



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, September 22, 2009

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: 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 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 Meetings of the Oakland Redevelopment Agency/City Council held on June 30, 2009, July 7, 2009, July 21, 2009 and July 28, 2009

8. PRESENTATION OF CEREMONIAL MATTERS

- 8.1 Subject: Susan Hayes-Smith - Recognition
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution Honoring Susan Hayes-Smith for Eighteen Years of Distinguished Service To The City Of Oakland And Congratulating Her On Her Retirement
[\(09-0756\)](#)

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

- 8.2 Subject: Congestion Management Presentation
From: Councilmember Larry Reid
Recommendation: Receive A 10 Minute Presentation From The Congestion Management Agency On The Proposed I-880 Operational And Safety Improvements At 29th Avenue And 23rd Avenue Overcrossings
[\(09-0564\)](#)
- 8.3 Subject: Under-10 All Star Baseball Team - Recognition
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Congratulating The Oakland Cal Ripken Babe Ruth League Under-10 All Star Baseball Team For Their Successes On The Field
[\(09-0776\)](#)

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
[\(09-0760\)](#)
- 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

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[\(09-0761\)](#)

10.3-CC Subject: July 21, 2009 Special Vote By Mail Election Results
From: Office of the City Clerk
Recommendation: Adopt A Resolution Declaring The Results Of The City Of Oakland
Special Municipal Vote By Mail Election Held On Tuesday, July 21, 2009

[\(09-0757\)](#)

10.4-CC Subject: Sea Otter Awareness
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution Proclaiming September 27 - October 3, 2009 As
Sea Otter Awareness Week

[\(09-0759\)](#)

10.5-CC Subject: Maryanne Byars - 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 Maryanne Byars In The Amount Of Six Thousand
Three Hundred Fifty Dollars And 00/100 Cents (\$6,350.00), As A Result Of Property
Damage Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On
March 05, 2009. (Public Works Agency)

[\(09-0762\)](#)

10.6-CC Subject: Man Coong - 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 On Man Coong And Donald E. Krentsa, His
Attorney, In The Amount Of Seven Thousand Dollars (\$7,000.00), As A Result Of
Property Damage Sustained In An Automobile Accident With A City Vehicle On August
24, 2008 (OPD)

[\(09-0763\)](#)

10.7-CC Subject: Sandra Marion - 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 Sandra Marion V. City Of Oakland, Alameda
County Superior Court Case No. RG08-381272, In The Amount Of \$7,500.00 As A
Result Of A Trip And Fall Accident Near The Intersection Of Broadway Avenue And
22nd Street. (Public Works Agency)

[\(09-0764\)](#)

10.8-CC Subject: Patricia Acosta - 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 Acosta V. City Of Oakland, Alameda
County Superior Court Case No. RG08-412026, In The Amount Of \$16,500.00 As A
Result Of A Trip And Fall Accident On The Lake Meritt Walking Path. (Public Works
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[\(09-0765\)](#)

10.9-CC Subject: Gary King, Jr. - 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 Gary King, Jr., Et Al. V. City Of Oakland, Et Al., United States District Court Case No. C08-02394 SBA, Our File No. 26139, In The Amount Of \$1,500,000.00 (Police Department)

[\(09-0766\)](#)

10.10-CC Subject: Sylvia Castelan - 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 PGAC A/S/O Sylvia Castelan In The Amount Of \$12,251.92 As A Result Of An Automobile Collision Involving A City Vehicle On January 12, 2009. (Police Services Agency)

[\(09-0767\)](#)

10.11-CC Subject: Shari Godinez - 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 Shari Godinez In The Amount Of Twenty Thousand One Hundred Sixty Three Dollars And 00/100 Cents (\$20,163.00), As A Result Of Property Damage Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On November 01, 2008. (Public Works Agency)

[\(09-0768\)](#)

10.12-CC Subject: Thomas Breese - 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 USAA A/S/O Thomas Breese In The Amount Of \$16,159.40 As A Result Of An Automobile Collision Involving A City Vehicle On April 18, 2009. (Police Services Agency)

[\(09-0769\)](#)

10.13-CC Subject: Lynette Jung Lee - Recognition
From: Councilmembers Patricia Kernighan & Jean Quan
Recommendation: Adopt A Resolution Recognizing Lynette Jung Lee For 33 Years Of Distinguished Service To East Bay Asian Local Development Corporation And To The Oakland Community

[\(09-0777\)](#)

S-10.14-C Subject: Chinese Garden Improvement Project
C From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing And Appropriating A Contribution Of Redevelopment Agency Funds To The City Under The Cooperation Agreement In The

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Amount Of \$92,000 For The Construction Of The Hall Of Pioneers Chinese Garden Improvement Project;
(09-0699)

2) A Resolution Authorizing The City To Accept And Appropriate A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement In The Amount Of \$92,000 For The Construction Of The Hall Of Pioneers Chinese Garden Improvement Project; And
(09-0699-1)

3) A Resolution Authorizing The City Administrator, Or His Designee, To Award A Contract To The Lowest, Responsible, Responsive Bidder, McGuire And Hester, In An Amount Not-To-Exceed Two Hundred Eleven Thousand Seven Hundred Sixty-Five Dollars (\$211,765.00) For The Construction Of The Hall Of Pioneers Chinese Garden Improvement Project In Accord With Plans And Specifications For The Project (No. P338510) And Contractor's Bid Therefor, To Be Paid For With Redevelopment Agency Funds
(09-0699-2)

**The September 15, 2009 Public Works Committee approved
recommendations; 3 Ayes, 1 Excused - Brooks**

S-10.15-C Subject: Rehabilitation Of Sanitary Sewers - Andes Construction
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers in the Area Bounded by 66th Avenue, San Leandro Street, Seminary Avenue, And International Boulevard (Project No. C267310) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of One Million Nine Hundred Seventy-One Thousand Five Hundred Thirty-Seven Dollars (\$1,971,537.00)
(09-0616)

**The September 15, 2009 Public Works Committee approved
recommendations; 3 Ayes, 1 Excused - Brooks**

S-10.16-C Subject: Streets And Roads Resurfacing
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Gallagher & Burk, Inc., For Various Streets And Roads Resurfacing (Project No. C376410) In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Not-To-Exceed Three Million Eighty-Five Thousand Nine Hundred Fifty-Five Dollars And Fifty Cents (\$3,085,955.50)
(09-0751)

**The September 15, 2009 Public Works Committee approved
recommendations; 3 Ayes, 1 Excused - Brooks**

S-10.17-C Subject: Citywide Curb Ramp And Sidewalk Repair - AJW Construction
C From: Community and Economic Development Agency

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Recommendation: Adopt A Resolution Awarding A Construction Contract To AJW Construction, For Citywide Curb Ramp And Sidewalk Repair Projects (Project No. C376310) In Accord With The Project Plans And Specifications And Contractor's Bid In The Not-To-Exceed Amount Of Eight Hundred Ninety Five Thousand And Sixty Five Dollars (\$895,065.00)

[\(09-0752\)](#)

The September 15, 2009 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks

S-10.18-C Subject: Bus Rapid Transit Project Agreement
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee, To Execute An Agreement With AC Transit To Fund Approximately One Hundred And Ten Thousand Dollars (\$110,000.00) Of City Expenses Related To The Selection Of A Local Preferred Alternative For The Bus Rapid Transit Project

[\(09-0754\)](#)

The September 15, 2009 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks

S-10.19-C Subject: 42nd Avenue And High Street - Right-Of-Way Acquisition
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Direct Staff To Proceed With Right-Of-Way Acquisition For The 42nd Avenue And High Street Access Improvement Project (C98530)

[\(09-0755\)](#)

The September 15, 2009 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks

S-10.20-C Subject: False Alarm Reduction Unit Program Contract
C From: Oakland Police Department
Recommendation: Discussion And Possible Action On A Report And Recommendation Detailing The Results Of The Request For Proposals (RFP) Process Conducted By The Oakland Police Department To Identify And Select A Contractor For The Administration Of The Oakland Police Department's False Alarm Reduction Unit Program

[\(09-0697\)](#)

The September 15, 2009 Finance and Management Committee approved recommendations and directed staff to provide a copy of the contract; 4 Ayes

S-10.21-C Subject: Measure Y Annual Report
C From: Office of the City Administrator/Finance and Management Agency
Recommendation: Receive An Informational Report On Financial And Program Status Of Measure Y-Violence Prevention & Public Safety Act Of 2004 For Fiscal Years 2004-2005, 2005-2006, 2006-2007, 2007-2008 And 2008-2009

[\(09-0612\)](#)

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The September 15, 2009 Finance and Management Committee received and forwarded the report and directed staff to submit the page that was inadvertently omitted in the supplemental packet; 4 Ayes

S-10.22-C Subject: PERS Payment
C From: Department of Human Resources
Recommendation: Adopt A Resolution Rescinding Resolution No. 74213 C.M.S. Which Authorized The City Of Oakland To Pay 100 Percent Of Employees' Compensation Earnable As Employer Paid Member Contributions And Authorizing Continued Implementation Of The Provisions Of Section 414(H)(2) Of The Internal Revenue Code To Tax Defer Member Paid Contributions To The California Public Employees' Retirement System (PERS) For Local Miscellaneous Employees Who Are Members Of PERS
(09-0740)

The September 15, 2009 Finance and Management Committee approved recommendations; 4 Ayes

S-10.23-C Subject: Urban Search And Rescue Material Storage Lease
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Amended Lease With Willard And Celeste Korn For The Storage Of Urban Search And Rescue Material For The Oakland Fire Department, For An Additional (1) Year With Five (5) One Year Options To Extend, Beginning October 2009 At 35 Hegenberger Place, In The Amount Of \$67,860 Per Annum Plus An Annual Rent Escalator Not To Exceed 4%
(09-0729)

The September 15, 2009 Finance and Management Committee approved recommendations; 4 Ayes

S-10.24-C Subject: Neighborhood Stabilization Program - Terms Modification
C From: Vice Mayor Ignacio De La Fuente
Recommendation: Adopt A Resolution Amending Resolution No. 81933 C.M.S. To Modify The Terms Of The Neighborhood Stabilization Program (NSP) Loan To The Urban Strategies Council/Oakland Community Land Trust To Provide That NSP Loan Funds Be Used To Repay The \$130,000 Predevelopment Loan Authorized By Resolution No. 82250 C.M.S.
(09-0749)

The September 15, 2009 Community and Economic Development Committee approved recommendations; 4 Ayes

S-10.25-C Subject: Purchase Of Real Property - 633 Hegenberger Road
C From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 633 Hegenberger Road, In The Coliseum Redevelopment Project Area, From Coliseum Associates, LLC For A Price Not To Exceed \$13,875,000, Less The Cost

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Of Any Environmental Site Remediation, And Authorizing Up To \$200,000 For
Demolition And Real Estate Closing Costs

[\(09-0727\)](#)

**The September 15, 2009 Community and Economic Development
Committee approved recommendations; 4 Ayes**

S-10.26-C Subject: Purchase Of Real Property - 3229 & 3301 San Leandro Street
C Agency: Community and Economic Development
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real
Property At 3229 And 3301 San Leandro Street, In The Coliseum Redevelopment
Project Area, From Joyce Sasse For A Price Not To Exceed \$1,200,000, Less The Cost
Of Any Environmental Site Remediation, And Authorizing Up To \$12,000 For Real
Estate Closing Costs And \$100,000 For Demolition Costs

[\(09-0735\)](#)

**The September 15, 2009 Community and Economic Development
Committee approved recommendations; 4 Ayes**

S-10.27-C Subject: Installation Of Renaissance Trash Cans
C From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Contributing West Oakland Redevelopment Funds To The
City Under The Cooperation Agreement In An Amount Not To Exceed \$24,000 For The
Purchase and Installation Of Trash Cans Along Mandela Parkway; And

[\(09-0615\)](#)

2) A City Resolution Accepting And Appropriating Redevelopment Agency Funds
Under The Cooperation Agreement In An Amount Not To Exceed \$24,000 For The
Purchase and Installation Of Trash Cans Along Mandela Parkway In The West Oakland
Redevelopment Project Area, And Authorizing The City Administrator To Negotiate
And Execute Related Agreements Without Returning To City Council

[\(09-0615-1\)](#)

**The September 15, 2009 Community and Economic Development
Committee approved recommendations; 3 Ayes, 1 Abstention - Brunner**

S-10.28-C Subject: 2009-2010 Multipurpose Senior Services Program
C From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply
For, Accept, And Appropriate Grant Funds In The Amount Of \$1,581,165 From The
California Department Of Aging For The Multipurpose Senior Services Program (MSSP)
For Fiscal Year 2009-2010; And Authorizing The City Administrator To Enter Into
Contract Number MS-0910-01 With The California Department Of Aging For The
Multipurpose Senior Services Program For Fiscal Year 2009-2010; And Authorizing The
City Administrator To Accept, Appropriate And Allocate Any Additional Funding
Received Without Returning To Council

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[\(09-0240\)](#)

The September 15, 2009 Life Enrichment Committee approved recommendations; 3 Ayes, 1 Absent - Brunner

S-10.29-C Subject: 2009-2010 Arts And Cultural Services Grants
C From: Cultural Arts and Marketing
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into Seventy-Seven (77) Cultural Services Grants To Seventy (70) Oakland-Based Nonprofit Organizations And Individual Artists Providing Arts And Cultural Services In Oakland During Fiscal Year 2009-2010 In A Total Amount Not To Exceed \$974,647.00
[\(09-0737\)](#)

The September 15, 2009 Life Enrichment Committee approved recommendations and amended the Resolution to remove the duplicate reference to the "Oakland Youth Chorus" on the list of programs to be funded; 4 Ayes

S-10.30-C Subject: 2009-2010 Bicycle, Car Seat And Pedestrian Safety Program
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator (1) To Accept And Appropriate Grant Funds In An Amount Not To Exceed Four Hundred Ninety-One Thousand Three Hundred And Five Dollars (\$491,305.00) From The State Of California, Office Of Traffic Safety, For The Fiscal Year 2010 Implementation Of The Vehicle Occupancy Protection And Bicycle Safety Program, And (2) To Appropriate Said Funds To The Police Department; And (3) Authorizing A Waiver Of The Competitive Request For Proposal/Qualifications Process For The Purchase Of Services Associated With The Program From The East Bay Community Recovery Project In An Amount Not To Exceed Fifty Thousand Dollars (\$50,000.00), And The Community Health Academy In An Amount Not To Exceed Fifteen Thousand Dollars (\$15,000.00)
[\(09-0481\)](#)

The September 15, 2009 Public Safety Committee approved recommendations; 4 Ayes

S-10.31-C Subject: 2009-2010 Selective Traffic Enforcement Program
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Three Hundred Twenty-Nine Thousand Seven Hundred Dollars (\$329,700) From The State Of California, Office Of Traffic Safety, For The Fiscal Year 2010 Implementation Of The Selective Traffic Enforcement Program In The Police Department
[\(09-0482\)](#)

The September 15, 2009 Public Safety Committee approved recommendations; 4 Ayes

S-10.32-C Subject: 2009 Forensic Casework DNA Backlog Reduction Program

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C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Two Hundred Fifty Thousand Dollars (\$250,000) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year 2009 Forensic Casework DNA Backlog Reduction Grant Program In The Police Department
(09-0483)

The September 15, 2009 Public Safety Committee approved recommendations and directed staff to submit a separate report on the current statistical data of the DNA backlog; 4 Ayes

S-10.33-C Subject: Forensic DNA Unit Efficiency Improvement Grant
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Five Hundred Sixty-Nine Thousand Dollars (\$569,000) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year 2009 DNA Unit Efficiency Grant Program And Authorizing The Hiring Of One, Full-Time Eighteen-Month Limited Duration Professional Staff Position For The Criminalistics Division In The Police Department
(09-0484)

The September 15, 2009 Public Safety Committee approved recommendations; 4 Ayes

S-10.34-C Subject: Northern California Regional Center - Grants & Agreements
C From: Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To: 1) Enter Into A Professional Services Agreement With The County Of San Mateo Under Which The City Of Oakland Will Provide Services In Connection With The Operation Of The Northern California Regional Intelligence Center (NCRIC) And The 2007 Urban Areas Security Initiative Grant (UASI) Allocation; And 2) Accept, Appropriate And Administer UASI Grant Allocations Of \$110,435 For The Federal Fiscal Year 2007 For Reimbursement Of Salaries And Benefits Paid To Oakland Fire Department Staff Assigned As Liaison Officer And Federal Fiscal Year 2008 UASI Grant Allocations Of \$220,922 For Reimbursement Of Salaries And Benefits Paid To Oakland Police Department Staff Assigned As Liaison Officer Per The NCRIC Agreement
(09-0743)

The September 15, 2009 Public Safety Committee approved recommendations; 4 Ayes

S-10.35-C Subject: Support Of Senate Bill 279
C From: Councilmember Nadel and Council President Brunner
Recommendation: Adopt A Resolution In Support Of Senate Bill 279 (Hancock):

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Finance Energy Efficiency, Water Conservation, And Renewable Energy Investments
Through Community Facility Districts
(09-0771)

**The September 17, 2009 Rules and Legislating Committee approved
recommendations; 3 Ayes, 1 Excused - Quan**

- 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 2.20.130
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: Delinquent Mandatory Garbage Fees - Public Hearing
From: Finance and Management Agency
Recommendations: Conduct A Public Hearing On Delinquent Mandatory Garbage Fees
For January/ February/March 2009, Monthly Accounts and April/May/June 2009 And
Upon Conclusion Adopt One Of The Following Pieces Of Legislation:
- 1) A Resolution Accepting And Confirming Reports Of The City Administrator On The
Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And
Confirming The Recordation Of Liens With Administrative And Assessment Charges As
Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing
The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax
Collector For Collection; Or
(09-0073)
- 2) A Resolution Overruling Protests And Objections And Accepting And Confirming
Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For
Delinquent Garbage Service Fees And Authorizing The Recordation Of Liens With
Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of
The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment
Charges Be Turned Over To The County Tax Collector For Collection; Or
(09-0073-1)
- 3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On
Delinquent Garbage Service Fees And The Recordation Of Liens With Administrative
And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland
Municipal Code
(09-0073-2)
- 14.2 Subject: Delinquent Real Property Taxes - Public Hearing

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From: Finance and Management Agency

Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Real Property Transfer Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
(09-0075)

2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
(09-0075-1)

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Real Property Transfer Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code
(09-0075-2)

14.3 Subject: Dawit Mabrahtu - Appeal
From: Office of the City Administrator
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal Filed By Dawit Mebrahtu And Upholding The Administrative Hearing Officer's Decision To Deny The Application For A Permit To Operate A Cabaret Under The Name "Oasis" At 135 12th Street
(09-0225)

This item was rescheduled from the May 5, 2009 City Council Agenda

14.4 Subject: Planning Code Amendments- Specific Zone Restoration
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Interim Emergency Ordinance, Pursuant To Oakland City Charter Section 213, To Restore The R-90 Downtown Apartment Residential Zone, The C-51 Central Business Service Commercial Zone, And The C-55 Central Core Commercial Zone Back Into The Planning Code After Being Inadvertently Deleted During The Adoption Of The Central Business District Zones And Make Related Changes Throughout The Planning Code, For A Period Not To Exceed Two Years, Or Until Permanent Controls Are Adopted, Whichever Comes First, To Take Effect Immediately Upon Adoption. (6 Votes Required)

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For Adoption)
(09-0730)

**(PURSUANT TO CITY CHARTER SECTION 213 (EMERGENCY
ORDINANCE) THIS ITEM MAY BE INTRODUCED AND ADOPTED
AT THE SAME MEETING, REQUIRING 6 VOTES, UPON PASSAGE
ORDINANCE WILL BE DEEMED APPROVED)**

14.5 Subject: Central District Redevelopment Project Area Projects
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The
Following Pieces Of Legislation:

~~1) An Agency Resolution Authorizing A Contribution Of Redevelopment Agency Funds
To The City Of Oakland Under The Cooperation Agreement In An Amount Not To
Exceed \$908,000 For The Following Public Facility And Park Projects In The Central
District Redevelopment Project Area: Lincoln Square Park, Madison Square Park,
Malonga Casquelourd Center And Jefferson Square Park; And~~

~~(09-0676)~~

~~2) A City Resolution Accepting And Appropriating A Contribution Of Redevelopment
Agency Funds Under The Cooperation Agreement In An Amount Not To Exceed
\$908,000 For The Following Public Facility And Park Projects In The Central District
Redevelopment Project Area: Jefferson Square Park, Lincoln Square Park, And
Malonga Casquelourd Center For The Arts~~

~~(09-0676-1)~~

This item was rescheduled to the October 6, 2009 City Council Agenda

14.6 Subject: Purchase of Real Property - 1730 50th Avenue
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The
Following Pieces Of Legislation:

1) An Ordinance Authorizing The Purchase Of A Portion (664 Square Feet) Of Real
Property At 1730 50th Avenue, Oakland, From Oak Stock Group For \$47,500 Plus
Customary Real Estate Closing Costs, For Development As Additional Parking For Fire
Station 18 And Accepting A Contribution Of \$47,500, Plus Customary Real Estate
Closing Costs, From The Redevelopment Agency Under The Cooperation Agreement
For The Purchase Of The Property; And

(09-0753)

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

Final Passage (Second Reading) has been scheduled for October 6, 2009

2) An Agency Resolution Authorizing The Contribution Of \$47,500, Plus Customary

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency / City Council

Tuesday, September 22, 2009

Real Estate Closing Costs, From The Central City East Redevelopment Project Area, To
The City of Oakland Under The Cooperation Agreement For The Acquisition Of A
Portion Of 1730 50th Avenue
(09-0753-1)

**The September 15, 2009 Public Works Committee approved
recommendations; 3 Ayes, 1 Excused - Brooks**

S-14.7 Subject: Laundromat Moratorium
From: Vice Mayor Ignacio De La Fuente
Recommendation: Adopt An Emergency Ordinance, Pursuant To Charter Section 213,
Establishing Interim Controls Requiring A Major Conditional Use Permit For Nail
Salons And Self-Serve Laundromats In The City Of Oakland, To Take Effect
Immediately Upon Introduction And Adoption
(09-0748)

**The September 15, 2009 Community and Economic Development
Committee approved recommendations; 4 Ayes**

**(PURSUANT TO CITY CHARTER SECTION 213 (EMERGENCY
ORDINANCE) THIS ITEM MAY BE INTRODUCED AND ADOPTED
AT THE SAME MEETING, REQUIRING 6 VOTES, UPON PASSAGE
ORDINANCE WILL BE DEEMED APPROVED)**

ACTION ON NON-CONSENT ITEMS:

15 Subject: Parking Meters Operations And Fines
From: Councilmember Patricia Kernighan
Recommendation: Discussion And Action To Adopt An Ordinance Amending Oakland
Municipal Code Section 10.36.050 To Increase The Exempted Time Period For A
Parking Meter Zone violation by Changing The Start Time from 8:00 P.M. To 6:00 P.M.
(09-0770)

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

Final Passage (Second Reading) has been scheduled for October 6, 2009

16 Subject: Parking Enforcement Hours
From: Finance and Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Section 10.28 "Stopping,
Standing, And Parking Generally" To Add A Subsection Entitled "Three-Hour Parking
Between Certain Hours" To Allow For The Designation Certain Areas For Three-Hour
Parking Between 5 P.M. And 8 P.M.
(09-0744)

SUPPLEMENTAL

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

Final Passage (Second Reading) has been scheduled for October 6, 2009

2) A Resolution To Extend Enforcement Hours Of Preferential Residential Permit
Parking Program Areas By Two Hours To 8 P.M.(TITLE CHANGE)
(09-0744-1)

- 17 Subject: Public Works Agency Performance Audit
From: Office of the City Auditor
Recommendation: Receive An Update And Action On The Implementation Of The City
Auditor's Performance Audit Of The Public Works Agency Report Released on April 29,
2009(TITLE CHANGE)
(09-0230)
- 18 Subject: Whistleblower Program Report
From: Office of the City Auditor
Recommendation: Receive An Informational Report To City Council On The City
Auditor's Whistleblower Program
(09-0670)
- 19 Subject: Oakland Police Officers Association MOU - Amendments
From: Department of Human Resources Management
Recommendation: Adopt A Resolution Approving (1) Amendments To The
Memorandum Of Understanding ("MOU") Between The City Of Oakland And The
Oakland Police Officers' Association ("OPOA"), (2) Amendments To The MOU
Between The City Of Oakland Police Management Association ("OPMA"), (3) Sideletter
To OPOA MOU Regarding Patrol Officer Biweekly Schedule; And, (4) OPOA Vacation
Advancement Agreement (TITLE CHANGE)
(09-0745)
- 20 Subject: Chief Of Police - Compensation
From: Office of the City Administrator
Recommendation: Adopt A Resolution (1) Authorizing The City Administrator To
Approve An Initial Salary For The Position Of Chief Of Police That Exceeds The
Mid-Point Of The Salary Range, As Required By Ordinance No. 12918, In Addition To
The Incentives And Benefits Authorized By The Memorandum Of Understanding
Between The City And The Oakland Police Management Association; (2) Approving A
Three Year Term Of Employment Between The City And The Chief Of Police; (3)
Approving A Sick Leave Bank Of 480 Hours For The Chief Of Police; (4) Approving An
Additional Week Of Vacation Each Year And Awarding Vacation Leave At The
Commencement Of Employment, For The Chief Of Police, And (5) Approving A
Relocation Assistance Allowance In The Amount Of Ten Thousand Dollars (\$10,000)
(09-0778)

SUPPLEMENTAL

- 21 Discussion And Action On Potential Proposals To Obtain Grant Funds Provided Under The American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus Package")
[\(09-0188\)](#)
- 21.1 Subject: Stimulus Grant Applications
From: Office of the City Administrator
Recommendation: Receive An Informational Report On Grant Applications From The American Recovery And Reinvestment Act of 2009 (Federal Government's "Stimulus Package") Submitted During Council Recess
[\(09-0779\)](#)
- 21.2 Subject: Pathways Out Of Poverty Grant
From: Office of the City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept And Appropriate Grant Funds From The American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus Package") For Up To \$4 Million From The U.S. Department Of Labor's Pathways Out Of Poverty Grant For The Purpose Of Preparing Workers For Careers In Energy Efficiency And Renewable Energy Industries
[\(09-0780\)](#)
- 22 Subject: Commission On Persons With Disabilities Appointments
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Margarita Diaz, And Reappointing Lateef McLeod, Eugenie Barton, And Michael Moore As Members Of The Commission On Persons With Disabilities
[\(09-0772\)](#)
- 23 Subject: Oakland Housing Authority Appointments
From: Office of the Mayor
Recommendation: Adopt a Resolution Confirming The Mayor's Appointment Of Esther Purvis And Gregory Hartwig As Members Of The Oakland Housing Authority Board Of Commissioners
[\(09-0773\)](#)
- 24 Subject: Community Policing Advisory Board - Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Nancy Sidebotham As A Member Of The Community Policing Advisory Board
[\(09-0774\)](#)
- 25 Subject: Library Advisory Commission Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Jill Broadhurst And Sylvester Grisby And Reappointing Muhammad Alabi, Susanna Gilden, Genevieve Katz, And Thomas Manley As A Members Of The Library Advisory Commission
[\(09-0775\)](#)

SUPPLEMENTAL

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Tuesday, September 22, 2009

- 26 Subject: Measure Z Oversight Committee Appointments
 From: Office of the Mayor
 Recommendation: Adopt A Resolution Re-Appointing James Anthony, Leslie Bonett,
 Dale Gieringer, Richard Lee, Keith Stephenson, And Joseph Villatoro, And Appointing
 TC Everett As Members Of The Measure Z Community Oversight Committee, To
 'Oversee The Implementation Of The Oakland Cannabis Regulation And Revenue
 Ordinance'
 (09-0781)
- S-27 Subject: Travel Authorization - Councilmember Quan
 From: Councilmember Jean Quan
 Recommendation: Adopt A Resolution Authorizing Council Member Jean Quan To
 Travel To San Jose, CA On September 17-18, 2009 To Attend The 2009 League Of
 California Cities Annual Conference
 (09-0825)

**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-28 Subject: Residential Permit Parking - Expansion Of Area "A"
 From: Community and Economic Development Agency
 Recommendation: Adopt A Resolution Adding New Streets To Residential Permit
 Parking Areas "A" And "G" And Changing On-Street Parking Restictions In Those Areas
 As Follows: (1) Preferential Residential Permit Parking (PRPP) Program Area A Is
 Expanded To Include Clarke Street From 38th To 40th Street, Latimer Street From West
 Macarthur Boulevard To 38th Street, Ruby Street From West Macarthur Blvd. To 40th
 Street, Webster Street From 36th Street To 40th Street, Shafter Avenue From West
 Macarthur Boulevard To 40th Street, Opal Street From 38th Street To 40th Street,
 Manila Avenue From 38th Street To 40th Street, 36th Street From Telegraph Avenue To
 Webster Street, 37th Street From Telegraph Avenue To Webster Street, 38th Street From
 Telegraph Avenue To Manila Avenue, Rio Vista Avenue From Piedmont Avenue To
 Eairmont Avenue, Montel Street From Piedmont Avenue To Robley Terrace; And (2)
 Preferential Residential Permit Parking (PRPP) Program Area G Is Expanded To Include
 Warren Avenue From Piedmont Avenue To Richmond Boulevard, Croxton Avenue
 From Piedmont Avenue To Richmond Boulevard, Randwick Avenue From Piedmont
 Avenue To Richmond Boulevard, 30th Street From Broadway To Richmond Boulevard,
 Brook Street From Broadway To 30th Street, And Kempton Way From Fairmont Avenue
 To West Macarthur Blvd, And (3) General Street Parking Within The Foregoing
 Residential Permit Parking Permit Areas Shall Be Restricted To Two Hours, Monday
 Through Friday From 8:00 AM To 6:00 PM
 (09-0739)

**The September 15, 2009 Public Works Committee approved
recommendations and amended the resolution to give the option of
extending the end time to 8:00 PM or having it stay at 6:00 PM; 3 Ayes, 1
Excused - Brooks**

SUPPLEMENTAL

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

Tuesday, September 22, 2009

S-29 Subject: City Administrator's Purchasing Authority
 From: Council President Brunner
 Recommendation: Adopt An Ordinance Amending Ordinance No. 7937 C.M.S.,
 Adopted February 6, 1969, And Amendments Thereto, Codified At Oakland Municipal
 Code Title 2, Chapter 2.04, Purchasing System, Article I, Bidding, Contracting And
 Purchasing, To Decrease Amounts For Certain Purchases Requiring City Council
 Approval And Decrease The City Administrator's Authority For Certain Purchases
 ([09-0489](#))

**The September 15, 2009 Finance and Management Committee approved
recommendations; 4 Ayes**

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

Final Passage (Second Reading) has been scheduled for October 6, 2009

S-30 Subject: Hotel Tax Surcharge Funding Agreements
 From: Budget Office
 Recommendation: Adopt A Resolution Appropriating \$114,484 To The Cultural Arts
 And Marketing Division Of The Community And Economic Development Agency And
 \$115,050 To Non-Departmental From Measure C Proceeds, A Voter-Approved Initiative
 To Levy A Three Percent Surcharge On The City's Transient Occupancy Tax (Hotel Tax)
 ([09-0732](#))

**The September 15, 2009 Finance and Management Committee approved
recommendations and directed staff to comeback during the mid-cycle
budget to discuss a new date for the Art & Soul Festival. Staff was also
directed to talk to festival participants around the city to develop a process
so that community participants are judged against fair criteria to receive
funding; 4 Ayes**

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

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

Americans With Disabilities Act

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

Office of the City Clerk - Agenda Management Unit

SUPPLEMENTAL

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

Tuesday, September 22, 2009

Phone: (510) 238-3226

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 839-6451

(TTD)

THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR
OVER THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO
ENSURE THE SAFETY OF THOSE ATTENDING MEETINGS.

(...)

**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