



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 Successor Agency and the City Council

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

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

Tuesday, October 16, 2012

5:30 PM

City Council Chambers, 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 / City Council
COUNCIL MEMBERS:

Desley Brooks, Dist. 6; Jane Brunner, Dist. 1, Ignacio De La Fuente; Dist. 5; Rebecca Kaplan, At-Large; Pat Kernighan, Dist. 2; Nancy Nadel, Dist. 3; Libby Schaaf, Dist. 4; Council 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):

SUPPLEMENTAL

*** Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council**

Tuesday, October 16, 2012

4.1 Subject: Honoring Stephanie Yun
From: Councilmember Schaaf
Recommendation: ~~Adopt A Resolution Congratulating Stephanie Yun, Lifelong Oakland Resident As The City Of Oakland's First Official Youth Poet Laureate~~
(12-0053)

This item was withdrawn by the October 11, 2012 Rules and Legislation Committee and rescheduled to the December 4, 2012 City Council Agenda.

4.2 Subject: Honoring Fukuoka, Japan
From: Councilmember Libby Schaaf
Recommendation: ~~Adopt A Resolution Honoring Fukuoka, Japan, Sister City, On The 50th Anniversary Of Friendship With Oakland, And Our Joint Artist Exchange Program~~
(12-0057)

This item was withdrawn by the October 11, 2012 Rules and Legislation Committee and rescheduled to the November 13, 2012 Special City Council Agenda.

4.3 Subject: Bishop O'Dowd International Program
From: Council President Larry Reid
Recommendation: Adopt A Resolution Recognizing The Educatius International Program For Bishop O'Dowd High School And Honoring The International Students
(12-0073)

4.4 Subject: United Nations Month
From: Mayor Jean Quan And Vice Mayor Nancy Nadel
Recommendation: Adopt A Resolution Declaring October 2012 United Nations Month And October 24th, 2012 United Nations Day In The City Of Oakland And Authorizing The City Of Oakland To Serve As An Honorary Sponsor Of The United Nations Anniversary Flag Raising Ceremony On Saturday, October 20th, 2012
(12-0089)

4.5 Subject: Sister City Ceremonial
From: Councilmember Desley Brooks
Recommendation: Ceremonial Acknowledgment Of The Official Establishment, By Agreement, Of A Sister-City Relationship Between Bauchi City Of Bauchi State, Nigeria And The City Of Oakland, California
(12-0090)

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF October 2, 2012

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:

SUPPLEMENTAL

* Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council

Tuesday, October 16, 2012

7.1-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
(12-0075)

7.2-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 Human Immunodeficiency Virus ("HIV")/Acquired
Immunodeficiency Syndrome ("AIDS") Epidemic
(12-0074)

7.3-CC Subject: Debt And Swap Management Policy
From: Finance And Management Agency
Recommendation: Adopt A Resolution Amending And Adopting The City Of Oakland's
Debt Management Policy And The Swap Policy, And Requiring Approval Of Swaps By
Council On A Case-By-Case Basis [Or Prohibiting Use Of Swaps In Future City
Financings.]
(11-0583-1)

The September 25, 2012 Finance and Management Committee directed staff to return to the October 16, 2012 City Council meeting with a resolution that includes a moratorium on swap agreements.

7.4-CC Subject: Municipal Identification Agreement
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Ordinance No. 13078 C.M.S., The
Master Fee Schedule, As Amended, To Establish Or Modify Fees Assessed By The
Office Of The City Administrator To Establish A Municipal Identification Application
Fee For Identifications Issued Pursuant To Chapter 2.34
(12-0039-2)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE

Introduction (First Reading) was passed on October 2, 2012; 8 Ayes

7.5-CC Subject: Secondhand Jewelry Regulations
From: Office Of The City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code (OMC) Chapter 5.46 To Establish
New Regulations For Secondhand Jewelry Dealers In The Following Areas: (1)
Permitting; (2) Operating Standards; And (3) Regulatory Enforcement Actions; And

SUPPLEMENTAL

* Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council

Tuesday, October 16, 2012

(12-0038)

2) An Ordinance Amending Ordinance No. 13078 C.M.S., The Master Fee Schedule, As Amended, To Establish Or Modify Fees Assessed By The Office Of The City Administrator To Businesses Conducting Activities As Secondhand Jewelry Dealers, Secondhand Dealers, And Exchange Dealers Pursuant To Oakland Municipal Code Chapter 5.46

(12-0038-1)

**ACTION ON THESE ITEMS WILL RESULT IN FINAL PASSAGE
(Second Reading) OF THESE ORDINANCES**

Introduction (First Reading) was passed on October 2, 2012; 8 Ayes

S-7.6-CC

Subject: Foreclosure Prevention/Mitigation Activities
From: Department Of Planning And Building
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Supporting Foreclosure Prevention/Mitigation Activities Including 1) The Allocation Of Up to \$1,200,000 From The Neighborhood Stabilization Program (A HUD Federal Grant) To Community Housing Development Corporation For Purposes Of Funding A Foreclosure Prevention Loan Fund Program; 2) The Allocation of \$350,100 From Blighted Foreclosed Properties Penalties To Fund The Following: A) Community Outreach Services For \$150,000 Provided By Causa Justa: Just Cause (\$50,000), Family Bridges (\$25,000), OCCUR (\$25,000), Allen Temple Economic Development Agency (\$25,000), and the Martin Luther King Jr. Freedom Center (\$25,000); B) Homeowner Legal Advocacy For \$100,000 Provided By The Housing Economic Rights Advocates; C) Homeownership Counseling And Loan Modification Advocacy For \$50,000 Provided By The Community Housing Development Corporation; And D) Tenant Counseling And Legal Services For \$50,100 Total Provided By The East Bay Community Law Center (\$16,700), Centro Legal De La Raza (\$16,700), And Causa Justa: Just Cause (\$16,700); And 3) Requiring Staff To Develop A Foreclosure Mediation Policy For Council Consideration Should There Be Serious Problems With Bank Servicer And Lender Compliance In Oakland With The Attorney General Bank Settlement Agreement And State Homeowner Bill of Rights Act

(12-0070)

2) An Ordinance Amending Oakland Municipal Code Section 15.68.100 (Affordable Housing Trust Fund) To (1) Permit Fines And Penalties Received Pursuant To Section 8.54.620 (Foreclosed And Defaulted Residential Property Registration Program) And Similar Programs To Be Used For Foreclosure Prevention And Mitigation Activities, (2) Authorize The City Administrator To Make Grants Or Service Contracts Under The Program Of Up To \$100,000 Without Returning To Council, And (3) Allow Affordable Housing Trust Funds To Be Used To Assist Affordable Housing Projects At Risk Due To Mortgage Default Or Foreclosure

(12-0070-1)

SUPPLEMENTAL

* Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council

Tuesday, October 16, 2012

**The October 9, 2012 Community and Economic Development Agenda
approved recommendations; 4 Ayes**

S-7.7-CC Subject: West Oakland Jobs Center Grant Funding
From: Office Of Economic And Workforce Investment
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply
For, Accept, And Appropriate Grant Funds And Contributions From Private Foundations,
Businesses, Individuals, And Government Agencies To Fund The Formation And
Operation Of The West Oakland Jobs Center Without Returning To Council
(12-0065)

**The October 9, 2012 Community and Economic Development Agenda
approved recommendations; 4 Ayes**

S-7.8-CC Subject: Travel Authorization - National League Of Cities
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To
Travel To Boston, Massachusetts To Attend The 2012 National League Of Cities
Congress Of Cities And Exposition From November 28 - December 1, 2012
(12-0100)

**The October 11, 2012 Rules and Legislation Committee approved an
Urgency Finding to place this item on the agenda.**

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: Delinquent Real Property Transfer Taxes
From: Office of the City Administrator
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
(12-0014)

SUPPLEMENTAL

* Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council

Tuesday, October 16, 2012

2) 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; Or

[\(12-0014-1\)](#)

3) 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

[\(12-0014-2\)](#)

**This item was rescheduled from the September 18, 2012 City Council
Agenda by the September 20, 2012 Rules and Legislation Committee.**

9.2

Subject: Delinquent Mandatory Garbage Fees

From: Office Of The City Administrator

Recommendation: Conduct A Public Hearing 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

[\(12-0015\)](#)

2) 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

[\(12-0015-1\)](#)

3) 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

[\(12-0015-2\)](#)

**This item was rescheduled from the September 18, 2012 City Council
Agenda by the September 20, 2012 Rules and Legislation Committee.**

SUPPLEMENTAL

*** Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council**

Tuesday, October 16, 2012

9.3 Subject: Assessment Of Liens - Transient Occupancy Taxes
 From: Office of the City Administrator
 Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent
 Transient Occupancy 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 Transient Occupancy Taxes And
Confirming The Recordation Of Liens With Administrative And Assessment Charges As
Necessary - Pursuant To Chapter 4.24 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

[\(12-0016\)](#)

2) A Resolution Continuing Hearing Of The Reports Of The City Administrator On
Delinquent Transient Occupancy Taxes And The Recordation Of Liens With
Administrative And Assessment Charges As Necessary-Pursuant To Chapter 4.24 Of The
Oakland Municipal Code; Or

[\(12-0016-1\)](#)

3) 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 Transient Occupancy Taxes And Authorizing The Recordation Of Liens With
Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of
The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment
Charges Be Turned Over To The County Tax Collector For Collection

[\(12-0016-2\)](#)

**This item was rescheduled from the September 18, 2012 City Council
Agenda by the September 20, 2012 Rules and Legislation Committee.**

9.4 Subject: ~~Community Development Block Grant District Boards~~
 From: ~~Department Of Housing And Community Development~~
 Recommendation: ~~Conduct A Public Hearing And Upon Conclusion Adopt A Resolution~~
 ~~Authorizing The City Administrator To Restructure The Community Development Block~~
 ~~Grant District Boards; And Rescinding Any Inconsistent Provisions Of Resolutions No.~~
 ~~76276 And 78102~~

[\(12-0030\)](#)

This item was withdrawn by the October 11, 2012 Rules and Legislation.

SUPPLEMENTAL

* Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council

Tuesday, October 16, 2012

9.5 Subject: Safeway Project Appeal
From: Department Of Planning And Building
Recommendation: ~~Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeals A12-146 & A12-148, Thus Upholding The Planning Commission's Approval Of Case Numbers CMDV09-107, TPM-09889, ER09-0006 And Certification Of The EIR For The College Avenue Safeway Project Located At 6310 College Avenue~~
(12-0085)

This item was withdrawn by the October 11, 2012 Rules and Legislation Committee and rescheduled to the November 13, 2012 Special City Council Agenda.

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 Subject: Conditions Of Oakland Streets
From: Public Works Agency
Recommendation: Receive An Informational Report On The Condition Of Oakland Streets, A Discussion Of Current Paving Priorities And Various Funding Scenarios And Their Impact On Future Street Conditions
(12-0055)

This item was scheduled to this agenda by the October 11, 2012 Rules and Legislation Committee.

11 Subject: Crime Reduction Strategies Report
From: Oakland Police Department
Recommendation: Receive A Report From The Office Of Chief Of Police Providing An Update On The Oakland Police Department's Crime Reduction Strategies
(12-0004)

This item was withdrawn and rescheduled from the October 2, 2012 City Council Agenda.

12 Subject: Non-Owner-Occupied Ordinance
From: Councilmember Desley Brooks
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code To Establish A New Chapter 8.58 Requiring The Registration And Inspection Of Transferred, Improved Residential Real Property Of One To Four Units That Is Not Occupied By The New Owner And The Abatement Of Health And Safety Violations And Amending The Master Fee Schedule To Provide New Fees For This Ordinance
(11-0541)

At the October 2, 2012 City Council meeting a substitute motion was made by Councilmember Kaplan, seconded by Councilmember Kernighan to approve the ordinance for introduction with the following amendments:

SUPPLEMENTAL

1. To revise Article III: Scope and Exclusions to read as follows:

Section 8.58.210 - Exclusions

The provisions of this Chapter shall not apply to Properties: E. Where the Owner has applied for a City building permit in order to rehabilitate the property within ninety (90) days from the date of acquisition of the property. Should the property be occupied by tenants and access to the property delayed due to issues with the tenants, the Owner can seek additional time through a request to the Building Official. If the permits expire without the permitted work being completed, this exclusion no longer applies and the Owner must register the property with thirty (30) days following the expiration of the permits.

2. To revise Article III: Registration, Inspection and Abatement: Section 8.58.300(C) to read as follows:

“Initial registration shall include providing information attesting to the conditions of the property, including readily apparent violations of the Oakland Building Construction Code, Building Maintenance Code, Property Maintenance Code, Fire Code, and Planning Code, as listed in Attachment A and subject to change from time to time as state and local planning codes and standards change. For the annual registration, the Owner need only report any new substandard conditions and an inspection by the City is not required unless there are reported or otherwise discovered substandard conditions.”

This ordinance will also include short sales preceded by a notice of default and include those fewer than 6 units. Staff was also directed to return to Council in one year with an evaluation on the program including a review of its efficacy and an analysis of owners with 6 or fewer properties and whether they are less likely to have blighted properties.

Upon call of the roll the vote tied; Ayes - Kaplan, Kernighan, Nadel, Schaaf - 4, Noes - Brooks, Brunner, De La Fuente, Reid - 4. Pursuant to Rule 29 of Resolution 82580 C.M.S., Council's Rules of Procedures this item was continued to the October 16, 2012 City Council Agenda to allow the Mayor to cast the tie-breaking vote.

Should the substitute motion fail, the Council will return to the original motion as placed on record.

Should the Mayor cast a vote in favor of the motion, the Ordinance will be introduced and final passage will be scheduled for the next Council meeting.

SUPPLEMENTAL

* Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council

Tuesday, October 16, 2012

From: Office Of The City Administrator
Recommendation: Adopt A Resolution Amending Resolution No. 83517 C.M.S.,
Approved July 26, 2012, Which Extended The July 2008-June 2012 Memorandum Of
Understanding With The International Association Of Firefighters (LAFF) Local 55, To
Temporarily Waive The Definition Of A Training Company In Order To Assign Sufficient
Fire Fighter Paramedics To Conduct Mandatory Field Evaluation Of Probationary Fire
Fighter Paramedics
(12-0086)

**This item was placed on this agenda by the October 4, 2012 Rules and
Legislation Committee.**

14 Subject: Settlement Agreement – Ruby Ng
From: Office Of The City Attorney
Recommendation: ~~Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Ruby Ng V. City Of Oakland, Et Al, Alameda
County Superior Court Case No. Rg11589245, City Attorney's File No. 28280, In The
Amount of Thirty Five Thousand Dollars and No Cents (\$35,000.00). (Public Works)~~
(12-0095)

**This item was withdrawn by the October 11, 2012 Rules and Legislation
Committee.**

15 Subject: Settlement Agreement – State Farm Insurance Company
From: Office Of The City Attorney
Recommendation: ~~Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of State Farm Mutual Automobile Insurance
Company V. City Of Oakland, Alameda County Superior Court No. RG11578636 In The
Amount Of Thirteen Thousand Seven Hundred Sixty Three Dollars And No Cents
(\$13,763.00) (Public Works)~~
(12-0096)

**This item was withdrawn by the October 11, 2012 Rules and Legislation
Committee.**

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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SUPPLEMENTAL

* Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the City
Council

Tuesday, October 16, 2012

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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
City Clerk and
Clerk of the Council**