



SUPPLEMENTAL

City of Oakland

Meeting Agenda

Concurrent Meeting of the Oakland Redevelopment Agency / City Council

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

Tuesday, February 15, 2011

5:30 PM

Oakland City Hall, 3rd Floor

- 1 Pledge of Allegiance
- 2 Roll Call / ORA & Council
COUNCIL MEMBERS: Jane Brunner, Dist. 1; Patricia Kernighan, Dist. 2; Nadel, Dist. 3; Libby Schaaf, Dist. 4; Ignacio De La Fuente, Dist. 5; Desley Brooks, Dist. 6; Rebecca Kaplan, At-Large, and President Larry Reid, Dist. 7
- 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: American Heart Month
From: Council President Larry Reid
Recommendation: Adopt A Resolution Proclaiming The Month Of February 2011 As "American Heart Month" For Oakland
[\(10-0388\)](#)
 - S-4.2 Subject: Teen Dating Violence Awareness And Prevention Month
From: Mayor Jean Quan
Recommendation: Adopt A Resolution Proclaiming The Month Of February 2011 As Teen Dating Violence Awareness And Prevention Month
[\(10-0416\)](#)
- 5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF February 1, 2011
- 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

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Crisis With Regard To The AIDS Epidemic
(10-0374)

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
(10-0375)

7.3-CC Subject: Landmarks Preservation Advisory Board Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Thomas Biggs, Anna Naruta And Daniel Schulman As Members Of The Landmarks
Preservation Advisory Board
(10-0370)

7.4-CC Subject: Budget Advisory Committee Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Bruce
Nye To The Budget Advisory Committee
(10-0371)

7.5-CC Subject: Children's Fairyland Board Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Karen
Boyd And Nashwa Enam To The Children's Fairyland Board
(10-0372)

7.6-CC Subject: Police And Fire Retirement Board Appointment
From: Mayor Jean Quan
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of The
Director Of The Finance And Management Agency To Serve In The Mayor's Place And
Stead As A Member Of The Police And Fire Retirement Board
(10-0379)

7.7-CC Subject: Small Business Symposium Grant- Pay-Go Funds
From: Council President Larry Reid
Recommendation: Adopt A Resolution Authorizing A Grant Of \$26,595.68 From
Council President Larry Reid's Pay-Go Funds To The Oakland Business Development
Corporation For Expenses Incurred In Conducting The Small Business Symposium Held
On May 28, 2010
(10-0389)

7.8-CC Subject: Opposition to Governor's Medi-Cal Programs
From: Councilmember Kernighan
Recommendation: Adopt A Resolution Declaring The City Of Oakland's Opposition To
Governor Jerry Brown's Proposal To Eliminate The Medi-Cal Adult Day Health Care

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Program From The State Budget And Urging The Governor And State Legislature To
Maintain Funding Of The Adult Day Health Care Program
[\(10-0393\)](#)

7.9-CC Subject: Children's Fairyland Board Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Georgia Richardson To The Children's Fairyland Board
[\(10-0399\)](#)

7.10-CC Subject: Commission On Aging Appoinments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Karen
Smulevitz And Donna Griggs As Members Of The Commission On Aging
[\(10-0394\)](#)

7.11-CC Subject: Landmarks Preservation Advisory Board Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Mary
E. MacDonald As Member Of The Landmarks Preservation Advisory Board
[\(10-0395\)](#)

7.12-CC Subject: Parks And Recreation Advisory Commission Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Wade
Finlinson To The Parks And Recreation Advisory Commission
[\(10-0396\)](#)

7.13-CC Subject: Housing, Residential Rent And Relocation Board Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Michael Bowie And Gregory Minor To The Housing, Residential Rent And Relocation
Board
[\(10-0397\)](#)

7.14-CC Subject: Library Advisory Commisssion Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Carolyn Mixon And Steve G. Tidrick As Members Of The Library Advisory Commission
[\(10-0398\)](#)

7.15-CC Subject: Settle The Case Of Frederick J. Gums
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Frederick J. Gums V. City Of Oakland, Et AL.,
United States District Court No. C-09-05536-EDL, City Attorney File No. 27196 In The
Amount Of \$7,500.00 (Police Department)
[\(10-0406\)](#)

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- 7.16-CC Subject: 2004 Audit And Program Status Report
From: Finance and Management Agency
Recommendation: Receive An Informational Report Presenting The Measure Y -
Violence Prevention and Public Safety Act Of 2004 Audit And Program Status Report
(10-0279)
- 7.17-CC Subject: 2009-2010 Comprehensive Annual Financial Report
From: Finance And Management Agency
Recommendation: Receive An Informational Report Presenting The City's Fiscal Year
2009-2010 Comprehensive Annual Financial Report (CAFR) And The Oakland
Redevelopment Agency (ORA) Audit Report, And The Management Letter
(10-0280)
- 7.18-CC Subject: Wildfire Prevention Assessment District Audit Report
From: Finance And Management Agency
Recommendation: Receive An Informational Report Presenting The Oakland Wildfire
Prevention Assessment District Audit Report
(10-0281)
- 7.19-CC Subject: San Francisco Bay Regional Water Board - Settlement
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Administrative Civil Liability Complaint No. R2-2009-0078
("ACL") Brought By The San Francisco Bay Regional Water Board ("Regional Water
Board") Against The City Of Oakland In The Amount Of \$280,000.00 In Fines And
Costs Plus Up To \$20,000 To Be Paid To The San Francisco Estuary Partnership For
Monitoring Of The City's Separate Environmental Project ("SEP") Which SEP Is A
Condition Of The Settlement (Public Works Agency)
(10-0403)
- 7.20-CC Subject: Settlement Of Save Mart Supermarkets V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Approving Settlement Of Save Mart
Supermarkets V. City Of Oakland (Alameda Superior Court Case No. RG10514461), By
Permitting The City To Retain Transfer Taxes, Penalties And Interest In The Amount Of
\$553,764.61 In Exchange For Plaintiff's Dismissal Of Lawsuit Challenging Imposition
Of The Transfer Taxes, Penalties And Interest And The City's Waiver Of Claims To
Additional Payments From Save Mart (Finance And Management Agency; Real Property
Transfer Taxes)
(10-0404)
- 7.21-CC Subject: The Writ Petitions Of Family Bridges - Settlement
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Writ Petitions Of Family Bridges, Et Al. V. Dan Lindheim,
And The City Of Oakland, Alameda County Superior Court Case No. RG08409445, Our
File No. X03237 And Echo Et Al. V. City Of Oakland, Et Al., Alameda County Superior

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Court Case No. RG08409443, Our File No. X03238 By Entering Into A Settlement Agreement And Paying Attorneys' Fees In The Amount Of Four Hundred Thousand Dollars (\$400,000) (City Administrator)
[\(10-0405\)](#)

7.22 Subject: Stipulated Order For Preliminary Relief
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Approving The Stipulated Order For Preliminary Relief And The Payment Of \$10,000.00 In Attorney's Fees And Costs To The San Francisco Bay Keeper, Intervenor, Plaintiff, In The Case Of United States. Et Al. Vs. The City Of Alameda, Et
[\(10-0407\)](#)

S-7.23-CC Subject: Purchase For Redevelopment - 8280 MacArthur
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 8280 Macarthur Boulevard In The Central City East Redevelopment Project Area From Yan Li Liang For \$230,000.00, Less The Cost Of Any Environmental Site Remediation, And Authorizing Up To \$15,000 For Real Estate Closing Costs, And \$50,000 For Demolition Costs
[\(10-0305\)](#)

The February 8, 2011 Community and Economic Development Committee approved recommendations; 4 Ayes

S-7.24-CC Subject: 2006 Affordable Housing Bond Fund
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Allocating Up To \$92,000 From The Agency's 2006 Affordable Housing Bond Fund To Pay Liability Insurance Premiums For Seven Affordable Rental Properties In Oakland
[\(10-0272\)](#)

The February 8, 2011 Community and Economic Development Committee approved recommendations and directed staff to provide in a supplemental report a list of the remaining existing regulatory terms; 3 Ayes; 1 Excused - De La Fuente

S-7.25-CC Subject: Amending OMC 9.08.260
From: Councilmember Kernighan
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Section 9.08.260 To (1) Prohibit The Sexual Exploitation Of Women And Children, (2) Prohibit Business Owners From Allowing Prostitution On Their Property, (3) Declare Prostitution Related Offenses Local Crimes, And (4) Clarify Terms Related To Prostitution Offenses
[\(10-0349\)](#)

S-7.26-CC Subject: Declaring Vehicles A Public Nuisance
From: Councilmember Kernighan
Recommendation: Adopt An Ordinance Adding Chapter 9.56 To The Oakland

SUPPLEMENTAL

Municipal Code, Declaring Vehicles A Public Nuisance And Authorizing Impoundment Of Such Vehicles When They Are Used To Solicit An Act Of Prostitution, For Pandering, Pimping, Or Illegal Dumping
(10-0349-1)

**The February 8, 2011 Public Safety Committee approved
recommendations; 4 Ayes**

S-7.27-CC Subject: Purchase Of Protective Clothing - OFD
From: Oakland Fire Department
Recommendation: Adopt Resolution: 1) Authorizing The Acceptance And Appropriation Of Grant Funds From The U.S. Department Of Homeland Security's Federal Emergency Management Agency (FEMA) Assistance To Firefighters Grant Program For The Period Of December 17, 2010 To December 16, 2011 In The Amount Of Two Hundred Seventy-Two Thousand Dollars (\$272,000) For The Purchase Of Firefighter Protective Clothing And 2) Waiving Advertising And Increasing The Amount Of The Existing Term Agreement With All Star Fire Equipment Inc. By Three Hundred Forty Thousand Dollars (\$340,000) To Purchase Additional Firefighter Protective Clothing For A New Total Amount Not To Exceed One Million, Four Hundred Forty-Seven Thousand, Eight Hundred Forty Eight Dollars (\$1,447,848)
(10-0360)

**The February 8, 2011 Public Safety Committee approved
recommendations; 4 Ayes**

S-7.28-CC Subject: 2010 COPS Technology Grant Program
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept Grant Funds In An Amount Not To Exceed Two Hundred And Fifty Thousand Dollars (\$250,000) From The U.S. Department Of Justice, Office Of Community Oriented Policing Services (USDOJ/COPS), Fiscal Year 2010 COPS Technology Grant Program, For Implementation Of The Automatic Vehicle Licensing (AVL) And Global Positioning System (GPS) Programs, And Appropriate Said Funds To The Police Department
(10-0300)

**The February 8, 2011 Public Safety Committee approved
recommendations; 4 Ayes**

S-7.29-CC Subject: Electronic Data Transfer Services
From: Oakland Police Department
Recommendation: Adopt Resolution Authorizing The City Administrator Or His Designee, On Behalf Of The City Of Oakland To 1) Waive The Competitive Request For Proposals (RFP) Process, And 2) Enter Into A Contract With Leadsonline For The Period Of July 1, 2010 Through June 30, 2011, Plus Two One-Year Extension Options, In An Amount Not To Exceed Thirty-Two Thousand Two Hundred Forty-Two Dollars (\$32,242) Annually For Providing Electronic Data Transfer Services
(10-0301)

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**The February 8, 2011 Public Safety Committee approved
recommendations; 4 Ayes**

- 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: Telecommunication Use In HBX Zones
From: Council President Brunner
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An
Ordinance, Recommended By The Planning Commission, To: (A) Designate Micro And
Mini Telecommunications Facilities As Conditionally Permitted In All HBX
(Housing-Business Mix) Zones; (B) Amend Zoning Code Section 17.134.020(A) To
Require The Major Conditional Use Permit Procedure For Telecommunications Facilities
In All HBX Zones; (C) Amend Zoning Code Section 17.128.110 To Require The Site
Alternatives Analysis Procedure For Certain Telecommunications Facilities In The HBX
Zones; (D) Add New Zoning Code Section 17.128.025 To Clarify That A Major
Conditional Use Permit Is Required For Telecom Facilities Locating In Close Proximity
To Both Residential And HBX Zones; And (E) Make Other Non-Substantive Changes To
The Zoning Code As Necessary For Clarity To Enact This Regulation
(10-0216)

**The February 8, 2011 Community and Economic Development Committee
approved recommendations and as part of the expanded continuing
discussion, staff will schedule through Rules a new report for a future
committee that will include: The policy of concentrating the location of cell
antennas and consider dispersing the zones; 3 Ayes, 1 Excused - De La
Fuente**

**ACTION ON THIS ITEM WILL RESULT IN AN INTRODUCTION
(First Reading) OF THE ORDINANCE**

Final Passage (Second Reading) is scheduled for March 1, 2011

- 9.2 Subject: General Plan Land Use Diagram
From: Community And Economic Development Agency
Recommendation: ~~Adopt A Resolution To Correct, Refine And Clarify The General Plan
Land Use Diagram To Generally Reflect Existing Land Use, And Conform To The Intent
Of The Previously Adopted General Plan.~~
(10-0297)

This item was withdrawn at the February 10, 2011 Rules and Legislation

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Committee meeting.

- 9.3 Subject: ~~Commercial And Residential Zoning Amendments~~
From: ~~Community And Economic Development Agency~~
Recommendation: ~~Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, Recommended By The Planning Commission, To: (A) Amend The Oakland Planning Code To Create New Zones For The City's Commercial And Residential Areas And Make Related Text Amendments; (B) Amend The Zoning Maps To Include The New Commercial And Residential Zones; (C) Amend The Zoning Maps To Include Height Areas For The New Commercial Zones And Other New Zones On The City's Major Transportation Corridors; And (D) Amend The Document "Guidelines For Determining Project Conformity With The General Plan And Zoning Regulations" To Reflect The Above Changes.~~

~~(10-0306)~~

This item was withdrawn at the February 10, 2011 Rules and Legislation Committee meeting.

- 9.4 Subject: Combining Zone Regulations
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance To 1) Extend The Broadway Retail Frontage Interim Combining Zone Regulations In Oakland Planning Code Chapter 17.101c Through February 15, 2013 Or Until City Council Adoption Of The Broadway/Valdez District Specific Plan, Whichever Comes First; And 2) Make Changes To The D-BR Zone Text, Including The D-BR Zone May Be Combined With Any Other Zone, Not Just A Commercial Zone, As Recommended By The City Planning Commission. The D-BR Zone Is Currently Located From 23rd St. In The South; Highway 580 In The North; Webster St. And Lots On Or Near Broadway In The West; And Brook St., Portions Of -Valdez St., 27th, And Harrison St, In The East
(10-0246)

**ACTION ON THIS ITEM WILL RESULT IN AN INTRODUCTION
(First Reading) OF THE ORDINANCE**

Final Passage (Second Reading) is scheduled for March 1, 2011

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 10 Number intentionally not used
- 11 Subject: Mentoring Programs
From: Offices of the Mayor And The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Enter Into Periodic Agreements With The Oakland Unified School District (OUSD) Internship Program And The East Bay Regional Occupational Program (EBROP) To Provide Mentoring Programs Through The Office Of The City Administrator (OCA), Oakland Fire Department (OFD), The Public Works Agency (PWA), And The Office Of Parks & Recreation (OPR) And Any Other City

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Agencies/Departments That Join The Program, For Youth Ages 14-20 Years
(10-0386)

- 12 Subject: R.M. Harris Contract - Award
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To R.M. Harris Company, The Lowest, Responsive, Responsible Bidder, For The Seismic Retrofit Of Park Boulevard Viaducts (Project No. C346910), In The Amount Of One Million Six Hundred Nineteen Thousand One Hundred Eighty-Four Dollars (\$1,619,184.00)
(10-0400)

- S-13 Subject: Sustainable Communities Strategy (SCS)
From: Community And Economic Development Agency
Recommendation: Receive An Informational Report To Provide An Overview Of The Association Of Bay Area Government's And Metropolitan Transportation Commission's Process For Development Of Sustainable Communities Strategy (SCS) Pursuant To Senate Bill 375 And Its Relationship To Local Land Use Policies, Implementation Needs And Quality Of Life, Including Key Policy Considerations For The City Of Oakland
(10-0332)

The February 8, 2011 Community and Economic Development Committee approved recommendations and directed staff to provide in a supplemental report the following: 1) Ask Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) to work with elected officials to verify that monies exist and that staff is creating their vision, 2) make sure that housing numbers are tied to infrastructure monies; 3) connect the effort to jobs, and 4) make housing numbers more realistic.; 3 Ayes, 1 Excused - De La Fuente

- S-14 Subject: Tiger II Planning Grant Funds
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Accepting And Appropriating \$2,000,000 Of Transportation Investment Generating Economic Recovery (TIGER) II Planning Grant Funds From The United States Department Of Transportation For The Oakland Army Base Infrastructure Master Plan And The West Oakland Area Plan, And Appropriating Up To \$3,010,000 From The Oakland Army Base Joint Infrastructure Development Fund (9572), Up To \$90,000 From The Oakland Army Base Operations Fund (9570), And Up To \$310,000 From The West Oakland Operations Fund (9590) As Matching Funds
(10-0273)

The February 8, 2011 Community and Economic Development Committee approved recommendations and directed staff to provide additional information explaining what percentage of this development is on city land and what percentage is on Port of Oakland's property; 2 Ayes, 1 Abstain - Brunner; 1 Excused - De La Fuente

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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)

Americans With Disabilities Act

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Office of the City Clerk - Agenda Management Unit

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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
City Clerk and
Clerk of the Council**