



**City of Oakland
Redevelopment Agency / City Council
Legislative Calendar**

ALL MEETINGS ARE HELD IN CITY HALL
ONE FRANK H. OGAWA PLAZA, OAKLAND, CA

Office of the City Clerk
City Hall
1 Frank Ogawa Plaza
Oakland, CA 94612
Ceda Floyd, City Clerk

DRAFT

Date	Time	Meeting Body	Meeting Location
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FOR THE WEEK OF NOVEMBER 17, 2003

11/18/2003	4:00 P.M.	Closed Session	Hearing Room Four 2 nd Floor
		<u>Oakland Redevelopment Agency / City Council</u>	
	6:00 P.M.	Ceremonial presentations and consent items	Council Chambers
	7:00 P.M.	Items requiring discussion (non-consent)	3 rd Floor
11/20/2003	10:30 A.M.	*Rules and Legislation Committee	Council Chambers 3 rd Floor

UPCOMING MEETINGS for Council Committees:

11/25/2003	1:00 P.M.	*Public Works Committee	CANCELLED
11/25/2003	2:30 P.M.	*Finance & Management Committee	CANCELLED
11/25/2003	4:00 P.M.	*Community and Economic Development Committee	CANCELLED
11/25/2003	6:00 P.M.	*Life Enrichment Committee	CANCELLED
11/25/2003	7:30 P.M.	*Public Safety Committee	CANCELLED
11/27/2003	10:30 A.M.	*Rules and Legislation Committee	CANCELLED

ALL NOVEMBER 25 and 27, 2003 COMMITTEE MEETINGS CANCELLED DUE TO THANKSGIVING RECESS

** In the event that a quorum of the City Council participates on this Committee, the meeting is noticed as a Special Meeting of the City Council; however, no final City actions can be taken.*

City of Oakland

This document is provided as a courtesy only and is not an official notice as prescribed by Local and State laws. Please refer to the published Meeting Agendas for official noticing information.

**7
Rules
11-6-03**



City of Oakland
Meeting Agenda

DRAFT

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
Ceda Floyd, 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, November 18, 2003

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.

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.

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; Danny Wan, Dist. 2; Vice Mayor Nancy Nadel, Dist. 3; Jean Quan, Dist. 4; Desley Brooks, Dist. 6; 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")
- 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 November 4, 2003

8. Presentation of Ceremonial Matters

- 8.1 Subject: Jamie R. Smith
From: Office of the City Attorney
Recommendation: Adopt a Resolution recognizing the achievements of Executive Assistant to City Attorney Jamie R. Smith and her dedicated years of service to the Office of the City Attorney and the City of Oakland (03-0259)

9. Council Acknowledgements / Announcements

10. CONSENT CALENDAR (CC) ITEMS:

The following Consent Calendar items are considered to be routine and will be acted upon by one motion of the City Council, unless a member of the public or a Councilmember requests the opportunity to speak on an item noticed. (CC)

- 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 (03-0297)
- 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 (03-0298)
- 10.3 CC Subject: Leon McDaniels - 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 Leon McDaniels v. City of Oakland, et al., United States District Court Case No. C01-2615 MEJ, our File No. 21135, in the amount of \$14,000.00 as a result of excess force (03-0282)
- 10.4 CC Subject: Eula McClure- 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 Eula McClure v. City of Oakland, Alameda County Superior Court No. 2001-012670, our File No. 20722, a personal injury case in the amount of \$45,000.00; McClure's vehicle was rear-ended by a patrol car while traveling on Interstate 580 East(Oakland Police Department) (03-0283)
- 10.5 CC Subject: Jean Rubsamen - Housing, Residential Rent and Relocation Board
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Jean Rubsamen as a member of the Housing, Residential Rent and Relocation Board (03-0295)

10.6 CC Subject: Hillery Bolt Trippe - Housing, Residential Rent and Relocation Board
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Hillery Bolt Trippe as a member of the Housing, Residential Rent and Relocation Board (03-0296)

10.7 CC Subject: 2004 Oakland Municipal Nominating Election
From: Office of the City Clerk
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance establishing the date of the City of Oakland Municipal Nominating Election as Tuesday, March 2, 2004 to conform with the Statewide Primary Election (03-0249a-fp)

Introduction (First Reading) was approved on November 4, 2003; Vote Count 8 Ayes

10.8 CC Subject: Business Tax Board Of Review
From: Office of the City Attorney
Recommendation: Approve Final Passage (Second Reading) of an Ordinance amending Chapter 5.04 of the Oakland Municipal Code to remove the City Attorney as a member of the Business Tax Board of Review and provide that the City Manager shall select an employee of the City to serve as a member of the Business Tax Board Of Review (03-0083-fp)

Introduction (First Reading) was approved on November 4, 2003; Vote Count 8 Ayes

10.9 CC Subject: Gross Rental Receipts
From: Finance and Management Agency
Recommendation: Approve the Final Passage (Second Reading) an Ordinance rescinding Section 5.04.450 of the Oakland Municipal Code to allow taxpayers to report gross rental receipts separately for the purpose of paying the annual business tax (03-0177-fp)

Introduction (First Reading) was approved on November 4, 2003; Vote Count 8 Ayes

10.10 CC Subject: Sale of Real Property - 1072 55th Street
From: Community and Economic Development Agency
Recommendation: Approve Final Passage (Second Reading) of an Ordinance authorizing the sale of the property at 1072 55th Street to the Redevelopment Agency for \$415,000.00 (03-0208a-fp)

Introduction (First Reading) was approved on November 4, 2003; Vote Count 8 Ayes

10.11 CC Subject: West Oakland Redevelopment Plan
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance approving and adopting the Redevelopment Plan for the West Oakland Redevelopment Project (003234-1f-fp)

Introduction (First Reading) was approved on November 4, 2003; Vote Count 8 Ayes

10.12 CC Subject: Secondary Units - Planning Code Amendment
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending the Oakland Planning Code to modify the minimum street pavement width requirements provided by Ordinance 12501 C.M.S. related to standards for Secondary Units (03-0141-fp)

Introduction (First Reading) was approved on November 4, 2003; Vote Count 7 Ayes; 1 Abstain-Brooks

10.13 CC Subject: Creation of Special Assessment Districts
From: Oakland Fire Department
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance establishing procedures for the creation of special assessment districts to fund services and programs for fire suppression, prevention and preparedness within designated areas of the City Of Oakland (03-0148a-fp)

Introduction (First Reading) was approved on November 4, 2003; Vote Count 8 Ayes

10.14 CC Subject: City owned surplus properties
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance authorizing the City Manager to enter into purchase and sales agreements for the sale of eight City owned surplus properties from the public auction conducted on October 3, 2003 to the following high bidders: (3-APN 044-4989-006 for \$227,000) Oakland Community Housing, Inc.; (4-APN 048-6854-002-06 and 5-APN 048-6854-003-02 for \$100,000, 7-APN 048-6818-001-01 for \$135,000) Hirst Shafer Construction and Development, Inc.; (6-APN 048-6869-007 for \$240,000) Amelia Lim; (8-APN 048D-7302-059 for \$81,000) Henry Hernandez; and (11-APN 048H-7606-051-04 for \$455,000) Traci Ann McKnight (TITLE CHANGE) (03-0223-fp)

Revised Recommendation: The Ordinance was approved as amended to remove the following surplus properties (1 APN 045-5304-057-02, 056 for \$140,000) Jeff Ku; (9-APN 048D-7303-067 for \$50,000 and 10-APN 048D-7303-068 for \$50,000) Wayne Huey.

Introduction (First Reading) was approved on November 4, 2003; Vote Count 6 Ayes; 1 No-Chang; 1 Abstain-Brunner

10.15 CC Subject: COBRA v. City And County Of San Francisco
From: Office of the City Attorney
Recommendation: Adopt a Resolution authorizing the City Of Oakland to file an amicus brief in the appellate proceedings involving Cobra V. City and County Of San Francisco (03-0271)

10.16 CC Subject: Shop Oakland Parking Program
From: Community and Economic Development Agency
Recommendation: Approve Recommendation requesting authorization of free three-hour parking at designated meters and free parking at City parking garages during the 2003 holiday season (03-0116)

The October 28, 2003, Finance and Management Committee approved recommendation with direction to staff to conduct a survey measuring the impact of the free parking campaign and return in six months to Committee; 4 Ayes.

This item was withdrawn and rescheduled from the November 4, 2003 City Council meeting.

10.17 CC Subject: Shop Oakland Parking Program
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution authorizing free three-hour parking at designated meters and free parking at City parking garages during the 2003 Shop Oakland Holiday Season (03-0276)

Items 10.16 CC and 10.17 CC are related.

10.18 CC Subject: Spanish Speaking Unity Council - Union Point Park
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate a contribution of two million seven hundred seventy-five thousand (\$2,775,000) from the Spanish Speaking Unity Council (Unity Council) towards the design and development of the Union Point Park project, and to negotiate and execute a contract with Unity Council in an amount not-to-exceed two million one hundred thousand dollars (\$2,100,000) for project management and design services to implement the design and oversee the development of said Park project with a total project budget of eight million six hundred eighty-four thousand dollars (\$8,684,000) (03-0203)

The October 28, 2003 Life Enrichment Committee approved recommendations; 4 Ayes

**COMMENCING AT 7:00 P.M. OR AS SOON AS REASONABLY PRACTICAL
THEREAFTER:**

- 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 to the Sunshine Ordinance
- 13 Reconsideration of Ordinances pursuant to Charter Section 216

14. Consideration of items with statutory Public Hearing Requirements:

- 14.1 Subject: Planning Commission Appeal -436 Oakland Avenue - Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Public Hearing and upon conclusion Adopt a Resolution denying the and sustaining the decision of the City Planning Commission in approving the application for a major variance to construct a six unit residential project located at 436 Oakland Avenue (03-0272)
- 14.2 Subject: Planning Commission Appeal - 1144 12th Street - Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Public Hearing and upon conclusion Adopt a Resolution denying the appeal and affirming the Planning Commission approval of a Major Conditional Use Permit (CMV03-207) for a clean and sober facility located at 1144 12th Street, Oakland (03-0267)
- 14.3 Subject: Planning Commission Appeal - 160 14th Street - Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Public Hearing and upon conclusion Adopt a Resolution denying the appeal of the Planning Commission's approval to construct a conditional use permit, variance, and design review application for Affordable Housing Associates to build and an eight story building to contain ground floor commercial space, a "service enriched" housing facility, and 76 affordable housing units located at 160 14th Street (03-0171)
- 14.4 Subject: Planning Commission Appeal - 4822 Telegraph Avenue - Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Public Hearing and upon conclusion Adopt a Resolution denying the appeal and sustaining the decision of the Planning Commission to approval of a Major Variance to conduct Alcoholic Beverage Sales Commercial Activity, Case File Number VM03-182, located at 4822 Telegraph Avenue, Jack Cicala applicant (03-0215)
- 14.5 Subject: Planning Commission Appeal - 4690 Tompkins - Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Continued Public Hearing and upon conclusion adopt a Resolution denying the appeal and sustaining the decision of the City Planning Commission in approving the application for a major Conditional Use Permit to convert an existing rest home facility into a twenty-seven unit residential project located at 4690 Tompkins Avenue, Oakland (03-0120)

This item was withdrawn and reschedule from the September 30, 2003 City Council meeting.

14.6 Subject: Oakland Zoning Code Amendment - Public Hearing
From: Community and Economic Development Agency
Recommendation: Adopt the following legislation regarding an amendment to the Transit Oriented Zone:

1) Approve the Introduction (First Reading) of an Ordinance amending Chapter 17.100 (S-15, Transit Oriented Zone) of the Oakland Zoning Code to conditionally permit auto fee parking, and (03-0092a-int)

Final Passage (Second Reading) has been scheduled for December 2, 2003

2) Adopt a Resolution changing the General Plan designation of 1357 5th Street (land bounded by 5th Street, I-880, and Mandela Parkway) from Business Mix to Community Commercial (03-0092b)

The October 28, 2003 Community and Economic Development Committee approved recommendations; 4 Ayes.

15. ACTION ON NON-CONSENT ITEMS:

16 Subject: Clear Channel Billboard Relocation Agreement
From: Community and Economic Development Agency
Recommendation: A Continued discussion to Adopt a Resolution authorizing the City Manater to enter into a Billboard Relocation Agreement with Clear Channel Outdoor Inc. to waive its rights to compensation, including all real property and personal property interests for a number of billboards at various locations in exchange for the reconstruction of an existing billboard at 743 High Street, a new billboard at 3425 Ettie Street, and the commitment of Clear Channel Outdoor, Inc. to retain its office and operational facilities in the City of Oakland for a minimum period of ten years, and a one time contribution of \$100,000 to the General Fund (TITLE CHANGE) (03-0124a)

This item was continued from the October 21, 2003 City Council meeting.

17 Subject: Proposition 40 Projects
From: Public Works Agency
Recommendations: A Continued discussion to Approve the following legislation:

1) Adopt a Resolution authorizing the application, acceptance and appropriation of grant funds for the Murray-Hayden Program from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 for the following projects: The Main Library Children's Courtyard in the amount of one hundred forty-six thousand dollars (\$146,000.00); Raimondi Field in the amount of five hundred thousand dollars (\$500,000.00); and, Peralta Hacienda Historic Park in the amount of five hundred thousand dollars (\$500,000.00), and (002431-2c)

2) Adopt a Resolution authorizing the application, acceptance and appropriation of grant funds for the Urban Park Act of 2001 Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 for the following projects: East Oakland Sports Complex in the amount of three million dollars (\$3,000,000.00); and The Cryer Site Conversion to a Community Center in the amount of three million dollars (\$3,000,000.00) (TITLE CHANGE) (002431-2d)

This item was continued from the October 21, 2003 City Council meeting.

- 16 Subject: Discrimination Based on Sexual Orientation
From: Vice Mayor Nadel; Councilmembers Wan and Quan
Recommendation: Approve the Introduction (First Reading) of an Ordinance updating language in the City Of Oakland's Municipal Code Chapter 9.44 discrimination based on sexual orientation and amending Section 9.44.010 definitions to include discrimination based on gender identity or expression and Section 9.44.020 unlawful practices to allow the use of restroom facilities consistent with a person's gender identity (03-0045)

Final Passage (Second Reading) has been scheduled for December 2, 2003

This item was withdrawn and rescheduled from the November 4, 2003 City Council meeting.

- 17 Subject: Measure X Limited Charter Review Committee Recommendations
From: Measure X Limited Charter Review Committee
Recommendation: Approve a Report regarding a Resolution for the Council's consideration reflecting Charter amendments prepared by San Francisco City Attorney's Office that reflect the Measure X Limited Charter Review Committee and City Councilmembers recommendations regarding (A) Balance of Powers among Branches of Government, (B) the Elected City Attorney, (C) Setting Pay for Elected Officials, (D) Term Limits for Elected Officials, (E) Mayor's Attendance at Council Meetings, (F) Number of Councilmembers and At-Large Representatives, (G) City Council Structure and Procedures; and (H) Role of the City Manager and (I) determining whether said Charter amendment shall appear on the March 2, 2004 or November 2, 2004 Ballot (TITLE CHANGE) (003833-1)

This item was continued from the November 4, 2003 City Council meeting.

- 18 Subject: Fox Theater Restoration
From: Community and Economic Development Agency
Recommendation: Adopt an Agency Resolution authorizing the Agency Administrator to negotiate and execute an Exclusive Negotiation Agreement with Fox Theater 1 Corporation, to develop the Fox Theater and attached wrap-around buildings into a performing arts center and home for the Oakland School for the Arts, and authorizing the expenditure of up to eight hundred thousand dollars (\$800,000.00) for testing, design, cleanup and related work during the exclusive negotiating period (03-0054)

This item was continued from the November 4, 2003 City Council meeting

19 Subject: Jack London Redevelopment
From: Community and Economic Development Agency
Recommendation: Receive Informational Report regarding the status on the proposed Jack London Redevelopment Project and provide direction on the preliminary consideration of major deal points for inclusion in the requested development agreement (03-0210)

The October 28, 2003 Community and Economic Development Committee Received and Forwarded this informational report; 4 Ayes.

20 Subject: Infiniti Automobile Dealership
From: Community and Economic Development Agency
Recommendation: Adopt an Agency Resolution rescinding Resolution Number 2003-70, adopted on September 30, 2003, and adopting a mitigated negative declaration and authorizing the sale of approximately 4.35 acres of real property located on Oakport Street near Hassler Way for \$3,318,047 to, and authorizing the negotiation and execution of, a Disposition and Development Agreement with, Hendrick Automotive Group for the development of an Infiniti automobile dealership (003832-2)

20.1 Subject: Infiniti Automobile Dealership - Impartial Financial Analysis
From: Office of the City Auditor (003832-2-ca)

21 Subject: Check Cashing Facilities
From: President De La Fuente
Recommendation: Adopt an urgency measure regarding an interim Ordinance pursuant to government code section 65858 imposing a moratorium on check cashing facilities (03-0262)

(PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858, INTRODUCTION AND ADOPTION OF THIS ORDINANCE REQUIRES A VOTE OF 4/5 OF THE MEMBERS (7 AFFIRMATIVE VOTES). THIS ORDINANCE IS INTRODUCED AND ADOPTED AT THE SAME MEETING AND IT IS IN EFFECT IMMEDIATELY FOR A 45 DAY PERIOD UPON ADOPTION.)

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

Phone: (510) 238-7370

Fax: (510) 238-6699

Recorded Agenda (510) 238-2386

Telecommunications Display Device: (510) 839-6451 (TDD)

CEDA FLOYD

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

ORA - Oakland Redevelopment Agency
S - Supplemental Item



City of Oakland Meeting Agenda **DRAFT**

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Ceda Floyd, City Clerk

*Rules & Legislation Committee

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

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

Thursday, November 20, 2003

10:30 AM

City Council Chambers - 3rd Floor

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Roll Call / Call to Order

COMMITTEE MEMBERSHIP:

Danny Wan, Dist. 1; Larry Reid, Dist 7; Henry Chang, Jr., At-Large; and Chairperson Ignacio De La Fuente, Dist. 5

- 1 Closed Session
- 2 Approval of the Draft Minutes from the Committee meeting of November 20, 2003
- 3 Determination of Schedule of Outstanding Committee Items
- 4 Scheduling of Agenda Items
- 5 A review of the Council Committees' actions and determination of scheduling to the ORA/City Council meeting
- 6 A review of the Supplemental Agenda for the Council Committees for the meetings of November 25, 2003 and November 27, 2003. (ALL NOVEMBER 25 and 27, 2003 COMMITTEE MEETINGS CANCELLED DUE TO THANKSGIVING RECESS)
- 7 A review of the Agenda for the Concurrent Meeting of ORA/City Council for the meeting of December 2, 2003

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

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ORA- Oakland Redevelopment Agency
S- Supplemental Item

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CEDA FLOYD
Agency Secretary/City Clerk and
Clerk of the Council

ORA - Oakland Redevelopment Agency
S - Supplemental Item