



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 15, 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 5:30 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 6:30 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 July 1, 2008

8. PRESENTATION OF CEREMONIAL MATTERS

- 8.1 Subject: Emad Mirsaeidi - Recognition
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Acknowledging The Retirement Of Emad Mirsaeidi After Twenty-Three Years Of Dedicated Service To The City Of Oakland
(07-1496)
- 8.2 Subject: Wil Hardee - Recognition
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Honoring Wil Hardee For His Outstanding Public Service and Congratulating Him On His Retirement
(07-1498)
- 8.3 Subject: Barbara Rodgers - Recognition
From: Council President De La Fuente
Recommendation: Adopt A Resolution Honoring Barbara Rodgers On Her Retirement From CBS 5 (KPIX-TV) After Almost 30 Years Of Broadcast Service
(07-1519)
- 8.4 Subject: Union Pacific Foundation Presentation
From: Department of Human Services
Recommendation: Receive The Presentation Of A Check From Union Pacific Foundation, A Grant Award To Augment The Community Cleanup Corps (CCC) Pilot Program And To Amend The Current Agreement With Goodwill Industries, Inc. To Add \$15,000 For A Total Contract Amount Of \$65,000
(07-1521)

This item is related to item S-10.49-CC.

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
(07-1523)
- 10.2-CC Subject: Medical Cannabis Health Emergency

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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
(07-1524)

10.3-CC Subject: J. W. Silveira Company - 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 J.W. Silveira Co. In The Amount Of Five Thousand One Hundred Dollars And No Cents (\$5,100.00), As A Result Of Property Damage Sustained Due To Roots From a City Tree On April 30, 2008. (Public Works Agency)
(07-1525)

This item was not discussed in Closed Session

10.4-CC Subject: Avery Enoch - 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 Avery Enoch, Et Al. V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG-07-336953, Our File No. 25843 In The Amount Of \$11,500.00. This Case Involves An Automobile Accident Involving A City Of Oakland Vehicle (Public Works Agency)
(07-1528)

This item was not discussed in Closed Session

10.5-CC Subject: Andre Dyer - 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 Andre Dyer In The Amount Of Eight Thousand Dollars And No Cents (\$8,000.00), As A Result Of Bodily Injuries Sustained In An Automobile Collision With A City Vehicle On January 8, 2008. (Oakland Police Department)
(07-1531)

This item was not discussed in Closed Session

10.6-CC Subject: Chi Kan Tung - 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 CSAA Insurance A/S/O Chi Kan Tung In The Amount Of Six Thousand Four Hundred Eighty Two Dollars And 89 Cents (\$6,482.89), As A Result Of Property Damage Sustained In An Automobile Collision With A City Vehicle On May 9, 2008. (Oakland Police Department)
(07-1532)

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This item was not discussed in Closed Session

10.7-CC Subject: Monica R. Marquez - 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 GEICO As Subrogee For Monica R. Marquez In The Amount Of Seven Thousand Two Hundred Sixty Three Dollars And Ninety Eight Cents (\$7,263.98) As A Result Of Property Damage Sustained In An Automobile Collision With A City Vehicle On March 01, 2008. (Oakland Police Department)
[\(07-1533\)](#)

This item was not discussed in Closed Session

10.8-CC Subject: Gerald D. Gordon - 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 Gerald D. Gordon In The Amount Of Seven Thousand One Hundred Thirty Five Dollars And 40 Cents (\$7,135.40), As A Result Of Property Damage Sustained Due To Roots From A City Tree On January 29, 2008. (Public Works Agency)
[\(07-1534\)](#)

This item was not discussed in Closed Session

10.9-CC Subject: Richard Amaran Tarnoff - 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 Richard Amaran Tarnoff In The Amount Of Eighteen Thousand Five Hundred Forty Dollars And 53 Cents (\$18,540.53), As A Result Of Property Damage Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On April 25, 2008. (Public Works Agency)
[\(07-1535\)](#)

This item was not discussed in Closed Session

10.10-CC Subject: Fei Tsai/Kruz Investment LLC - 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 Fei Tsai/Kruz Investment LLC In The Amount Of Seven Thousand Two Hundred Forty Five Dollars And 39 Cents (\$7,245.39), For Property Damage To Claimant's Building Sustained In An Automobile Collision With A City Vehicle On May 11, 2008. (Oakland Police Department)
[\(07-1536\)](#)

This item was not discussed in Closed Session

10.11-CC Subject: Yun Su Kim - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To

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Compromise And Settle The Claim Of Farmers As Subrogee For Yun Su Kim In The Amount Of Seven Thousand Four Hundred Sixty Three Dollars And Seventy Four Cents (\$7,463.74) As A Result Of Property Damage Sustained In An Automobile Collision With A City Vehicle On March 10, 2008. (Public Works Agency)
[\(07-1537\)](#)

This item was not discussed in Closed Session

10.12-CC Subject: Madeline And Larry Petersen - 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 Madeline And Larry Petersen In The Amount Of Ten Thousand Dollars And No Cents (\$10,000), As A Result Of Property Damage Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On November 25, 2007. (PUBLIC WORKS AGENCY)
[\(07-1538\)](#)

This item was not discussed in Closed Session

10.13-CC Subject: Jane Smith - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Settle The Case Of Jane Smith, Et Al. V. City Of Oakland, U.S. District Court Action No. C06-07171 MMC (JCS), Our File No. X02981, In The Amount Of \$2,000,000.00. This Case Involves Alleged Civil Rights Violations (Police Department)
[\(07-1539\)](#)

Council discussed this item in Closed Session on July 15, 2008

10.14-CC Subject: Tract 7868 - Final Map
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation

1) A Resolution Conditionally Approving A Final Map For Tract No. 7868 For The Tassafaronga Affordable Housing Project At 968 81st Avenue For The Oakland Housing Authority Foundation; And
[\(07-1276\)](#)

2) A Resolution Approving A Subdivision Improvement Agreement With The Oakland Housing Authority Foundation For Deferred Construction Of Public Infrastructure Improvements At 968 81st Avenue For The Final Map For Tract No. 7868 For The Tassafaronga Affordable Housing Project
[\(07-1276-1\)](#)

10.15-CC Subject: Firefighter Protective Clothing Agreement
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing A Term Agreement With Allstar Fire Equipment For The Purchase Of Firefighter Protective Clothing (Turnouts) In An Amount Not To Exceed Six Hundred Thirty-Two Thousand And Thirty-Five Dollars

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(\$632,035.00) For The Period July 1, 2008 Through June 30, 2011 In Accord With Specification Number 999-00 And Contractor's Bid Dated April 21, 2008, With An Optional Two-Year Extension For A Total Amount Not To Exceed One Million One Hundred Seven Thousand Eight Hundred Forty-Eight Dollars (\$1,107,848.00) Over The Possible Five-Year Term And Waiving Competitive Bidding Requirements
(07-1338)

The June 24, 2008 Public Safety Committee approved recommendations and requested a supplemental report explaining the process by which this company was chosen; 3 Ayes, 1 Excused - Nadel

- 10.16-CC Subject: Councilmembers Brooks And Reid - Travel Authorization
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing Councilmembers Desley Brooks And Vice Mayor Larry Reid To Attend The National Black Caucus Of Local Elected Officials Conference From July 23 - July 27, 2008
(07-1467)
- 10.17-CC Subject: Councilmember Brooks - Travel Authorization
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To Attend The Congressional Black Caucus Legislative Conference September 23 - 27, 2008
(07-1468)
- 10.18-CC Subject: Police Services - 3 On 3 Basketball Competition
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing Use Of Pay Go In The Amount Of Ten Thousand Dollars (\$10,000.00) For Police Services At The So You Think You Can Hoop 3 On 3 Basketball Competition At The Oracle Arena July 19th And 20th, 2008
(07-1497)
- 10.19-CC Subject: New Planter Boxes At Lakeview Elementary School
From: Councilmember Kernighan
Recommendation: Adopt A Resolution Authorizing Up To \$3200 Of Councilmember Patricia Kernighan's Pay-Go Funds To The Friends Of Oakland Parks & Recreation For Installation Of 16 Benches And Purchase Of Lumber For Raised-Bed Planter Boxes And Tree Boxes In Front Of The Child Development Center At The Lakeview Elementary School
(07-1517)
- 10.20-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 Sankofa Holistic Healing Institute In The Amount Of \$1,500 For Their Summer Ceramics Class
(07-1520)

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10.21-CC Subject: Urban Strategies Council Grant
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing A Grant Of \$10,000.00 From Councilmember Desley Brooks' Pay Go Funds To Urban Strategies Council To Facilitate A Community Mapping Project
(07-1522)

10.22 Subject: Priority Project Funds - District 7
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$1,672.65 From Vice Mayor Larry E. Reid's Priority Project Funds To The Black Cowboys Association For Police Security Services For The Black Cowboy Parade
(07-1527)

10.23-CC Subject: Janeith Glenn-Davis - 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 Janeith Glenn-Davis V. City Of Oakland, United States District Court No. C02-02257 SI In The Amount Of \$1,281,593.83 (Oakland Police Department). Plaintiff Obtained A Jury Verdict In 2006, Later Reduced By Court Order, In The Lawsuit Alleging Unlawful Discrimination On The Basis Of Gender And Pregnancy When The City Did Not Promote Plaintiff To The Rank Of Captain Of Police.
(07-1540)

Council discussed this item in Closed Session on May 20, 2008 and July 15, 2008

10.24-CC Subject: MacArthur Transit Village Project
From: Community and Economic Development Agency
Recommendation: Adopt 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)

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

Introduction (First Reading) was approved on July 1, 2008; 8 Ayes

10.25-CC 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

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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)

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

Introduction (First Reading) was approved on July 1, 2008; 8 Ayes

10.26-CC 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 FINAL PASSAGE
(SECOND READING) OF THIS ORDINANCE**

Introduction (First Reading) was approved on July 1, 2008; 8 Ayes

10.27-CC Subject: Municipal Code Amendments - Sewer Design
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)

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

Introduction (First Reading) was approved on July 1, 2008; 8 Ayes

10.28-CC Subject: Salary Ordinance Amendment - Classifications
From: Finance and Management Agency
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance 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)

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

Introduction (First Reading) was approved on July 1, 2008; 8 Ayes

10.29-CC 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)

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

Introduction (First Reading) was approved on July 1, 2008; 8 Ayes

S-10.30-C Subject: City Stables Paddocks Project
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The City Stables Paddocks Project To The Lowest Responsible Bidder/Contractor To Be Named Upon Successful Bidding Of The Project For An Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), Or If All Bids Submitted Are Non-Responsive, To Reject All Bids, Waive Further Competitive Bidding Requirements, And Negotiate A Contract Within Budget, For An Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) Without Return To Council (07-1391)

The July 8, 2008 Public Works Committee approved recommendations and directed staff to come back to the committee in September with a resolution to increase the funding for the alternative bids.; 4 Ayes

S-10.31-C Subject: Oakland/Alameda Bicycle And Pedestrian Estuary Crossing
C From: Community and Economic development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With The City Of Alameda To Provide \$10,000.00 In City Of Oakland Measure B Bike Facility Design And Implementation Funds For The Oakland/Alameda Bicycle And Pedestrian Estuary Crossing Feasibility Study (07-1420)

The July 8, 2008 Public Works Committee approved recommendations; 4 Ayes

S-10.32-C Subject: C2 "C Squared" Alternative Services - Contract

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C From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing A Waiver Of The Competitive Request For Proposal/Qualification Process And Authorizing The City Administrator To Enter Into A Professional Services Agreement With C2 "C Squared" Alternative Services In An Amount Not To Exceed Fifty Thousand Dollars (\$50,000) For Five Years Beginning With Fiscal Year 2008-2009 And Ending With Fiscal Year 2012-2013 To Provide A Unique Used Oil Recycling Educational Curriculum At Various Adult English As Second Language (ESL) Education Venues In Oakland
(07-1428)

The July 8, 2008 Public Works Committee approved recommendations; 4 Ayes

S-10.33-C Subject: 7th Street Streetscape Project - West Oakland BART
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Of Oakland To Apply For, Accept, And Appropriate Up To Four Hundred Fifty Thousand Dollars (\$450,000.00) In Fiscal Year 2008-2009 Transportation Fund For Clean Air (TFCA) Funds For The 7th Street (West Oakland BART) Streetscape Project
(07-1444)

The July 8, 2008 Public Works Committee approved recommendations; 4 Ayes

S-10.34-C Subject: Revocable And Conditional Permit - Jack London Square Investors
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting Jack London Square Investors II, LLC, A Revocable And Conditional Permit For A New Pedestrian Bridge To Encroach Over Embarcadero And Connect A New Parking Garage At 255 2nd Street With A New Commercial Building At 65 Harrison Street
(07-1447)

The July 8, 2008 Public Works Committee approved recommendations and directed staff to include in future reports a list of all the encroachments granted for the projects and their value as well as a list of what encroachments are expected with the project; 4 Ayes

S-10.35-C Subject: Civicorps Schools - Agreement Amendment
C From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute An Amendment To An Existing Agreement With Civicorps Schools (Formerly Known As The East Bay Conservation Corps) Increasing The Contract By Forty-Three Thousand Dollars (\$43,000.00) For A Total Contract Amount Not To Exceed One Hundred Ninety-Three Thousand Dollars (\$193,000.00) To Deliver Educational Materials And Recycling And Other Related Services
(07-1452)

The July 8, 2008 Public Works Committee approved recommendations; 4

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Ayes

S-10.36-C Subject: On-Call Bridge Maintenance
C From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing Award Of A Contract To Ray's Electric For The On-Call Bridge Maintenance Services Fiscal Year 2008-2009 (City Project C321710), For The Amount Of Four Hundred Fifty Thousand Dollars (\$450,000.00), With An Option To Extend The Contract For An Additional One-Year Term In The Amount Of Five Hundred Thousand Dollars (\$500,000.00)
[\(07-1465\)](#)

The July 8, 2008 Public Works Committee approved recommendations; 4 Ayes

S-10.37-C Subject: 2008-2009 Debt Management Policy And Swap Policy
C From: Finance and Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Adopting The City Of Oakland's Debt Management Policy And Swap Policy For Fiscal Year 2008-2009; And

[\(07-1426\)](#)

2) An Agency Resolution Adopting The Oakland Redevelopment Agency's Debt Management Policy And Swap Policy For Fiscal Year 2008-2009

[\(07-1426-1\)](#)

The July 8, 2008 Finance and Management Committee approved recommendations; 3 Ayes, 1 Excused De La Fuente

S-10.38-C Subject: 2008-2009 Investment Policy
C From: Finance and Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Adopting The Oakland Redevelopment Agency's Investment Policy For Fiscal Year 2008-2009; And

[\(07-1427\)](#)

2) A Resolution Adopting The Oakland Redevelopment Agency's Investment Policy For Fiscal Year 2008-2009

[\(07-1427-1\)](#)

The July 8, 2008 Finance and Management Committee approved recommendations; 3 Ayes, 1 Excused De La Fuente

S-10.39-C Subject: Jack London District Interim Mixed-Use Parking Program Amendments
C From: Councilmember Nancy Nadel
Recommendation: Adopt An Ordinance Amending Ordinance No. 12864 C.M.S., To Modify The Boundaries Of The Jack London District Interim Mixed-Use Permit Parking Program Area, In Order To Include All Of The Merchants, Businesses, Employees, And Residents Along The Waterfront And At 401 Broadway Street, As Follows: (A) Extend

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The Southern Boundary Of The Permit Parking Area South Approximately Two Blocks From Embarcadero West, To The Edge Of The Estuary, Between Oak Street And Washington Street Only, Extending The Eastern Boundary In A Straight Line Down Oak Street To The Water; And (B) Extend The Northern Boundary Of The Permit Parking Area North One Block From Fourth Street, Between Washington Street And Broadway Only, To Include The Southern Side Of Fifth Street Only (TITLE CHANGE)
(07-1440)

The July 8, 2008 Finance and Management Committee approved recommendations; 3 Ayes, 1 Excused De La Fuente

S-10.40-C Subject: Raiders Surcharge Revenue And Appropriation
C From: Budget Office

Recommendation: Adopt A Resolution Increasing Estimated Revenue And Offsetting Appropriation From The 2007 Raiders Ticket Surcharge And Authorizing A Transfer Of \$174,560.10 From The Non-Departmental Citywide Activities To The Office Of Parks And Recreation To Benefit Citywide Youth Activities
(07-1453)

The July 8, 2008 Finance and Management Committee approved recommendations and directed staff to prepare a supplemental report including the following information: 1) Where will the new programs be located, in which Recreation Centers; and 2) A more comprehensive report on the Girls Sports programs; 3 Ayes, 1 Excused De La Fuente

S-10.41-C Subject: Emergency Vehicle Replacement
C From: Public Works Agency

Recommendation: Adopt A Resolution Authorizing The City Administrator To Appropriate The Emergency Services Retention Act Of 1997 Fund (Measure M Fund #2412) Balance Of One Million One Hundred Thousand Dollars (\$1,100,000) To Purchase Three Engines, Which Is Eighty Percent (80%) Of The Price Of The Engines, Which Are Essential Equipment To Provide Medical Related Emergency Services
(07-1477)

The July 8, 2008 Finance and Management Committee approved recommendations; 3 Ayes, 1 Excused De La Fuente

S-10.42-C Subject: RMT Landscape Contractors, Inc. - Contract
C From: Public Works Agency

Recommendation: Adopt A Resolution Waiving Advertising And Competitive Bidding And Authorizing A Negotiated One (1) Year Contract With RMT Landscape Contractors, Inc. With The Option For Two (2) One-Year Extensions To Maintain Landscaping On The Mandela Parkway In Accord With The City's Specifications In A Not-To-Exceed Amount Of \$117,000.00 Each Year For A Total Amount Not-To-Exceed \$350,000.00 Over Three Years
(07-1397-1)

The July 8, 2008 Finance and Management Committee approved

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recommendations; 3 Ayes, 1 Excused De La Fuente

S-10.43-C Subject: St. Joseph's Professional Center Relocation
C From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving The Relocation Plan For The St. Joseph's Professional Center At 2647 International Boulevard; And
[\(07-1369\)](#)

2) An Agency Resolution Approving The Relocation Plan For The St. Joseph's Professional Center At 2647 International Boulevard
[\(07-1369-1\)](#)

**The July 8, 2008 Community and Economic Development Committee
approved recommendations; 3 Ayes, 1 Excused De La Fuente**

S-10.44-C Subject: East Gateway Development Area
C From: Community and Economic Development
Recommendation: Adopt The Following Pieces Of Legislation:

(1) An Agency Resolution Authorizing The Agency Administrator To Negotiate And Execute A Supplemental Agreement No. 1-B, Which Supplements Section 6.5 Of The Memorandum Of Agreement Among The City Of Oakland, The Oakland Redevelopment Agency And The Port Of Oakland Relating To The Fair Share Basis Cost Agreement For The Deconstruction Of Buildings 804, 805, 806, 807, And 808 Within The East Gateway Development Area Of The Former Oakland Army Base;
[\(07-1383\)](#)

(2) A City Resolution Authorizing The Agency Administrator To Negotiate And Execute A Supplemental Agreement No. 1-B, Which Supplements Section 6.5 Of The Memorandum Of Agreement Among The City Of Oakland, The Oakland Redevelopment Agency And The Port Of Oakland Relating To The Fair Share Basis Cost Agreement For The Deconstruction Of Buildings 804, 805, 806, 807, And 808 Within The East Gateway Development Area Of The Former Oakland Army Base;
[\(07-1383-1\)](#)

(3) An Agency Resolution Contributing An Amount Not-To-Exceed \$1,505,838 From The OBRA Operations Fund (9570), West Oakland Base Reuse Organization (88679), Bay Bridge Gateway Project (S235323), Miscellaneous Contract Services Account (54919) To The City Of Oakland For The City's Fair Share Cost Of Deconstructing Buildings 804, 805, 806, 807 And 808 Within The East Gateway Development Area Of The Former Oakland Army Base;
[\(07-1383-2\)](#)

(4) A City Resolution Accepting And Appropriating A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement In An Amount Not-To-Exceed \$1,505,838 To Fund The City's Fair Share Cost Of Deconstructing Buildings 804, 805,

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806, 807 And 808 Within The East Gateway Development Area Of The Former Oakland
Army Base
(07-1383-3)

The July 8, 2008 Community and Economic Development Committee approved recommendations and amended the resolution to only authorize staff to negotiate the agreement but to return for approval to execute the agreement. Staff was also directed as part of the negotiations to work out a location for Pacific Coast Container (PCC) and come back to committee in September with the execution approval for the deconstruction agreement.; 3 Ayes, 1 Excused De La Fuente

S-10.45-C Subject: Quarterly Newsletter For Redevelopment Agency
C From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To Negotiate, Execute And Amend Professional Services Contracts As Needed Without Returning To The Agency For The Design, Development And Production Of A Quarterly Newsletter For The Redevelopment Agency In An Amount Not To Exceed \$60,000 For Fiscal Year 2008-2009
(07-1385)

The July 8, 2008 Community and Economic Development Committee approved recommendations; 2 Ayes, 1 Abstain Brunner, 1 Excused De La Fuente

S-10.46-C Subject: St. Mary's Contract
C From: Community and Economic Development
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Negotiate And Enter Into A Grant Agreement With St. Mary's Center In An Amount Not To Exceed \$350,000 For The Period Of July 1, 2008 To June 30, 2009 For The Acquisition Of Properties For St. Mary's Center Village At 925 Brockhurst Street
(07-1386)

The July 8, 2008 Community and Economic Development Committee approved recommendations; 3 Ayes, 1 Excused De La Fuente

S-10.47-C Subject: Central District Basement Backfill And Repair Program Expansion
C From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Amending Resolution No. 2008-0006 C.M.S. To: (1) Revise And Expand The Central District Basement Backfill And Repair Program, (2) Allocate An Additional \$2,000,000 For The Revised And Expanded Program For A Total Aggregate Amount Of \$3,100,000 From Fiscal Year 2007-2009 Central District Funds, And (3) Authorize The Agency Administrator To Make Grants And Loans Under The Program Without Returning To The Agency
(07-1418)

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approved recommendations and directed staff to come back to committee in three months with a status report on if the program is working and if it not to bring forward recommendations for improvement; 3 Ayes, 1 No Brunner, 1 Excused De La Fuente

S-10.48-C Subject: Oakland Universal Health Access Initiative
C From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate A Three-Year Grant Of \$3,000,000 From Kaiser Permanente Northern California Fund For Community Benefit At The East Bay Community Foundation To Launch The Oakland Universal Access Initiative In Schools And To Execute A Grant Agreement Between The City Of Oakland And The Oakland Unified School District In An Amount Not To Exceed \$75,000 In Year One For The Period July 1, 2008 To June 30, 2009, With Two Consecutive Twelve Month Renewal Options In An Amount Not To Exceed \$75,000 Each Year, And To Execute A Grant Agreement Between The City Of Oakland And The Alameda County Health Care Services Agency In An Amount Not To Exceed \$551,000 In Year One For The Period July 1, 2008 To June 30, 2009, With Two Consecutive Twelve Month Renewal Options In Amounts Not To Exceed \$1,117,250 In Year Two, And \$1,061,750 In Year Three
(07-1466)

The July 8, 2008 Life Enrichment Committee approved recommendations; 3 Ayes, 1 Excused Brooks

S-10.49-C Subject: Union Pacific Blight Abatement Grant
C From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Allocate A Grant Award From Union Pacific Foundation In The Amount Of \$15,000 To Augment The Community Cleanup Corps (CCC) Pilot Program And To Amend The Current \$50,000 Agreement With Goodwill Industries, Inc. To Add \$15,000 For A Total Contract Amount Of \$65,000
(07-1354)

The July 8, 2008 Life Enrichment Committee approved recommendations; 3 Ayes, 1 Excused Brooks

S-10.50-C Subject: Oil Spill Contingency Work Reimbursement
C From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Apply For, Accept And Appropriate Two Grants Totaling Fifty Thousand Dollars (\$50,000.00), From The Department Of Fish And Game For Approximately Fifteen Thousand Dollars (\$15,000.00) In Reimbursement To Oakland For Its Costs Of Updating And Revising The Alameda County Oil Spill Contingency Plan And Approximately Thirty Five Thousand Dollars (\$325,000.00) To Be Distributed To Participating Agencies
(07-1445)

The July 8, 2008 Public Safety Committee approved recommendations; 4

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Ayes

S-10.51-C Subject: Computer Forensics Training And Support
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To, 1) Enter Into A Memorandum Of Understanding With The Federal Bureau Of Investigation (FBI) And The Silicon Valley Regional Computer Forensics Laboratory (RCFL) To Provide Computer Forensic Investigator Training And Computer Forensics Laboratory Support To The Oakland Police Department (OPD), And 2) Receive Overtime Reimbursements Up To Fifteen Thousand Dollars (\$15,000) Per Year And Accept Title To Property And Equipment Given To OPD By RCFL
(07-1455)

The July 8, 2008 Public Safety Committee approved recommendations; 4 Ayes

S-10.52-C Subject: Opposition To State Initiative 07-0094 - The Runner Initiative
C From: Councilmember Nancy Nadel
Recommendation: Adopt A Resolution Opposing California State Initiative 07-0094, The Runner Initiative, A Proposed Ballot Measure That Would Annually Shift Half A Billion Dollars In State Resources From Education And Crime And Violence Prevention Services To Increase Funding For Criminal Justice Programs That Will A) Facilitate The Prosecution Of More Youth As Adults; B) Increase Penalties For Drug Offenses And Offenses Alleged To Be "Gang" Related; C) Create Mandatory Criminal Background Checks For Housing Subsidy Recipients; And D) Prohibit Bail For Undocumented Immigrants Charged With "Gang Related" Felonies
(07-1334)

The July 10, 2008 Rules and Legislation Committee approved recommendations; 3 Ayes, 1 Excused Brunner

- 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: Central City East Redevelopment Project - Implementation Plan
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

- 1) An Agency Resolution Adopting The 2008-2013 Implementation Plan For the Central

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City East Redevelopment Project; And
(07-1173)

2) A Resolution Authorizing A One-Year Extension Of The Project Area Committee For The Central City East Redevelopment Project To July 29, 2009
(07-1173-1)

The July 10, 2008 Community and Economic Development Committee directed staff to prepare a supplemental report with the following information: 1) What is the basis for the MacArthur Streetscape receiving the most funds? If based on expenditures, then include all expenditures over the past 5 years; 2) The history of all Streetscapes and Project Area Committee actions; and 3) Whether all Streetscapes will be treated equally with respect to the contingency fund reflected in the report; 3 Ayes, 1 Excused De La Fuente

14.2 Subject: Piedmont Pines Underground
From: Public Works Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) A Resolution In Favor Of An Affirmative Vote For City-Owned Parcels In The Assessment Ballot Of The City Of Oakland Utility Underground Assessment District No. 2007-232, Piedmont Pines Phase I And Ratifying The City Administrators's Authority To Do So; And
(07-1542)

2) A Resolution 1) Overruling Protests; 2) Determining Results Of Election For The City Of Oakland Utility Underground Assessment District No. 2007-232, Piedmont Pines Phase I; 3) Confirming Assessments And Adopting Engineer's Report; 4) Ordering The Improvements To Be Made; 5) Directing The City Clerk And The Director Of Public Works To File And Record Certain Documents Including A Notice of Assessment; 6) Directing Mailing To Property Owners Of A Notice Of Assessment; And 7) Designating The Treasury Manager To Collect And Receive Money
(07-1542-1)

14.3 Subject: Lake Merritt/Uptown Community Benefit District
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Establishing The Lake Merritt/Uptown Community Benefit District Of 2008, Approving The Management Plan, Directing Filing of The Proposed Assessment District Boundary Description, Making A Determination With Regard To The Majority Protest Procedure For Approval Of The Proposed Assessments; And Approving The Assessments For The District
(07-1543)

14.4 Subject: Downtown Oakland Community Benefit District
From: Community and Economic Development Agency

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Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) A Resolution Establishing The Downtown Oakland Community Benefit District Of 2008, Approving The Management Plan, Directing Filing Of The Proposed Assessment District Boundary Description, Making A Determination With Regard To The Majority Protest Procedure For Approval Of The Proposed Assessments; And Approving The Assessments For The District; And

[\(07-1544\)](#)

2) An Agency Resolution Authorizing Payment Of The Downtown Oakland Community Benefit District Of 2008 Assessment For The Four (4) Agency-Owned Properties On Which An Assessment Is To Be Levied (APN: 001 0201 010 00, 002 0097 045 00, 008 0620 009 03, 008 0641 008 05) In An Amount Not To Exceed A Total Of \$30,438 For The Fiscal Year 2008/2009 Assessment Period

[\(07-1544-1\)](#)

14.5 Subject: Fremont Pool Facility Improvements
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Contributing Central City East Redevelopment Funds In The Amount Of \$800,000 To The City Of Oakland Under The Cooperation Agreement For Exterior Renovation Improvements To The Fremont Pool Facility At 4559 Foothill Boulevard; And

[\(07-1358\)](#)

2) A City Resolution Accepting And Appropriating Funds From The Redevelopment Agency In The Amount Of \$800,000 Under The Cooperation Agreement For Exterior Renovation Improvements To The Fremont Pool Facility At 4559 Foothill Boulevard

[\(07-1358-1\)](#)

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

14.6 Subject: Extension Of Recycling Facility Moratorium
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance For The Extension Through December 16, 2008 Of Ordinance No. 12873 C.M.S., An Interim Ordinance, Adopted As An Urgency Measure Pursuant To California Government Code Section 65858, Establishing, A Temporary Moratorium On The Establishment Or Expansion Of An Activity Or Facility That Involves Primary Recycling And Intermediate Processing Facilities, To Take Effect Immediately Upon Adoption

[\(07-1518\)](#)

**Pursuant to California Government Code Section 65858, Introduction and
adoption of this ordinance requires a vote of 4/5 of the members (7**

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Affirmative Votes). This ordinance is introduced and adopted at the same meeting and it is in effect until December 16, 2008

ACTION ON NON-CONSENT ITEMS:

- 15 Subject: Declaration Of The June 3, 2008 Election Results
 From: Office Of The City Clerk
 Recommendation: Adopt The Following Pieces Of Legislation:
- 1) A Resolution Declaring The Results Of The Municipal Nominating Election Held On Tuesday, June 3, 2008; And
[\(07-1530\)](#)
- 2) A Resolution Requesting Consolidation Of The City Of Oakland General Municipal Election (Run-Off) With The Statewide General Election To Be Held On Tuesday, November 4, 2008
[\(07-1530-1\)](#)
- 16 Subject: Police Services Ballot Measure
 From: Office of the Mayor
 Recommendation: Adopt A Resolution Submitting, On The City Council's Own Motion, To The Electors At The November 4, 2008 Statewide General Election, A Proposed Ordinance Creating A Special Parcel Tax For Increased Police Personnel; Consolidating The Election With The Statewide General Election; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 4, 2008, Statewide General Election
[\(07-1485\)](#)
- Subject: Police Services Ballot Measure
 From: Councilmember Jane Brunner
 Recommendation: Adopt A Resolution Submitting, On The City Council's Own Motion, To The Electors At The November 4, 2008 Statewide General Election, A Proposed Ordinance Creating A Special Parcel Tax To Increase Police Personnel And Add A Data Management System; Consolidating The Election With The Statewide General Election; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 4, 2008, Statewide General Election
[\(07-1485-1\)](#)

The July 10, 2008 Rules and Legislation Committee approved recommendations and directed that the City Attorney prepare amendment language regarding: 1) Maintaining the Measure Y commitment of 803 officers in the City; 2) Setting the number of officers to fully staff the Criminal Investigations Division; 3) Adding the GPS system under the Data Management System section; and 4) Further defining "Administrative Costs" so it is clear what the money will be used for; 3 Ayes, 1 No De La Fuente

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Recommendation: Requested Change To The Audit Requirements For The Proposed
2008 Oakland Police Services Expansion Measure
(07-1485-2)

- 17 Subject: Spousal Retirement Benefits Ballot Measure
From: Finance and Management Agency
Recommendation: Adopt A Resolution Submitting, On The Oakland City Council's Own
Motion, A Proposed Charter Amendment, Entitled, "Measure Allowing All Widows And
Widowers Of Members Of The City Of Oakland Police And Fire Retirement Systems
Who Remarry To Receive Spousal Retirement Benefits" To Be Submitted To The
Electors At The Election Of November 4, 2008; Directing The City Clerk To Fix The
Date For Submission Of Arguments And To Provide For Notice And Publication In
Accordance With The Law And Authorizing Certain Other Election Activities
(07-1487)

**The July 10, 2008 Rules and Legislation Committee approved
recommendations; 3 Ayes, 1 Excused Brunner**

- 18 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
On A Month-To-Month Basis For The Period Beginning July 1, 2008, And Ending No
Later Than December 31, 2008, And Authorizing An Amount Not To Exceed \$4,500 For
Contract Compliance
(07-1237-2)

**At the July 1, 2008 City Council meeting the Mayor was not present to
break the tie vote on the motion for approval of the six month contract as
recommended by staff; therefore, the motion died.**

**Council then directed staff to bring this item back to the July 15, 2008 City
Council meeting presenting only the June 10, 2008 Community and
Economic Development Committee's recommendation to approve a month
to month contract extension with a 30 day notice for termination**

- 19 Subject: Hiring Practices Audit
From: Council President Ignacio De La Fuente
Recommendation: Adopt A Resolution Requesting The City Auditor To Conduct A
Hiring Practices Performance Audit Covering The Period Of July 1, 2005 To June 30,
2008
(07-1545)

- 20 Subject: Mid-Cycle Budget Amendments
From: The Budget Office
Recommendation: Adopt The Following Pieces Of Legislation:

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1) A Resolution Amending The Mid-Cycle Policy Budget For Fiscal Year 2008-2009 Which The City Council Adopted Pursuant To Resolution No. 81403 C.M.S. On June 17, 2008; And
[\(07-1546\)](#)

2) An Agency Resolution Amending The Mid-Cycle Oakland Redevelopment Agency Budget For Fiscal Year 2008-2009 Which The Redevelopment Agency Adopted Pursuant To Resolution No. 2008-0057 C.M.S. On June 17, 2008
[\(07-1546-1\)](#)

- 21 Subject: Sports4kids - Agreement
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute An Agreement Between The City Of Oakland And Sports4kids To Provide Violence Prevention Services For A Total Amount Not To Exceed \$94,245 The Period Of July 1, 2008 To June 30, 2009
[\(07-1516\)](#)
- 22 Subject: El Embarcadero And Lakeshore Avenue Project - Measure DD Allocation
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Amending Resolution No. 77965 C.M.S. To Reallocate Additional Measure DD, Series 2003A Bond Proceeds In The Amount Of One Million Seven Hundred Forty-Four Thousand Seven Hundred Ten Dollars (\$1,744,710.00) To The Park And Street Improvements Of El Embarcadero And Lakeshore Avenue Project, And To Authorize The City Administrator, Or The City Administrator's Designee, To Reallocate Measure DD, Series 2003A Bond Proceeds And To Allocate To Measure DD, Series B And Series C Funds, As The City Administrator Deems Necessary For The Timely Completion Of Specific Measure DD Projects
[\(07-1547\)](#)
- 23 Subject: East Oakland Sports Center - Measure DD Allocation
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Amending Resolution No.77965 C.M.S. To Reallocate Additional Measure DD, Series 2003A Bond Proceeds In The Amount Of Eight Million Four Hundred Fifteen Thousand Dollars (\$8,415,000) To The East Oakland Sports Center Project, And To Authorize The City Administrator, Or The City Administrator's Designee, To Reallocate Measure DD, Series 2003A Bond Proceeds And To Allocate To Measure DD, Series B And Series C Funds, As The City Administrator Deems Necessary For The Timely Completion Of Specific Measure DD Projects
[\(07-1548\)](#)
- 24 Subject: Measure Y Oversight Committee - Appointment
From: Councilmember Brunner
Recommendation: Adopt A Resolution Appointing Joanne Brown As A Member Of The Violence Prevention And Public Safety Oversight Committee
[\(07-1526\)](#)

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- 25 Subject: Children's Fund Planning And Oversight Committee Appointment
From: Councilmember Jane Brunner
Recommendation: Adopt A Resolution Appointing David Klein As A Member Of The Children's Fund Planning And Oversight Committee
(07-1541)
- 26 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)

At the July 1, 2008 meeting Council directed staff to: 1) Return to Council with a report on the improper sale allegations and 2) Solicit feedback from the Project Area Committee on the site and the proposed development. Staff was also directed to report at Closed Session on the overall plan for the area.

- S-27 Subject: Municipal Boathouse: Park & Street 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 The Lowest, Responsive, Responsible Bidder, McGuire And Hester For The Park And Street Improvements For The Municipal Boathouse And Lakeside Drive Project In The Amount Of Three Million Eight Hundred Twenty-Five Thousand Four Hundred Dollars (\$3,825,400.00) In Accordance With The Specifications For The Project And Contractor's Bid; 2) Appropriate \$1,318,818.00 Of Measure DD Series B Funds In The Lake Merritt Path Improvement Project (C242311); 3) Appropriate \$2,280,933.00 Of Measure DD Series B Funds In The Lake Merritt Path Improvement Project (C242310) And; 4) Appropriate \$278,032.00 Of Measure DD Series B Funds In The Systemwide Project (C242110)
(07-1392)

The July 8, 2008 Public Works Committee approved recommendations and amended the resolution to remove all references to the Measure DD Series B Funds, the source for the projects will be the Measure DD Series 2003 A Funds. The Committee directed staff to provide a list of the projects that the Measure DD Series 2003A funds are being borrowed from; 4 Ayes

- S-28 Subject: Two-Hour Parking Limit And New Residential Permit Parking Area
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Approving The Implementation Of A Preferential Residential Permit Parking (PRPP) Area On Ruby Street From 38th Street To 40th Street And On 38th Street From Ruby Street To Telegraph Avenue As An Addition To The Existing Area "A" PRPP, And Restricting General Street Parking Within Said Residential Permit Parking Zone To Two Hours, Pursuant To California Vehicle Code §

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22507 And Oakland Municipal Code Chapter 10.44
(07-1421)

The July 8, 2008 Public Works Committee directed staff to come back to the September 23rd meeting with appropriate changes in the fees for this PRPP that will make it cost covering. Staff (traffic services and parking administration) was also directed to work with the City Administrator to develop an overall city policy for the Residential Permit Parking fees and to report back to the Finance and Management Committee on September 23rd; 4 Ayes

The July 10, 2008 Rules and Legislation Committee scheduled this item to the July 15, 2008 City Council Agenda as a Non-Consent item

S-29

Subject: City Administrator - Summer Recess Authorization

From: Office of the City Administrator

Recommendation: Adopt A Resolution Authorizing The City Administrator To Make Grant Awards, Accept Grant Funds And Take Action On Procurement Of Certain Supplies, Construction Labor And Materials Exceeding \$500,000.00 And Professional Services Contracts Exceeding \$300,000.00 During The City Council Annual Recess Of 2008 As Follows:

1. Resolutions Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Execute Grant Agreements With Provider - To Be Determined In Amounts To Be Determined, For Head Start Family Child Care Services For Program Year 2008-2009, Contingent Upon Receipt Of Grant Funding, Authorizing The City Administrator To Extend Grant Funding Of Each Grant Agreement For One Additional Year In An Additional Aggregate Amount And Two-Year Total To Be Determined,
2. Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept And Appropriate The Child Care Food Program (CCFP) Grant From The California Department Of Education In An Estimated Amount Of Three Hundred Seventy Five Thousand Dollars (\$375,000.00) To Provide Funding For Nutritious Meals For The City Of Oakland»S Head Start Program For Program Year 2008-2009,
3. Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept, And Appropriate The California State Preschool Expansion Grant From The California Department Of Education In An Amount To Be Determined For Program Year 2008-2009, And Authorizing A Grant Agreement With The Unity Council For An Amount To Be Determined To Fund Child Development And Family Literacy Services In Accord With Said Grants,
4. Resolution Authorizing The City Administrator On Behalf Of The City Of Oakland To Accept And Appropriate The Even Start Family Literacy Grant For Program Year 2008-2009 From The State Of California Department Of Education In The Amount Of

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One Hundred Nine Thousand Six Hundred Twenty Three Dollars (\$109,623.00) For The City Of Oakland San Antonio Even Start Program,

5. Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Oakland Police Department Locker Room Improvements Project (Project No. To Be Determined) To The Lowest, Responsible And Responsive Bidder/Contractor To Be Selected Upon Bidding Of The Project For An Amount Not To Exceed The Project Budget Of One Million Two Hundred Ninety-Seven Thousand Dollars (\$1,297,000.00), Or If All Bids Are Non-Responsive Or Otherwise Invalid, To Reject All Bids And Negotiate A Contract On The Open Market Within Budget Without Return To Council,

6. Resolution Waiving The Request For Proposal Process And Authorizing The City Administrator To Amend The Contract With Rajappan & Meyer Consulting Engineers Inc. For The 12th Street Reconstruction Project To Add Design And Engineering Services And To Increase The Contract By Three Hundred Thousand Dollars (\$300,000.00), For A Total Contract Amount Not-To-Exceed Five Million Eight Hundred Thousand Dollars (\$5,800,000.00),

7. Resolution Authorizing The City Administrator Or Her Designee To Award Two (2) Professional Services Agreements For As-Needed Hydrology And Civil Engineering Services To Mactech Engineering And Consulting, Inc., And Philip Williams Associates, Ltd., For An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) Each,

8. Resolution Awarding A Contract To The Lowest Responsible, Responsive Bidder, Andes Construction, Inc., For The Rehabilitation Of Sanitary Sewers In The Area Bounded By MacArthur Boulevard, Montana Avenue, Pleitner Avenue, Nicol Avenue, Berline Avenue, And Curkan Avenue (Project No. C267210) For An Amount Not To Exceed Two Million Five Hundred Eighty-Seven Thousand Dollars (\$2,587,000.00),

9. Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Derby Avenue To Lancaster Street Segment Of The Oakland Waterfront Trail (Project No. C243610) To The Lowest, Responsible And Responsible Bidder To Be Selected Upon Bidding Of The Project For An Amount Not To Exceed One Million Nine Hundred Thousand (\$1,900,000.00),

10. Resolution Authorizing The City Administrator, Or Her Designee, To Apply For, Accept, And Appropriate Grant Funds From The Roberti-Z'berg-Harris Urban Open Space And Recreation Program Under The Safe Neighborhood Parks, Clean Water, Clean Air, And Coastal Protection Bond Act Of 2000 In The Amount Of Two Hundred Fifty-Thousand Dollars (\$250,000.00) To The Montclair Park Pathway Improvement Project From The Laurel Park Acquisition/Development Project; And

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11. Resolution Authorizing The City Administrator, Or Her Designee To Appropriate Two Hundred Fifty-Thousand Dollars (\$250,000.00) From The Joint Power Finance Authority (JPFA) Capital Project Series 2005 Fund (No. 5200) From The Montclair Park Project To The Laurel Park Acquisition/Development Project; And

12. Resolution Awarding A Construction Contract For The Montclair Park Pathway Improvements Project (Project No. To Be Determined) To The Lowest, Responsible And Responsive Bidder, Bay Construction Company, In The Amount Of Two Hundred Forty One Thousand Five Hundred Dollars (\$241,500.00)

(07-1476)

The July 8, 2008 Finance and Management Committee approved recommendations and directed staff to submit one page explaining each projects' details, and if any funding allocations, if so when were they allocated and from where. The Committee also amended the resolution to add a "Resolved" regarding the Oakland Waterfront Trail Project so that it would be issued contingent upon the Public Works Committee action on July 22.

S-30 Subject: Whistleblower Protection
From: Council President De La Fuente And City Auditor Ruby
Recommendation: Adopt An Ordinance Prohibiting Retaliation Against Employees Who Act As Whistleblowers

(07-1021)

The July 8, 2008 Finance and Management Committee approved recommendations and amended the resolution as follows: 1) In Section 4 provide a better definition for adverse action and follow court rulings on what adverse action is; 2) In Section 8 use the City of San Francisco's Ordinance language referencing what qualifies as a substantial motivating action. The Committee further directed that staff return to a future meeting with a report on the following information: 1) Does the Public Ethics Commission have jurisdiction over a Councilmember accusation of a charter violation? 2) What are the different options for the program to be implemented and with what resources? 3) Where will the funding coming from? 4) If funded, the City Auditor should provide a report on the number of complaints, number of investigations, and the amount of dollars saved as a result of the program being implemented for the first year; 3 Ayes, 1 Excused De La Fuente

S-31 Subject: Master Developer Selection
From: Community and Economic Development Agency
Recommendation: Action On A Report And Recommendations Regarding The Selection Of A Master Developer For A 108-Acre Portion Of The Former Oakland Army Base

(07-1359)

The July 8, 2008 Community and Economic Development Committee made

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a motion to accept the review panel's agreement with the addition that the RFP be broadened to allow developers to submit alternative proposals that incorporate a regional retail center on the Army Base or close by and that Pacific Coast Container (PCC) would be given the same space considerations as the produce market and the film center. The motion also included the following process to be carried out by staff: 1) Hold a minimum of two meetings with the development teams. 2) Investigate the possibility of coordinating infrastructure development with the Port-owned property. 3) Respond in writing to questions posed in writing. 4) Make all of the studies and reports performed from 1999 to the present regarding the Army Base available to the development teams. 5) Provide information on the status of all existing agreements and ENAs for areas within the Army Base and Auto Mall area. The Committee also directed that the RFP development teams should submit an estimate of the revenue generated from their proposals and a vision of the entrance to the City at the West Gateway. The Committee also requested more information about PCC, including their acreage and what kind of space they need and a supplemental report on the economic benefits of the Port to the City; 3 Ayes, 1 Excused De La Fuente

S-32

Subject: Fox Theater Project

From: Community and Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Agency Administrator To Amend The Disposition And Development Agreement To Provide For A Bridge Loan Between The Agency And Fox Oakland Theater Inc (FOT), A Non-Profit Entity, In An Amount Not To Exceed \$7,450,000 To Fund The Completion Of The Fox Theater Renovation Project;

[\(07-1464\)](#)

2) An Agency Resolution Authorizing The Agency Administrator To Enter Into A Tenant Improvement Grant Agreement Between The Agency And GASS Entertainment Inc. In An Amount Not To Exceed \$2,000,000, To Fund The Completion Of The Fox Theater Renovation Project;

[\(07-1464-1\)](#)

3) An Agency Resolution Authorizing The Agency Administrator To Enter Into A Loan Agreement Between The Agency And Fox Theater Master Tenant, LLC In An Amount Not To Exceed \$2,700,000 To Fund Needed Tenant Improvements In The Fox Theater;

[\(07-1464-2\)](#)

4) An Agency Resolution Authorizing The Agency Administrator To Enter Into A Loan Agreement Between The Agency And The Oakland School For The Arts In An Amount Not To Exceed \$2,300,000 To Fund The Tenant Improvements In The New Wrap-Around Portion Of The Building;

[\(07-1464-3\)](#)

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5) An Agency Resolution Authorizing The Agency Administrator To Apply For, Accept And Appropriate Grant Funds From The Following: (1) California Cultural And Historical Endowment Grant In An Amount Not To Exceed \$1,400,000; (2) Department Of Housing And Community Development Infill Infrastructure Grant In An Amount Not To Exceed \$10,000,000; And A Federal Housing And Urban Development Grant In An Amount Not To Exceed \$3,000,000; And
(07-1464-4)

6) An Agency Resolution Authorizing The Agency Administrator To Accept And Appropriate \$68,750 In Historic Mitigation Funds From Signature At Broadway Grand LLC, For The Fox Theater Project
(07-1464-5)

The July 8, 2008 Community and Economic Development Committee approved recommendations and directed staff to amend the resolutions to include language as a "resolved" to ensure that all loans are secured with collateral and not just promissory notes in case of non payment; 3 Ayes, 1 Excused De La Fuente

S-33

Subject: Permanent Access To Housing Grant Agreements
From: Department of Human Services

Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into Grant Agreements Not To Exceed Total Allocation Of \$673,362, With Agencies Selected Under The City Of Oakland's 2008-2009 Permanent Access To Housing (PATH) Strategy To Provide Housing And Services To The Homeless; To Allocate \$133,000 In Match Funds To East Oakland Community Project For The 2008-2009 Families In Transition Program; To Release A Second Request For Proposals Under The 2008-2009 Path Strategy To Fill Service Gaps, Total Allocation Not To Exceed \$128,574; To Allocate Up To \$52,750 In Match Funds To East Oakland Community Project For The 2008-2009 Matilda Cleveland Transitional Housing Program (MCTHP); To Allocate Funds To Cover 2008/2009 Lease Cost At The MCTHP Facility In The Amount Of \$36,000; And To Allocate \$10,000 To The City's 2008/2009 Hunger Program; On The July 15, 2008 City Council Agenda
(07-1479)

Due to a lack of Quorum, the July 8, 2008 Life Enrichment Committee requested that Staff submit a Rules Request to schedule this item to the July 15, 2008 City Council meeting.

The July 10, 2008 Rules and Legislation Committee approved recommendations; 3 Ayes, 1 Excused Brunner

Pursuant to Section 2.20.080(E)2 of the Sunshine Ordinance an urgency finding was made at the July 10, 2008 Rules and Legislation Committee to place this item on the agenda for the following reasons: That there is a

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need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action: is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;

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

S-34 Subject: Resource Development Associates - Contract
From: Office of the City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Contract Between The City Of Oakland And Resource Development Associates In An Amount Not To Exceed Three Hundred And Fifty Thousand Dollars (\$350,000) For Outcome And Process Evaluation Services Of The Measure Y Violence Prevention Programming, Fiscal Year 2008-2009, July 1, 2008 - June 30, 2009
(07-1512)

The July 8, 2008 Public Safety Committee approved recommendations; 3 Ayes, 1 Abstain - Nadel

S-35 Subject: Attitudinal Healing Connection, Inc - Amended Agreement
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute An Amendment To The Agreement Between The City Of Oakland And Attitudinal Healing Connection, Inc. For An Amount Not To Exceed \$50,000 For A Total Amount Not To Exceed \$210,750, To Provide Restorative Justice Training And Coordination At Eight Middle Schools In Accordance With Measure Y For The Period Of July 1, 2008 To June 30, 2009
(07-1513)

The July 8, 2008 Public Safety Committee approved recommendations; 3 Ayes, 1 No Quan

S-36 Subject: Support Of Assembly Bill 2058
From: Public Works Agency
Recommendation: Adopt A Resolution In Support Of Assembly Bill 2058 (Levine) - Recycling: Plastic Carryout Bags, Paper Carryout Bags, Which Would Require On Or After July 1, 2011, A Store To Provide Plastic Carryout Bags To Customers For Not Less Than \$0.25 Per Bag If The Store Does Not Meet Or Exceed A Plastic Carryout Bag Diversion Rate Of 70% And To Provide Paper Carryout Bags To Customers For Not Less Than \$0.25 Per Bag
(07-1515)

The July 10, 2008 Rules and Legislation Committee approved recommendations; 3 Ayes, 1 Excused Brunner

Continuation of Open Forum

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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