



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

***Special 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, November 09, 2010

5:30 PM

Oakland City Hall, 3rd Floor

- 1 Pledge of Allegiance
- 2 Roll Call / ORA & Council
COUNCIL MEMBERS: Patricia Kernighan, Dist. 2; Nancy Nadel, Dist. 3; Jean Quan, Dist. 4; Ignacio De La Fuente, Dist. 5; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; Rebecca Kaplan, At-Large, and President Jane Brunner, Dist. 1
- 3 Open Forum / Citizens Comments
(Time Available: 15 minutes)
- 4 ACTIONS ON SPECIAL ORDERS OF THE DAY
(Ceremonial Presentations, Reports/Presentations from the Mayor, Council Acknowledgements/Announcements):
 - 4.1 Subject: Oakland Municipal Academy
From: Councilmember Kernighan
Recommendation: Adopt A Resolution Recognizing The First Graduating Class Of The City Of Oakland's Oakland Municipal Academy
(10-0128)
 - S-4.2 Subject: Lincoln Elementary - Commendation
From: Office of Councilmember Kernighan
Recommendation: Adopt A Resolution Commending Lincoln Elementary School For Its Selection As A 2010 National Blue Ribbon School Award Honoree By the United States Department Of Education
(10-0198)
- 5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF THE OCTOBER 19, 2010
- 6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS
(Requests to: Reschedule items from consent to Non-Consent to the next Council Agenda, Speak on Consent Calendar, Register Votes, Change order of Items, Reconsiderations, Pull Items held in Committee):

7. CONSENT CALENDAR (CC) ITEMS:

- 7.1-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
(10-0151)

7.2-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
(10-0150)

7.3-CC Subject: Jose Buenrostro, Sr., Et Al. V. City Of Oakland, Et Al.,
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Jose Buenrostro, Sr., Et Al. V. City Of Oakland, Et Al., United States District Court Case No. 009-00786-JSW, City Attorney's File No. 26782, In The Amount Of Five Hundred Thousand Dollars And No Cents (\$500,000.00) As A Result Of A Civil Right Action Alleging Wrongful Death Action (Oakland Police Department)
(10-0152)

Council discussed this item in closed session on October 19, 2010. Motion authorizing settlement passed with 5 Ayes, 2 Abstain - Brooks, Brunner, 1 No - De La Fuente

7.4-CC Subject: Maria Avelar V. City Of Oakland,
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Maria Avelar V. City Of Oakland, Alameda County Superior Court Case No. RG08-414228, In The Amount Of \$15,000.00 As A Result Of An Alleged Dangerous Condition Of Public Property In The Street At 15th Avenue And East 21st Street July 4, 2007 (Public Works Agency)
(10-0153)

This item was not discussed in closed session.

7.5-CC Subject: Annual Assessment - Rockridge Improvement District
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2011-2012 For The Rockridge Business Improvement District, Approving The Annual Report Of The Rockridge Business Improvement District Advisory Board, And Scheduling A Public Hearing For December 7, 2010
(10-0110)

7.6-CC Subject: Annual Assessment - Montclair Business Improvement District
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2011-2012 For The Montclair Business Improvement District,

Approving The Annual Report Of The Montclair Business Improvement District
Advisory Board, And Scheduling A Public Hearing For December 7, 2010

[\(10-0111\)](#)

- 7.7-CC Subject: Exclusive Negotiating Agreement Deposit - Sunfield Development
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Amending Resolution No. 2010-0093
C.M.S. To Reduce The Exclusive Negotiating Agreement Deposit Requirements With
Sunfield Development, LLC From \$50,000 To \$25,000 For The Foothill And Seminary
Development Opportunity Site
[\(10-0140\)](#)

- 7.8-CC Subject: Temporary Construction Easements - 42nd/High Improvement Project
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing The City Administrator Or His
Designee To Acquire Property Rights, Including Fee Interests, Permanent Easements,
And Temporary Construction Easements, For Ten Parcels For The 42nd Avenue And
High Street Access Improvement Project Without Returning To Council
[\(10-0053\)](#)

**ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE OF THE
ORDINANCE**

**Introduction (First Reading) was approved October 19, 2010; 6 Ayes, 1 No
- Kaplan, 1 Abstain - Reid**

- 7.9-CC Subject: Chabot/OUSD Conditional Assignment Agreement
From: Community and Economic Development Agency
Recommendation: Adopt A City Ordinance Authorizing The City Administrator To
Negotiate And Execute A Conditional Assignment Agreement With The Chabot Space
And Science Center ("Chabot") And The Oakland Unified School District (The
"District") To: (1) Subordinate The City's Right To Assume The Ground Lease For The
Property; And (2) Consent To A Restructuring Of The District's Loan To Chabot
[\(10-0060\)](#)

**ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE OF THE
ORDINANCE**

**Introduction (First Reading) was approved October 19, 2010; 7 Ayes, 1
Abstain - Reid**

- 7.10-CC Subject: California Model Housing Code Amendments
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Adopting Local Amendments To The 2010
Edition Of The California Housing Law, California Code Of Regulations (CCR), Title
25, Division 1, Chapter 1, Subchapter 1, Division 32, And Amending Oakland Municipal
Code Chapter 15.08
[\(09-1654\)](#)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE OF THE

ORDINANCE

Introduction (First Reading) was approved October 19, 2010; 8 Ayes

7.11-CC Subject: California Model Building Codes - Amendments
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Adopting Local Amendments To The 2010 Editions Of The California Model Building Codes, California Code Of Regulations (CCR), Title 24, Part 2 (Building), Part 2.5 (Residential), Part 3 (Electrical), 4 (Mechanical), And 5 (Plumbing), Part 6 (Energy), And Part 11 (Green Building), And Amending Oakland Municipal Code Chapter 15.04
(09-1655)

**ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE OF THE
ORDINANCE**

**Introduction (First Reading) was approved October 19, 2010 as amended
to remove paragraph H from Section 15.04.080; 8 Ayes**

7.12-CC Subject: Medical Cannabis Cultivation Permit Fee
From: Councilmembers Kaplan and Reid
Recommendation: Adopt An Ordinance Amending The Master Fee Schedule (Ordinance Number 9336, As Amended) To Establish A Medical Cannabis Cultivation Permit Application Fee Of \$5,000 And An Annual Medical Regulatory Fee Of \$211,000 For Permitted Medical Cannabis Cultivation Facilities
(10-0064)

**ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE OF THE
ORDINANCE**

Introduction (First Reading) was approved October 19, 2010; 8 Ayes

7.13-CC Subject: Rent Relief To Oakland Golf LLC
From: Office Of Parks And Recreation
Recommendation: Adopt A Resolution To Approve Fifty Percent (50%) Of The Minimum Rent Relief To Oakland Golf LLC For The Operation Of The Metropolitan Golf Links During Fiscal Year July 1, 2010 Through June 30, 2011 In The Amount Of \$138,103 As Authorized In The First Sublease And Operating Agreement Approved By Resolution No. 81274 C.M.S. On May 6, 2008
(10-0045)

7.14 Subject: 319 Chester Street - Sale Of Property DDA
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing A Disposition And Development Agreement With The Alliance For West Oakland Development For The Sale At No Cost, And Development Of Affordable Housing On, One City-Owned Parcel At 319 Chester Street
(10-0096)

The October 26, 2010 Community and Economic Committee approved

recommendations as amended to the resolution adding a resolved clause to provide details regarding the sale of the land and the loan repayment terms; 3 Ayes, 1 No - De La Fuente

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

Final Passage (Second Reading) has been scheduled December 7, 2010

- 7.15-CC Subject: Rehabilitate And Stabilize Wallace Street Properties
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:
1) An Agency Resolution Amending Resolution No. 2008-0087 C.M.S.To Rescind A Contribution Of Central City East Redevelopment Funds In The Amount Of \$500,000 To The City Of Oakland Under The Cooperation Agreement For Engineering And Slope Stabilization Work At 2621, 2631, And 2633 Wallace Street; And Reallocating Such Funds To A Grant To The Adjoining Property Owners, James G. Gong And Ying S. Gong, In An Amount Not To Exceed \$500,000 Under An Owner Participation Agreement To Perform Such Work; And
(10-0106)
2) A Resolution Amending Resolution Number 81550 C.M.S. To Return A Contribution Of Remaining Redevelopment Funds In The Amount Of \$500,000 For Engineering And Slope Stabilization Of Properties Located At 2621, 2631, And 2633 Wallace Street
(10-0106-1)

The October 26, 2010 Community and Economic Development Committee approved recommendations; 4 Ayes

- 7.16-CC Subject: East Bay Task Force On Human Trafficking
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Grant Funding In The Amount Not To Exceed One Hundred Thousand Dollars (\$100,000) From The U.S. Department Of Justice, Office Of Justice Programs, Bureau Of Justice Assistance, Fiscal Year 2010 Law Enforcement Response To Human Trafficking Grant Program For Continued Implementation And Operation Of The East Bay Task Force On Human Trafficking In The Police Department
(10-0112)
- 7.17-CC Subject: Parking Access & Control Systems - Lease Agreement
From: Finance And Management Agency
Recommendation: Adopt A Resolution Awarding A Lease Financing To Chase Equipment Finance, Inc. In An Amount Not-To-Exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00) To Acquire Parking Access And Control Systems And Authorizing The Execution And Delivery Of A Lease Purchase Agreement, Escrow Agreement And Related Documents
(10-0170)

This item was heard by the October 26, 2010 Finance and Managment

Committee as an Informational Report.

- 7.18-CC Subject: Wildfire Prevention Assessment- District 1 Appointment
From: Council President Brunner
Recommendation: Adopt A Resolution Appointing David Kessler As The District 1
Representative To The Wildfire Prevention Assessment District (WPAD) Advisory
Board For The Seat Previously Held By Robert Sieben, For The Term Beginning April
30, 2009 To May 1, 2011
[\(10-0173\)](#)
- 7.19-CC Subject: Chabot Space And Science Center - Board Appointment
From: Council President Brunner
Recommendation: Adopt A Resolution Appointing Marisol Lopez As A Member Of
The Chabot Space And Science Center Board Of Directors For The Term Beginning
January 1, 2011 And Ending December 31, 2014
[\(10-0069\)](#)
- 7.20-CC Subject: Wildfire Prevention Assessment District Appointment
From: Office Of Council President Brunner
Recommendation: Adopt A Resolution Appointing Dr. Robert Sieben As A District 1
Representative On The Wildfire Prevention Assessment District For The Seat Previously
Held By Barry Pilger, For The Term Beginning July 1, 2010 And Ending June 30, 2014
[\(10-0174\)](#)
- 7.21-CC Subject: Violence Prevention And Public Safety Oversight Committee
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Brandon Sturdivant And Nyeisha Dewitt As Members Of The Violence Prevention And
Public Safety Oversight Committee
[\(10-0175\)](#)
- 7.22 Subject: Community Policing Review Board Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Victor Littles And Sarah Lynne
Cohen As Members Of The Citizen's Police Review Board
[\(10-0178\)](#)
- 7.23-CC Subject: Housing, Residential Rent And Relocation Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Craig
Castellanet And Gregory Minor As Members Of The Housing, Residential Rent And
Relocation Board
[\(10-0179\)](#)
- 7.24-CC Subject: Budget Advisory Committee Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Nicolas C. Heidorn As A Member Of
The Budget Advisory Committee
[\(10-0180\)](#)

7.25-CC Subject: Public Ethics Commission Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Amy V. Dunning As A Member Of The Public Ethics Commission
(10-0181)

~~7.26-CC Subject: Business Tax Board Of Review Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointments Of David Jones, Sabrina Jones, Charles R. "Chip" Conradi, And Sabrina Landreth As Members Of The Business Tax Board Of Review
(10-0182)~~

This item was withdrawn and rescheduled to the December 7, 2010 City Council meeting

7.27-CC Subject: Wildfire Prevention Assessment District Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Dinah Benson And Reappointing Delores McDonough As Members Of The Wildfire Prevention And Assessment District Advisory Board
(10-0183)

7.28-CC Subject: Oakland Housing Authority Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Janny Castillo And Adhi Nagraj And The Reappointment Of Moses Mayne Jr. As Members Of The Oakland Housing Authority Board Of Commissioners
(10-0184)

~~7.29-CC Subject: Head Start Advisory Panel Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Robert Beggs And Dr. Linda Perez As Members Of The Head Start Advisory Panel
(10-0185)~~

This item was withdrawn and rescheduled to the December 7, 2010 City Council meeting

S-7.30-CC Subject: Travel Authorization
From: Office of Councilmember Brooks
Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To Denver, Colorado To Attend The National League Of Cities' Congress Of Cities And Exposition From November 30, 2010 To December 4, 2010
(10-0200)

S-7.31-CC Subject: Rate Increase - California State University System
From: Councilmember Reid
Recommendation: Adopt A Resolution Opposing The Proposed 15% Rate Increase For The California State University System

(10-0191)

S-7.32-CC Subject: Travel Authorization
From: Office Of Council President Brunner
Recommendation: Adopt A Resolution Authorizing Council President Jane Brunner To
Travel To Baltimore, MD And Washington D.C. For The Young Elected Officials Policy
Academy On Foreclosure & Neighborhood Stabilization On December 2 & 3, 2010

(10-0201)

8 Oral Report of Final Decisions Made During Closed Session & Disclosure of
Non-Confidential closed session discussions

**COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE
THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:**

**9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING
REQUIREMENTS:**

9.1 Subject Tall Monopole Wireless Telecommunications Facility - Appeal
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A
Resolution Denying Appeal No. A10223 And Upholding The Decision Of The Planning
Commission To Deny Case No. CM10131 For A 41'-5"-Tall Monopole Wireless
Telecommunications Facility In The Open Space Zone Section Of Public Right-Of-Way
On Skyline Blvd. North Of The Roberts Park Street Entrance

(10-0062)

9.2 Subject: Wireless Telecommunications Facility - Skyline Blvd.
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A
Resolution Denying Appeal No. A10224 And Upholding The Decision Of The Planning
Commission To Deny Case No. CM10140 For A 36'-4"-Tall Monopole Wireless
Telecommunications Facility In The Open Space Zone Section Of Public Right-Of-Way
On Skyline Blvd. North Of The Chabot Space And Science Center Street Entrance

(10-0063)

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 Subject: Medical Marijuana Cultivation Facility
From: Office Of The City Administrator
Recommendation: Action On A Report Regarding Proposed Request For Permit
Applications (RFP) To Operate A Medical Cannabis Cultivation Facility Pursuant To
Oakland Municipal Code Chapter 5.81

(10-0044)

The October 26, 2010 Public Safety Committee approved recommendations and directed staff to submit a supplemental report that includes the following: 1) Clarify whether employees working in the cultivation facility are required to be medical cannabis patients and/or medical cannabis care givers. Staff was further directed to define local residency and revise the

RFPA section on Equity Participation/Local ownership: lowering the percentage from 70% to 40%.

The committee further directed staff to include qualifications that require applicants to become an Oakland business or live in Oakland to operate a facility.

The committee recommends that the following Options be accepted/approved: Option 4 (page 3 of report) regarding the cultivation permit, the committee opted for the fourth option that would allow an un-permitted cultivator to apply with no prohibition.

The committee members agreed that Option B regarding the annual permit fee (page 4 of report) was the best option for both the city and permit holders.

Option B reads "The Annual Permit Fee in the amount of \$211,000 will be due in four quarterly installments of \$52, 750 due upon issuance of the permit and every four months immediately thereafter. Failure to pay a fee installment within five (5) calendar days of the due date, as set forth in the permit, will be a basis for immediate revocation of the permit"; 4 Ayes

11

Subject: Medical Cannabis Dispensaries
From: Councilmembers Reid And Kaplan
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.80 "Medical Cannabis Dispensary Permits" To Increase The Total Number Of Dispensary Permits From Four (4) To Eight (8), And Increase Fees, Delete And Move Section 5.80.90 "Performance Standards" To City Administrator Guidelines, And Add Appeal Timeline
(09-1619)

Pursuant to Rule 28(7) Councilmember De La Fuente made a motion, seconded by Council President Brunner to withdraw this time from tConsent Calendar of the October 19, 2010 City Council Agenda and reschedule the item to this agenda as a Non-Consent item.

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

Final Passage (Second Hearing) has been scheduled for December 7, 2010

12

Subject: Implementation Of The Municipal Identification Card
From: Offices Of The City Clerk, Councilmembers Quan And De La Fuente
Recommendations: Action On A Report And Recommendations Regarding The Responses To The RFQ To Implement A Program To Issue A Municipal Identification Card With Additional Financial And City Systems Card Services Components
(10-0094)

**The October 26, 2010 Finance and Management Committee approved
recommendations: 4 Ayes**

13 Subject: Central City East Homeownership Rehabilitation Program
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Amending Resolution No. 2006-0036 C.M.S. To Modify The Central City East Homeownership Rehabilitation Program (CCEHRP) To Include Interior And Structural Repairs And Increase The Maximum Loan Amount From \$75,000 To \$150,000, And Authorizing The Agency Administrator To Make Loans For The Program Without Returning To The Agency;

(10-0097)

2) An Agency Resolution Adopting The West Oakland Vacant Housing Acquisition/ Rehabilitation/ New Construction Program, And Allocating \$735,000 For The Program From Fiscal Year 2010-2011 Low And Moderate Income Housing Funds And Authorizing The Agency Administrator To Make Loans For The Program Without Returning To The Agency;

(10-0097-1)

3) An Agency Resolution Adopting The West Oakland Automatic Gas Shut-Off Valve Program, And Allocating \$210,000 For The Program From Fiscal Year 2010-2011 Low And Moderate Income Housing Funds And Authorizing The Agency Administrator To Make Loans For The Program Without Returning To The Agency; And

(10-0097-2)

4) An Agency Resolution Adopting The West Oakland Owner Rehabilitation Program, And Allocating \$1,939,000 For The Program From Fiscal Year 2010-2011 Low And Moderate Income Housing Funds And Authorizing The Agency Administrator To Make Loans For The Program Without Returning To The Agency

(10-0097-3)

**The October 26, 2010 Community and Economic Development committee
approved recommendations and directed staff to include in the report City
agency contact information and requirements for applying for the
programs; 4 Ayes**

14 Subject: Rehabilitation of 8603 and 8701 Hillside Street
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing An Owner Participation Agreement With Alvernaz Partners, LLC, For The Rehabilitation Of 8603 And 8701 Hillside Street In The Central City East Redevelopment Project Area, Including Agency Funding In An Amount Not To Exceed \$275,000.00, And Rescinding Agency Resolution No. 2009-0091 C.M.S. Authorizing Previous Funding For The Project

(10-0105)

**The October 26, 2010 Community and Economic Development Committee
approved recommendations: 4 Ayes**

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting shall conclude no later than 12:00 a.m., unless extended by Majority Vote of the Council)

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[\(TTD\)](#)

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MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30AM TO 5:00PM

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

ORA - Oakland Redevelopment Agency
S - Supplemental Item