5. The project will be set back 9 feet from the south windows and 17 from the west windows of the existing building at the corner of Telegraph and 40th Street and the windows will be vertically offset to protect privacy.
6. The permitted uses in the retail portions of the site will be determined in the future in the D.A. or O.P.A agreements. Until an agreement is reached all proposed retail/commercial uses will come to the City Council for approval on an individual basis.
7. The live/work component of the project shown on Village Drive in the plans will be eliminated. Instead, those spaces will be designated as commercial space for a limited period of time after which it will revert to retail uses.
8. The granting of the additional height requested on Telegraph above 45 feet with a step- back to 55 feet is contingent on the use of quality building design and materials.

Design Guidelines

1. All references to live/work uses on the site with respect to Village Drive will be removed.
2. The height of the commercial spaces will be set at a minimum of 15 feet, with the exception of the retail space at the BART garage which will be a minimum of 13 feet.
3. Window recesses will be 2-3 inches deep.
4. The Project Proponent agrees to certifying its buildings for sustainability under the "Green Points Checklist" of Alameda County; 4 Ayes

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

Final Passage (Second Reading) has been scheduled for July 15, 2008

ACTION ON NON-CONSENT ITEMS:

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15 Subject: Business Services Contract
 From: Community and Economic Development Agency
 Recommendation: Adopt An Agency Resolution Authorizing A Professional Services
 Agreement With Oakland Commerce Corporation For Business Retention And
 Expansion Services To Businesses In Oakland In An Amount Not To Exceed \$150,000
 For The Period Beginning July 1, 2008, And Ending The Earlier Of December 31, 2008,
 Or 120 Days After Notice Of Termination, And Authorizing An Amount Not To Exceed
 \$4,500 For Contract Compliance
 (07-1237-1)

A motion was made by Councilmember Nadel, seconded by Councilmember Kernighan to approve the six month contract as recommended by staff, the motion tied with the following vote: Ayes: Brooks, Kernighan, Nadel, Quan - 4; Noes: Brunner, Chang, Reid, President De La Fuente - 4

This item was continued from the June 17, 2008 City Council Meeting pursuant to Rule 29 of the Council's Rules of Procedure, Resolution No. 79006 C.M.S. and City Charter Section 200

Pursuant to City Charter Section 200, which provides that "the Mayor shall have a vote on the Council if the councilmembers are evenly divided", and Rule 29 of the Council's Rules of Procedure, Resolution No. 79006 C.M.S. this item was continued to the Council's next regularly scheduled meeting solely for the purpose of allowing the Mayor to cast the tie breaking vote on the motion.

Rule 29 provides the following regarding the procedure: "Council and public discussion is permitted on the item to be voted on by the Mayor; however, Council members cannot change their vote unless the item has been properly noticed for reconsideration. The Mayor must appear at the Council meeting to cast his vote."

16 Subject: Measure K Audit
 From: Office of the City Auditor
 Recommendation: Receive A Report On The Measure K Performance Audit: The City
 Exceeded Required Funding For Children And Youth Services
 (07-1433)

The June 10, 2008 Finance and Management Committee Received and Forwarded the report and directed staff to comeback with a future report on implementing the recommendation to have a more formal system of tracking Kids First and expenditures for youth programs overall in the City; 4 Ayes

17 Subject: A Motion To Reconsider 2521/2529 Seminary Avenue - Real Property
 Purchase

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From: Community And Economic Development Agency
Recommendation: A Motion To Reconsider The Adoption On June 17, 2008 Of An Agency Resolution Authorizing The Purchase Of Real Property At 2521 And 2529 Seminary Avenue, From Danilo Mayorga Sr. For \$1,450,000 Less Cost Of Environmental Site Remediation And Authorizing Up To \$100,000 For Costs For Demolition And Real Estate Closing

If The Motion To Reconsider Passes With 5 Affirmative Votes, Then One Of The Following Actions Maybe Taken:

- § Reconfirm The Adoption Of Agency Resolution No. 2008-0045 C.M.S.,
- § Not Adopt The Agency Resolution Authorizing The Purchase Of Real Property,
- § Continue The Item For A Future Meeting Of The City Council, Or
- § Refer The Item To The Finance And Management Committee For Further Consideration
(07-1310)

- 17.1 Subject: 2521 And 2529 Seminary Avenue - Real Property Purchase
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 2521 And 2529 Seminary Avenue, From Danilo Mayorga Sr. For \$1,450,000 Less Cost Of Environmental Site Remediation And Authorizing Up To \$100,000 For Costs For Demolition And Real Estate Closing
(07-1310-1)

Pursuant to the request of Council President De La Fuente who voted on the prevailing side this item was scheduled by the June 19,2008 Rules and Legislation Committee

- 18 Subject: Master Fee Schedule Amendment
From: The Budget Office
Recommendation: Adopt An Ordinance Amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), As Amended, To Establish, Modify, And Delete Fees Assessed By The Office Of The City Administrator, Office Of The City Attorney, Office Of The City Clerk, Oakland Public Library, Police Services Agency, Fire Services Agency, Office Of Parks And Recreation, Public Works Agency, And Community And Economic Development Agency
(07-1343)

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

**Introduction (First Reading) was approved as amended on June 17, 2008; 7
Ayes, 1 Absent - Kernighan**

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A motion was made by President De La Fuente to amend the Ordinance as follows:

PARKS AND RECREATION

B. Park Use Permits 11. Lakeside Park Bandstand a.1-2 (p.G-1) Increase to \$115 for first 2 hours, \$60 each additional hour. Do not increase this fee.

C. Rental Facilities 1. Indoor a. Lodges 1-3 9 12 (p. G-2) Increases of up to 25%. Do not increase these rental fees for residents or Oakland based community-based/non-profits. Do not add holiday surcharge.

C. Rental Facilities 1. Indoor b. Garden Center 2.a,b,c,g,h,m,o,p,q,u 3.a 6 (p.G-2 to G-4). Up to 42.86% increases in rental rates. Do not increase these rental fees for residents or Oakland based community-based/non-profits. Do not add holiday surcharge.

C. Rental Facilities 1. Indoor - d. Studio One and Recreation Centers 1.b 6 (p.G-5 to p. G-6) 25% increase in rental rate, new holiday surcharge. Do not increase rental fees for residents or introduce new holiday surcharge.

E. Field Rentals (Groups) 1.Residents b.2 (p.G-8) Addition of Charter Schools, increase of fee from \$15 to \$30/hr for private schools and organizations Strike "charter schools".

E. Field Rentals (Groups) c. Adults 2-3 (p.G-8) Increase up to 50% for Adult Field Use Do not increase these fees.

E. Field Rentals 3.Additional Fees a-b New Youth and Adults Sports Field Usage Fee Accept this fee, but proceeds must go to pay for field maintenance.

Aquatics 8. Swimming Instruction Classes a. 3 a. 7 (p.G-15) Up to 20% increase to fee Do not increase fee for Youth Instruction and Parent and Child Instruction for Residents.

Aquatics 8. Swimming Instruction Classes a.15. Junior Lifeguard Program (p.G-16) 16.67% increase Do not increase fee

8. Aquatics a.16 Youth Swim Team (P.G-16) 16.67% increase Do not increase fee

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F. Tree and Sidewalk Services 1.Service Fee for Tree Planting 2.Tree Removal Permits (p H-3) Proposed Fee Increases of 44.44%Eliminate both fees under 1. Service Fee for Street Tree Planting. Change the description of 2. f. on page H-4 to read "Undeveloped land, replace tree in-lieu fee"

and removing the proposed parking under Parks and Recreation Section D "Service Fees" 1(a) on page G-8 and sending this fee to a future committee for discussion and remaining status quo on the current fees

Councilmember Quan seconded the motion and made a friendly amendment regarding the current penalty for leaving a garbage/recycling/green waste can on the curb or street after the allowed time period as follows:

- 1) Change from a fee based on hourly inspection costs, to a set fine.**
- 2) Fine will only be imposed after a warning letter has been sent and if the can still hasn't been removed**
- 3) Fine will be \$50 after the initial warning; then escalate by \$50 more for continued violation to \$100, then \$150...**

The friendly amendment was accepted by President De La Fuente

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Subject: Taxi Cab Fare Increases
From: Office of the City Administrator
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.64 To:
A) Increase Basic Fare Components, Add New Fare Components, And Authorize Collection From Passengers Of All Mandatory Fees Paid By Drivers; And
B) Authorize City Administrator To Establish A Gasoline Surcharge Should Gasoline Prices Warrant
(07-0710-3)

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

Introduction (First Reading) was approved as amended on June 17, 2008; 6 Ayes, 1 No - Brunner, 1 Abstain - Brooks

The Ordinance was amended to remove "Section C" which referred to credit card payments

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Subject: Oakland Police Officers' Association - Arbitration Award
From: Finance And Management Agency
Recommendation: Adopt An Ordinance Amending The Salary Schedule Ordinance No. 12187 (The Salary Ordinance) To Increase The Salaries Of Employees In Representation

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Units PP, PT, And UN2 By Two Percent Effective July 1, 2006, Two Percent Effective January 1, 2007, Four Percent Effective July 1, 2007, Four Percent Effective July 1, 2008 And Four Percent Effective July 1, 2009, Pursuant To The Memoranda Of Understanding For The Oakland Police Officers' Association And The Oakland Police Management Association
(07-1306-2)

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

**Introduction (First Reading) was approved on June 17, 2008; 6 Ayes, 2
Absent - Chang and Nadel**

21 Subject: Measure Y Evaluation - Berkeley Policy Associates
From: Office of the City Administrator
Recommendation: Receive The Measure Y (Violence Prevention And Public Safety Act Of 2004) Outcome Evaluation Report For Violence Prevention Programming, 2005-2008
(07-1374)

This item was continued from the June 17, 2008 City Council Agenda

The June 10, 2007 Public Safety Committee received and forwarded this report and directed staff to look at including as a requirement to participate in the programs that surveys are completed and that blind access is given to data needed to do the evaluation. The Committee also requested a follow up report on the probation programs and whether they are doing more harm than good; 4 Ayes

22 Subject: Civil Service Rules - Addition
From: Finance and Management Agency
Recommendation: Adopt A Resolution Approving The Addition Of Rule 5.03 -Continuous Testing With Rule Of The List For Entry Level Classifications To The Personnel Manual Of The Civil Service Board In Accordance With Municipal Code 2.08.030 (Ordinance No. 8979 C.M.S.)
(07-1443)

This item was continued from the June 17, 2008 City Council meeting, staff was directed to submit a supplemental report with the following information: 1) the actual costs (financial impact) of the process and the costs of losing potentially viable employees (i.e. long term permanent part time employees) because of the process and 2) a methodology for continuous testing without the rule of the list that still allows you to select the top candidate

23 Subject: Measure Y Oversight Committee - Appointment
From: Councilmember Kernighan
Recommendation: Adopt A Resolution Appointing Richard Carter As A Member Of The Violence Prevention And Public Safety Oversight Committee

SUPPLEMENTAL

(07-1470)

- 24 Subject: Federal Lobbyist Report
From: Council President De La Fuente
Recommendation: Receive An Informational Report From The City's Federal Lobbyist And The City's Director Of Federal Affairs Detailing Their Individual And Joint Lobbying Efforts On Behalf Of The City Of Oakland

(07-1492)

- 25 Subject: Children's Fund Planning And Oversight Committee Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Vien Troung And Reappointing Nina Horn As Members Of The Children's Fund Planning And Oversight Committee

(07-1494)

- 26 Subject: City Planning Commission Appointments
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Ada Chan And Reappointing Douglas Boxer, As Members Of The City Planning Commission

(07-1493)

- S-27 Subject: El Embarcadero And Lakeshore Avenue Improvements
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee To, 1) Award A Construction Contract To Gallagher And Burk, Inc., For The Park And Street Improvements Of El Embarcadero And Lakeshore Avenue Project (Option B) In The Amount Of Four Million Four Hundred Forty Nine Thousand Three Hundred Seventy Eight Dollars (\$4,449,378.00) In Accordance With The Specifications For The Project And Contractor's Bid; 2) Appropriate \$1,542,750.00 Of Measure DD Series B Funds In The Lakeshore Avenue Path Improvement Project (C242312); And 3) Appropriate \$201,960.00 Of Measure DD Series B Funds In The Systemwide Project (C242112)

(07-1417)

**The June 24, 2008 Public Works Committee; approved recommendations;
3 Ayes, 1 Excused - Nadel**

- S-28 Subject: Broadway/West Grand Streetscape Improvement
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Awarding A Construction Contract To Ray's Electric, The Lowest Responsive, Responsible Bidder, For The Broadway-West Grand Streetscape Improvement Project (C00800) For An Amount Not-To-Exceed Two Hundred Seventy-One Thousand Nine Hundred-Six Dollars And Seventy-Cents (\$271,906.70) And Accepting And Appropriating A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement For An Amount Not-To-Exceed Four Hundred Eight-Thousand Six Hundred-Seven Dollars (\$408,607); And

SUPPLEMENTAL

(07-1419)

2) An Agency Resolution Authorizing A Contribution Of An Amount Not To Exceed Four Hundred Eight-Thousand Six Hundred-Seven Dollars (\$408,607) To The City Of Oakland Under The Cooperation Agreement To Fund The Construction Of The Broadway West-Grand Streetscape Improvement Project

(07-1419-1)

The June 24, 2008 Public Works Committee approved recommendations and directed staff to submit a supplemental report providing verification that Ray's Electric has meet the contract requirements regarding the Local and Small Local Business Enterprise, Equal Benefits Ordinance and the Local Employment Program; 2 Ayes, 1 Abstained - Brooks, 1 Excused - Nadel

S-29 Subject: Purchase Of Real Property - 73rd Avenue And Foothill Boulevard
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of A 1.22 Acre Parcel Of Real Property Located At The Southwest Corner Of 73rd Avenue And Foothill Boulevard, Adjacent To Eastmont Town Center, From East Oak Land Associates, LLC For \$2,340,000, And Authorizing Up To \$150,000 For Demolition And Real Estate Closing Costs

(07-1402)

The June 24, 2008 Finance and Management Committee approved recommendations; 2 Ayes, 1 No - De La Fuente, 1 Excused - Nadel

S-30 Subject: Jack London District Parking Permit Fee
From: Councilmember Nancy Nadel
Recommendation: Adopt An Ordinance Amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), As Amended, To Modify Permit Fees Assessed By The Parking Division For The "Interim Mixed-Use Parking Permit Program For The Jack London District," As Follows: (A) Modify The Cost Of One-Day Permits From One Dollar (\$1) To Ten Dollars (\$10); And (B) Modify The Cost Of Two-Week Permits From Five Dollars (\$5) To Fifty Dollars (\$50), In Order To Maintain The Program's Cost-Neutrality

(07-1440-1)

The June 24, 2008 Finance and Management Committee approved recommendations; 3 Ayes, 1 Excused - Nadel

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

Final Passage (Second Reading) has been scheduled for July 15, 2008

S-31 Subject: Salary Ordinance Amendment - Classifications
From: Finance and Management Agency
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance

SUPPLEMENTAL

**Concurrent Meeting of the Oakland
Redevelopment Agency / City Council**

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No. 12187 (The Salary Ordinance) To Add The Permanent Full Time Equivalent Classifications Of: Chief Deputy City Auditor To City Auditor, Assistant; Deputy City Auditor III To Performance Audit Manager; Deputy City Auditor II To Performance Auditor, Senior And Deputy City Auditor I To Performance Auditor
(07-1414-1)

The June 24, 2008 Finance and Management Committee approved recommendations; 2 Ayes, 1 No - Brunner, 1 Excused - Nadel

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

Final Passage (Second Reading) has been scheduled for July 15, 2008

Subject: Salary Ordinance Amendment - Classifications
From: Office Of The City Auditor
Recommendation: Receive An Informational Report From The Office Of The City Auditor Concerning The Salary Ordinance Amendment Classifications
(07-1414-2)

The June 24, 2008 Finance and Management Committee received and forwarded the report; 2 Ayes, 1 No - Brunner, 1 Excused - Nadel

S-32

Subject: Permitted Bingo Operations - Annual Hall Fees
From: Office of the City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.10, "Bingo" To: 1) Require A Bingo Hall Permit When The Bingo Hall Operator Is A Separate Entity From The Bingo Game Operator, 2) Specify Application Requirements For Bingo Halls, 3) Prohibit Bingo Hall Operators From Charging Bingo Game Operators More Than Fair Market Value For The Facilities, Goods And Services Provided By The Halls, 4) Prohibit Bingo Hall Operators From Transactions With Bingo Game Operators When Specified Familial And/Or Business Relationships Exist Between The Two Entities, 5) Subject Bingo Hall Operators To Audit Of Their Oakland Bingo Activities, 6) Specify That The Annual Bingo Hall Permit Fee, 7) Establish That The Bingo Game Operators' Fee For Law Enforcement And Public Safety Costs Is Established By The Master Fee Schedule, 8) Require That Most Profits Or Proceeds Be Donated To Oakland Charitable Causes Annually, 9) Require Bingo Game Permittees To Conduct Traditional Called Bingo Every Day That Electronic Bingo Is Available, 10) Prohibit Use Of Illegal Bingo Machines, 11) Provide For Administrative Penalty For Violations, 13) Add Criteria For Denial, Suspension, Revocation, Or Conditional Approval Of Permits, And 14) Increase The Maximum Game Pay-Out From \$250 To \$500.(TITLE CHANGE); And
(07-1233)

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

SUPPLEMENTAL

Final Passage (Second Reading) has been scheduled for July 15, 2008

2) An Ordinance Amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), As Amended, To Move The Annual Bingo Hall Fee From Chapter 5.10 To The Master Fee Schedule, To Establish A Monthly Fee For Bingo Game Operators To Offset The City's Costs Of Law Enforcement And Public Safety, And To Include In The Annual Bingo Hall Permit Fee That Portion Of Law Enforcement And Public Safety Costs Attributable To Bingo Halls

(07-1233-1)

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

Final Passage (Second Reading) has been scheduled for July 15, 2008

Subject: Additional Fees For Administrative Costs Related To Bingo Ordinance
From: Office Of The City Auditor

Recommendation: Recieve An Informational Report From The Office of the City Auditor Requesting A Legal Analysis On Additional Fees For Administrative Costs Related To Bingo Ordinance

(07-1233-2)

Subject: Use Of Bingo Profits For Charitable Purposes In The City Of Oakland
From: Office Of The City Attorney

Recommendation: Receive A Legal Opinion From The Office Of The City Attorney On The Use Of Bingo Profits For Charitable Purposes Within The City Of Oakland

(07-1233-3)

The June 24, 2008 Public Safety Committee approved recommendations and directed staff to submit a supplemental report adding a column to Attachment A that details what the money was used for. The Committee also directed staff to: 1) look into the 3% figure that is required for charitable contributions to see if that amount should be increased and to see what other cities are doing; 2) determine whether the amount of rent being charged by the hall owners is accurate and 3) make sure organizations making and receiving donations are completing the proper paper work for tracking purposes; 3 Ayes, 1 Excused - Nadel

S-33

Subject: Gun Buy-Back Program Citizen's Repayment
From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, On Behalf Of The City Of Oakland, To Accept And Appropriate One Hundred Thousand Dollar (\$100,000) From The Office Of Senator Don Perata For The Purpose Of Compensating Citizens Of Oakland Who Participated In The City's Gun Buy-Back Program

(07-1454)

SUPPLEMENTAL

Concurrent Meeting of the Oakland
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The June 24, 2008 Public Safety Committee approved recommendations and amended the resolution at paragraph five to read as follows: "That the City Council hereby authorizes the City Administrator or her designee, to accept \$100,000 in donated funds to provide compensation and distribute the funds to gun buy-back voucher holders and future program participants, and be it" and deleted the last paragraph. The Committee also directed staff to contact Senator Perata regarding the use of any left over monies; 3 Ayes, 1 Excused - Nadel

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