



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, May 18, 2010

5:30 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 ACTIONS ON SPECIAL ORDERS OF THE DAY
(Ceremonial Presentations, Reports/Presentations from the Mayor, Council Acknowledgements/Announcements):
 - 4.1 Subject: Eastside Arts Alliance
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Recognizing Eastside Arts Alliance And The 10th Anniversary Of The Malcolm X Jazz Festival
(09-1428)

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This item requires an Urgency Finding (2/3 majority vote) pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance, prior to discussion.

S-4.2 Subject: Declaring May 21, 2010 "Dallas Braden Day"
From: Councilmember Brooks
Recommendation: Adopt A Resolution Honoring Oakland Athletics' Pitcher Dallas Braden Who Pitched A Perfect Game On May 9, 2010 At The Oakland-Alameda County Coliseum And Became The 19th Pitcher In 134 Years History Of Major League Baseball To Achieve This Feat, And Declaring May 21, 2010 As "Dallas Braden Day"
(09-1480)

This item was placed on the agenda by the May 13, 2010 Rules and Legislation Committee.

This item requires an Urgency Finding (2/3 majority vote) pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance, prior to discussion.

5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETINGS OF THE MARCH 16, 2010, APRIL 20, 2010, AND MAY 4, 2010

6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS
(Requests to: Reschedule items from consent to Non-Consent to the next Council Agenda, Speak on Consent Calendar, Register Votes, Change order of Items, Reconsiderations, Pull Items held in Committee):

7. CONSENT CALENDAR (CC) ITEMS:

7.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The AIDS Epidemic
(09-1430)

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
(09-1431)

7.3-CC Subject: Anthony Para - 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 Anthony Para, In The Amount Of \$6,890.33, As A Result Of Property Damage Sustained In An Automobile Collision On October 11, 2009 (Public Works Agency)
(09-1432)

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This item was not discussed in Closed Session.

7.4-CC Subject: Douglas Bushey - 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 Douglas Bushey v. City Of Oakland, Alameda County Superior Court Case Number RG07-335507, In The Amount Of \$500,000.00 As A Result Of An Alleged Dangerous Condition Of Public Property That Caused A Bicycle Accident At Piedmont Avenue And MacArthur Boulevard On August 24, 2006 (Public Works Agency)
(09-1455)

Council discussed this item in closed session on May 4, 2010. Motion authorizing settlement passed with 7 Ayes, 1 Excused - De La Fuente

7.5-CC Subject: Consuelo Sopolario - 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 Consuelo Sopolario, Et Al. v. City Of Oakland, et al., Alameda County Superior Court Numbers. RG09429683 And RG09430020, Our File Numbers. 26639 And 26639B, In The Amount Of \$500,000.00 (Public Works Agency)
(09-1456)

Council discussed this item in closed session on May 4, 2010. Motion authorizing settlement passed with 4 Ayes, 2 Abstain - Kaplan, Brunner, 1 No - Brooks, 1 Excused - De La Fuente

7.6-CC Subject: Michael Musick - 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 Michael Musick, et al. v. City Of Oakland, et al., Alameda County Superior Court Number RG08-388364, Our File Number 26348, In The Amount Of \$21,500.00 (Police Department)
(09-1459)

This item was not discussed in Closed Session.

7.7-CC Subject: Maria Moreira - 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 Maria Moreira v. City Of Oakland, Alameda County Superior Court Number RG09-443833, City Attorney File Number 26863 In The Amount Of \$15,000.00 (Public Works Agency)
(09-1460)

This item was not discussed in Closed Session.

7.8-CC Subject: Michael Foster - Settlement Agreement
From: Office of the City Attorney

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Recommendation: Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Michael Foster v. City Of Oakland, United States District Court Case Number CV08-1944EDL, Our File Number 26293, In The Amount Of \$40,000.00 (Office Of Parks And Recreation)
(09-1464)

This item was not discussed in Closed Session.

7.9-CC Subject: Create The Department Of Engineering And Construction
From: Public Works Agency
Recommendation: Adopt An Ordinance Amending Chapter 2.29 Of The Oakland Municipal Code, Entitled, "City Agencies, Departments And Offices", Which Established The Organizational Structure Of The City Under The City Administrator's Jurisdiction In Accordance With The Requirements Of City Charter Section 600, To Transfer The Department Of Engineering And Construction From The Community And Economic Development Agency To The Public Works Agency
(09-1381)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE.

Introduction (First Reading) was approved May 4, 2010; 7 Ayes, 1 Excused - De La Fuente

7.10-CC Subject: Amending O.M.C 9.08.080 - Immoral Dress
From: Councilmember Kaplan
Recommendation: Adopt An Ordinance Amending Section 9.08.080 Of The Oakland Municipal Code To Delete The Language That Makes It Unlawful To Dress In Attire Of A Person Of The Opposite Sex
(09-1301)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE.

Introduction (First Reading) was approved May 4, 2010; 7 Ayes, 1 Excused - De La Fuente

7.11-CC Subject: Fee Charge Associated With False Alarm Services
From: Oakland Police Department
Recommendation: Adopt The Following Pieces Of Legislation:
1) An Ordinance Amending Oakland Municipal Code (OMC) Chapter 8.02, Burglar Alarm Systems, To Modify Alarm Company Responsibilities; And
(09-1223)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE.

Introduction (First Reading) was approved as amended May 4, 2010 to delete the line under Section 3 8.02.050 "Alarm Company Business Responsibilities" and under Section G. delete "prior to" and add "within (30) days of the installation of a new alarm system". Staff also directed to

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provide in a supplemental report what the savings would be to the city if staff mails out renewal notices; 7 Ayes, 1 Excused - De La Fuente

2) An Ordinance Amending Ordinance No. 12809 (Master Fee Schedule) To Create A Fee Associated With Failure To Report Discounted Alarm Users
(09-1223-1)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE.

Introduction (First Reading) was approved May 4, 2010; 7 Ayes, 1 Excused - De La Fuente

7.12-CC Subject: Local Jobs For America Act
From: Councilmember Desley Brooks
Recommendation: Adopt A City Resolution In Support Of The Local Jobs For America Act, House Resolution Number 4812, Which Will Help Create One Million Public And Private Jobs In Local Communities, Including In The City Of Oakland
(09-1357)

S-7.13-CC Subject: Sanitary Sewer Easement Located At 5520 Masonic Avenue
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Summarily Vacating An Unused Sanitary Sewer Easement Located At 5520 Masonic Avenue To The Property Owner Joshua Hannah And Denise Yamamoto
(09-1366)

The May 11, 2010 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks

S-7.14-CC Subject: Stormwater Drainage Easement Located At 187 Chadbourne Way
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Conditionally Approving The Realignment Of An Existing Stormwater Drainage Easement Located At 187 Chadbourne Way
(09-1368)

The May 11, 2010 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks

S-7.15-CC Subject: Conditional And Revocable Permit
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting Montgomery Realty Investors I LLC A Conditional And Revocable Permit To Allow Existing Portions Of A Building Located At 902 Center Street To Encroach Into The Public Right-Of-Way Along Center Street And 9th Street
(09-1369)

The May 11, 2010 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks

S-7.16-CC Subject: On-Call Citywide Emergency Roadway Repairs

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From: Community And Economic Development Committee Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Beliveau Engineering Contractors, Inc. For On-Call Citywide Emergency Roadway Repairs (Project Number C369910) In The Amount Of Three Hundred Ninety-Three Thousand Three Hundred Fifty-Eight Dollars (\$393,358.00) Over A Twelve-month Term
(09-1370)

The May 11, 2010 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks

S-7.17-CC Subject: Civicorps Schools - Recycling And Related Services
From: Public Works Agency
Recommendation: Adopt A Resolution Waiving The Advertising And Competitive Request For Proposal/Qualification Selection Requirement And Awarding A Three-Year Agreement For An Amount Not-To-Exceed Two Hundred Ten Thousand Dollars (\$210,000.00) To Civicorps Schools To Provide Recycling And Related Services
(09-1364)

The May 11, 2010 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks

S-7.18-CC Subject: State Transportation Development Act
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Up To Four Hundred And Fifteen Thousand Dollars (\$415,000.00) In Fiscal Year 2010-2011 State Transportation Development Act Article 3 Funds As Follows: (1) Ardley Avenue/16th Avenue Bikeway (MacArthur Boulevard To Embarcadero), Ninety Thousand Dollars (\$90,000.00); (2) Bicycle Detection At Actuated Traffic Signals, One Hundred Thousand Dollars (\$100,000.00); (3) Castlemont Stairs Rehabilitation (MacArthur Boulevard To Thermal Street), One Hundred Thousand Dollars (\$100,000.00); (4) CityRacks VIII Bicycle Parking Project, Seventy-Five Thousand Dollars (\$75,000.00); And (5) School Safety Improvements At Various Locations, Fifty Thousand Dollars (\$50,000.00)
(09-1394)

The May 11, 2010 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks

S-7.19-CC Subject: Lion Creek Crossings Phase IV
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting The Oakland Housing Authority A Revocable And Conditional Permit To Allow Entry Stairs And An Undersidewalk Electrical Transformer And Vault For The Lion Creek Crossings Phase Iv Affordable Housing Project At 814 69th Avenue To Encroach Into The Public Right-Of-Way Along 69th Avenue And 70th Avenue
(09-1393)

The May 11, 2010 Public Works Committee approved recommendations; 3

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Ayes, 1 Excused - Brooks

7-20

Number Not Used

S-7.21-CC Subject: Civil Service Board - Annual Report
From: Department Of Human Resource Management
Recommendation: Receive The Annual Informational Report On Civil Service Board
(09-1257)

The Finance and Management Committee received and forwarded the report; 4 Ayes

S-7.22-CC Subject: Wireless Broadband Feasibility
From: Department Of Information Technology
Recommendation: Receive An Informational Report Regarding The Findings Of The
Wireless Broadband Feasibility Study Conducted By The Consultant Tellus Venture
Associates
(09-1214)

The May 11, 2010 Finance and Management Committee received and forwarded the report and directed staff to return to a future meeting with a report on the grants received for this project; 4 Ayes

S-7.23-CC Subject: As-Needed Real Estate Appraisal Services
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) Resolution Authorizing The City Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) Annually With Alfred L.Watts And Associates For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
(09-1353)

2) Resolution Authorizing The City Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) Annually With Associated Right Of Way Services, Inc. For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
(09-1353-1)

3) Resolution Authorizing The City Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) Annually With Burchard & Rinehart For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
(09-1353-2)

4) Resolution Authorizing The City Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand

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Dollars (\$25,000.00) Annually With Certified General Appraisal Services For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
[\(09-1353-3\)](#)

5) Resolution Authorizing The City Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) Annually With Hodges Lacey & Associates, LLC For As-Needed Real Estate Appraisal Services Over A Period Of Three Years
[\(09-1353-4\)](#)

6) Resolution Authorizing The City Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) Annually With Donna Desmond Associates For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
[\(09-1353-5\)](#)

7) Resolution Authorizing The City Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) Annually With Sandra L. Pike And Associates For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
[\(09-1353-6\)](#)

8) Resolution Authorizing The City Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) Annually With Sanli Pastore & Hill, Inc. For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
[\(09-1353-7\)](#)

9) Resolution Authorizing The City Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Forty-Five Thousand Dollars (\$45,000.00) Annually With Margaretta J. Darnall For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
[\(09-1353-8\)](#)

10) Resolution Authorizing The City Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed One Hundred Thousand Dollars (\$100,000.00) Annually With J.W. Tom And Associates For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
[\(09-1353-9\)](#)

11) Resolution Authorizing The City Administrator Or His Designee To Enter Into A Professional Services I Contract In An Amount Not To Exceed One Hundred Thousand Dollars (\$100,000.00) Annually With Yovino -Young Incorporated For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
[\(09-1353-10\)](#)

12) An Agency Resolution Authorizing The Agency Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) Annually With Alfred L. Watts And Associates For

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As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
(09-1353-11)

13) An Agency Resolution Authorizing The Agency Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand I Dollars (\$25,000.00) Annually With Associated Right Of Way Services, Inc. For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
(09-1353-12)

14)An Agency Resolution Authorizing The Agency Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) Annually With Burchard & Rinehart For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
(09-1353-13)

15) An Agency Resolution Authorizing The Agency Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) Annually With Certified General Appraisal Services For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
(09-1353-14)

16) An Agency Resolution Authorizing The Agency Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) Annually With Hodges Lacey & Associates, LLC For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
(09-1353-15)

17) An Agency Resolution Authorizing The Agency Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) Annually With Donna Desmond Associates For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
(09-1353-16)

18) An Agency Resolution Authorizing The Agency Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) Annually With Sandra L. Pike And Associates For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;
(09-1353-17)

19) An Agency Resolution Authorizing The Agency Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) Annually With Sanli Pastore & Hill, Inc. For As-Needed Real Estate Appraisal Services Over A Period Of Three Years
(09-1353-18)

20) An Agency Resolution Authorizing The Agency Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed Forty-Five Thousand Dollars (\$45,000.00) Annually With Margaretta J. Darnall For As-Needed Real Estate Appraisal Services Over A Period Of Three Years;

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(09-1353-19)

21) An Agency Resolution Authorizing The Agency Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed One Hundred Thousand Dollars (\$100,000.00) Annually With J.W. Tom And Associates For As-Needed Real Estate Appraisal Services Over A Period Of Three Years; And

(09-1353-20)

22) An Agency Resolution Authorizing The Agency Administrator Or His Designee To Enter Into A Professional Services Contract In An Amount Not To Exceed One Hundred Thousand Dollars (\$100,000.00) Annually With Yovino-Young Incorporated For As-Needed Real Estate Appraisal Services Over A Period Of Three Years

(09-1353-21)

The May 11, 2010 Finance and Management Committee approved recommendations and directed staff to provide a supplemental report that identifies which of the appraisers being issued a contract are based in Oakland and which are not and identify which are specialty appraisers; 4 Ayes

S-7.24-CC Subject: Sales And Use Tax Records- Amending Reso No. 68566
From: Finance And Management Agency
Recommendation: Adopt A Resolution Amending Resolution Number 65866 C.M.S., Authorizing And To Update And Expand The List Of Designated City Officials To Include The City Administrator, Director Of Community And Economic Development Agency, Budget Director, Principal Financial Analyst, Financial Analyst, Finance Director, Revenue And Tax Administrator, City Administrator Analyst, Revenue Audit Supervisor, Revenue Operations Supervisor, Revenue Collection Supervisor, Tax Auditor III, Tax Auditor II, Tax Enforcement Officer II, Tax Representative II, Collection Officer, And Revenue Assistant And A Consultant Authority To Examine Sale And Use Tax Records For The City Of Oakland From The Board Of Equalization Pursuant To Government Code Section 7056 [TITLE CHANGE]
(09-1354)

The May 11, 2010 Finance and Management Committee approved recommendations; 4 Ayes

S-7.25-CC Subject: Insurance Claim Recoveries
From: Finance And Management Agency
Recommendation: Adopt A Resolution Authorizing The Appropriation And Expenditure Of Insurance Claim Recoveries For The Repair Or Replacement Of Damaged City Assets
(09-1401)

The May 11, 2010 Finance and Management Committee approved recommendations; 4 Ayes

S-7.26-CC Subject: HUD Economic Development Initiative
From: Community And Economic Development Agency

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Recommendation: Adopt A Resolution Authorizing The City To Apply For, Accept, And Appropriate Grant Funds In An Amount Not To Exceed \$328,300 From The U.S. Department Of Housing And Urban Development Economic Development Initiative - Special Projects Grant Program For The Unity Council's Fruitvale Transit Village Phase 2 Residential Project At The Blocks Bounded By 35th And 37th Avenues, East 12th Street And The BART Tracks
(09-1389)

**The May 11, 2010 Community and Economic Development Committee
approved recommendations; 4 Ayes**

S-7.27-CC Subject: Demolition Of 18 Buildings
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Dispensing With Advertising And Authorizing An Alternative Competitive Bidding Process For The Contract For Demolition Of 18 Buildings Located At 4000-4009 Barcelona Street And 9020-9036 Santa Cruz Street At The Former Oak Knoll Naval Hospital Complex, According To Plans And Specifications For The Oak Knoll Demolition Project, And Authorizing The City Administrator To Award The Contract To The Lowest Responsive, Responsible Bidder Without Returning To The City Council In An Amount Not-To-Exceed The Engineer's Estimate Of \$180,000 For Said Demolition Work; And 2) Authorizing The City Administrator To Accept And Appropriate A Contribution Of Oak Knoll Redevelopment Funds Under The Cooperation Agreement In An Amount Not-To-Exceed \$235,830 For All Costs Associated With The Demolition Of 18 Buildings Located At 4000-4009 Barcelona Street And 9020-9036 Santa Cruz Street At The Former Oak Knoll Naval Hospital Complex; And
(09-1392)

2) An Agency Resolution Authorizing The Contribution And Allocation Of Oak Knoll Redevelopment Area Funds To The City Of Oakland Under The Cooperation Agreement In An Amount Not-To-Exceed \$235,830 For All Costs Associated With The Demolition Of 18 Buildings Located At 4000-4009 Barcelona Street And 9020-9036 Santa Cruz Street At The Former Oak Knoll Naval Hospital Complex
(09-1392-1)

**The May 11, 2010 Community and Economic Development Committee
approved recommendations; 4 Ayes**

S-7.28-CC Subject: California State Preschool Expansion Grant
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept, And Appropriate The California State Preschool Expansion Grant From The California Department Of Education In An Estimated Amount Of \$1,073,929 For Program Year 2010-2011, And Authorizing A Grant Agreement With The Unity Council For The Estimated Amount Of \$123,609 To

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Fund Child Development And Family Literacy Services In Accord With Said Grants
(09-1360)

The May 11, 2010 Life Enrichment Committee approved recommendations and directed staff to return with a follow-up report on the OUSD Early Childhood Centers that are closing and how this will impact the program. Staff was also directed to meet with the Oakland Unified School District to establish a collaborative response to school closing and the changes in funding emphasis.; 3 Ayes; 1 Excused - Brooks

S-7.29-CC Subject: Child Care Food Program (CCFP) Grant
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept And Appropriate The Child Care Food Program (CCFP) Grant From The California Department Of Education In An Estimated Amount Of Three Hundred Seventy Five Thousand Dollars (\$375,000) To Provide Funding For Nutritious Meals For The City Of Oakland's Head Start Program For Program Year 2010-2011
(09-1361)

The May 11, 2010 Life Enrichment Committee approved recommendations 3 Ayes; 1 Excused - Brooks

S-7.30-CC Subject: Even Start Family Literacy Program Grant
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate The Even Start Family Literacy Grant For Program Year 2010-2011 From The State Of California Department Of Education In The Amount Of One Hundred Twenty Thousand, Seven Hundred Fifty Dollars (\$120,750) For The City Of Oakland San Antonio Even Start Program
(09-1362)

The May 11, 2010 Life Enrichment Committee approved recommendations 3 Ayes; 1 Excused - Brooks

S-7.31-CC Subject: Fund Child Development Services
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept, And Appropriate Head Start Basic, Head Start Training And Technical Assistance, Early Head Start Basic, And Early Head Start Training And Technical Assistance Grants For Program Year 2010-2011 From The U.S. Department Of Health And Human Services, Administration For Children And Families (DHHS/ACF) In The Estimated Amount Of \$15,178,517, And Authorizing A Grant Agreement With The Unity Council For The Estimated Amount Of \$4,844,421 To Fund Child Development Services In Accord With Said Grants
(09-1363)

The May 11, 2010 Life Enrichment Committee approved recommendations

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3 Ayes; 1 Excused - Brooks

S-7.32-CC Subject: Northern California Regional Intelligence
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To: 1) Enter Into A County Of San Mateo Agreement Under Which The City Of Oakland Will Provide Its Police Personnel In Exchange For Supplemental Grant Funding In Connection With The Northern California Regional Intelligence Center (NCRIC) Operation And The Fiscal Year 2009 And Fiscal Year 2010 Urban Areas Security Initiative Grant (UASI) Allocation, Which Is A Federal, State And 1 Local Public Safety Effort That Involves The Intake, Analysis, Fusion, Synthesis, And Appropriate Dissemination Of Criminal And Homeland Security Intelligence In The Greater San Francisco Bay Area And The Northern Coastal Counties Of California; And 2) Accept And Appropriate UASI Grant Allocations Of \$220,922 For The Federal Fiscal Year 2009 For Reimbursement Of Salaries And Benefits Paid To Oakland Police Department Staff That Is Assigned As A Liaison Officer Per The County Of San Mateo NCRIC Agreement
(09-1314)

**The May 11, 2010 Public Safety Committee approved recommendations 4
Ayes**

S-7.33-CC Subject: Homeland Security Grant Program
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Fifty Thousand Dollars (\$50,000) For Federal Fiscal Year 2009 Community Emergency Response Team (CERT) Grant From The State Of California Homeland Security Grant Program To The City Of Oakland, Office Of Emergency Services (OES), Communities Of Oakland Respond To Emergencies (CORE) Program
(09-1315)

**The May 11, 2010 Public Safety Committee approved recommendations 4
Ayes**

S-7.34-CC Subject: Homeland Security Grant 2009 - Firefighter Staffing
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Accept A Grant From Department Of Homeland Security 2009 Assistance To Firefighter's Staffing For Adequate Fire And Emergency Response Program In The Amount Of \$921,735 To Fund The Salary And Benefits For Three Firefighter Trainee Positions For A Two Year Period And 2) Rehire Three (3) Firefighter Trainees That Were Laid Off In May 2009
(09-1347)

**The May 11, 2010 Public Safety Committee approved recommendations 4
Ayes**

S-7.35-CC Subject: Overtime Costs For Peace Officers

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From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee To Accept And Appropriate Reimbursement Funds, For The Period Of May 1, 2010 Through September 8, 2010 In An Amount Not-To-Exceed Fifteen Thousand Dollars (\$15,000) In Federal Funds From The United States Department Of Agriculture (USDA), Office Of Inspector General To The Oakland Police Department (OPD) In Overtime Costs For Peace Officers, And Fifteen Thousand Dollars (\$15,000) For Surveillance Equipment, For Assisting In A Joint Investigation Into Food Stamp And EBT (Electronic Benefit Transfers) Fraud Within The City Of Oakland
(09-1348)

The May 11, 2010 Public Safety Committee approved recommendations 4 Ayes

S-7.36-CC Subject: Tax Cannabis Act Of 2010
From: City Administrator Office
Recommendation: Adopt A Resolution Supporting The 2010 California Initiative Measure 09-0024, Entitled, Regulate, Control And Tax Cannabis, Which Would Legalize And Regulate Cannabis (Marijuana) (TITLE CHANGE)
(09-1235)

The May 13, 2010 Rules and Legislation Committee approved recommendations; 3 Ayes; 1 Excused- Brunner

S-7.37-CC Subject: Assembly Bill 2492
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Supporting Assembly Bill 2492, An Act To Amend Sections 62, 64, And 65.1 Of, And To Add Sections 64.1 And 64.5 To, The Revenue And Taxation Code, Relating To Taxation Which Would Change The Requirements For Reassessment Of The Value Of Commercial Properties.
(09-1427)

The May 13, 2010 Rules and Legislation Committee approved recommendations; 3 Ayes; 1 Excused- Brunner

S-7.38-CC Subject: Senate Bill 1275
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Supporting Senate Bill 1275, Requiring A Loan Servicer To Provide An Application For A Loan Modification To A Homeowner, And Determine Eligibility For A Modification Or Other Alternative To Foreclosure For Those Who Complete The Application, Prior To Filing Of A Notice Of Default.
(09-1426)

The May 13, 2010 Rules and Legislation Committee approved recommendations; 3 Ayes; 1 Excused- Brunner

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

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency / City Council

Tuesday, May 18, 2010

**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: Major Conditional Use Permit - 6400 Shattuck Avenue
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing To Consider A Major Conditional Use Permit And Variance At 6400 Shattuck Avenue For Alcoholic Beverage Sales Commercial Activity And Adopting One Of The Following Two Alternative Resolutions:
- 1) A Resolution Denying The Appeal (A09-220), Thereby Upholding The Planning Commission Decision To Approve A Major Conditional Use Permit And Variance At 6400 Shattuck Avenue For Alcoholic Beverage Sales Commercial Activity; Or Alternatively,
(09-1133)
 - 2) A Resolution Upholding And Approving The Appeal (Case No. A09-220), Thereby Reversing The Planning Commission Decision And Denying The Major Conditional Use Permit And Variance At 6400 Shattuck Avenue For Alcoholic Beverage Sales Commercial Activity
(09-1133-1)

Although the Public Hearing has been closed, members of the public are entitled to speak on the item pursuant to the open meeting requirements (Oakland's Sunshine Ordinance and the California Ralph M. Brown Act)

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- S-10 Subject: Merritt Bakery Loan - Mckinney Griff
From: Office Of The Mayor
Recommendation: Adopt A Resolution Authorizing The City Administrator To Provide A Loan To Mckinney Griff, Inc., DBA Merritt Bakery & Restaurant ("Merritt Bakery") In The Amount Of \$150,000 To Preserve Approximately 55 Jobs Maintained At Merritt Bakery, And Authorizing The City Administrator To Negotiate Loan Terms Without Returning To Council [TITLE CHANGE]
(09-1377)

The May 11, 2010 Community and Economic Development Committee approved recommendations with the requirement that staff provide a supplemental report that includes the missing exhibits and reports listing the fiscal and operations audit findings, that also addresses the following questions placed on record by the City Auditor in response to the Fare Resources report and the Iryna Accountancy Corporation report issued January 2010.

SUPPLEMENTAL

- 1) Address what steps have the owners taken to implement the recommendations relative to operations and most importantly to address the accountant's findings and recommendations.
- 2) Provide information that addresses whether the lenders, all of which are in line ahead of the City/Agency, have been approached with a specific repayment plan or otherwise renegotiate the repayment terms? Have they agreed?
- 3) Provide disclosure of what commitments staff has made to Merritt Bakery given the statements in Fare Resources that propose the city has committed up to \$800,000 in funding to the company (P.23); further requesting
- 4) the city council clearly define criteria for company's granted city funding that would include organizations having solid fiscal policies and procedures in place.

Additionally, the Committee requested the City Administrator create a mechanism to enforce the Transportation Demand Management Plan for neighboring Lucky's; 3 Ayes; 1 - Abstain - Brunner

S-11

Subject: Clear Channel Billboard Agreement - Ordinance 13003 C.M.S.
From: Office of the City Administrator
Recommendation: Adopt A Ordinance To Amend Ordinance Number 13003 C.M.S. Authorizing A Billboard Agreement And Sublease Amendments With Clear Channel Outdoor, Inc. (Clear Channel) Relating To Three Signs At 165 98th Avenue., Interstate %80 And Ettie Street, and Oakport And Hassler) Deleting The Requirements That The City Have: (1) Exclusive Use Of, And An Even (50/50) Split Of Revenue From, A Portion Of The Oaklport And Hassler Sign; (2) The Right To Use Unsold Advertising Space On All Three Signs, And Providing Instead That Clear Channel Allow The City To Use Fifty Percent (50%) Of Any Unsold Space On The Oakport And Hassler Sign (09-1484)

This item was placed on the agenda by the May 13, 2010 Rules and Legislation Committee.

This item requires an Urgency Finding (2/3 majority vote) pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance, prior to discussion.

S-12

Subject: 2011-2012 Urban Areas Security Initiative Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To:
1) Enter Into A County Of San Mateo Agreement Under Personnel During The Term July 1, 2011 Through June 30, 2012 In Exchange For Supplemental Grant Funding In

SUPPLEMENTAL

Connection With The Northern California Regional Intelligence Center (NCRIC) Operation Urban Areas Security Initiative (UASI), Which Is A Federal, State And Local Public Safety Effort That Involves The Intake, Analysis, Fusion, Synthesis, And Appropriate Dissemination Of Criminal And Homeland Security Intelligence In The Greater San Francisco Bay Area And The Northern Coastal Counties Of California; And 2) Accept And Appropriate Federal Fiscal Year 2010 UASI Grant Allocations Through The San Mateo County July 1, 2011 - June 30, 2012 Agreement Of Two Hundred Twenty Thousand Nine Hundred Twenty Two Dollars (220,922) For Reimbursement Of Salaries And Benefits Paid To Oakland Police Department Personnel That Are Assigned As Liaison Offer Per The County Of San Mateo NCRIC Agreement
(09-1486)

This item was placed on the agenda by the May 13, 2010 Rules and Legislation Committee.

This item requires an Urgency Finding (2/3 majority vote) pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance, prior to discussion.

S-13 Subject: City's Long-Term Pension Liabilities
From: Finance and Management Agency
Recommendation: Adopt A Resolution By The City Council Of The City Of Oakland Directing The City Administrator In Order To Address The City's Pension Funding Needs To (1) Negotiate With The Police And Fire Retirement Board For A Holiday From Payments To The System, (2) Form A Financing Team To Facilitate Issuance And Sale Of Pension Obligation Bonds, (3) Return And Seek City Council Approval By Resolution For The Issuance And Sale Of The Pension Obligation Bonds, And (4) Enter A Third Supplemental Annuity Deposit Agreement With The Police And Fire Retirement System
(09-1096)

The May 11, 2010 Finance and Management Committee approved recommendations; 4 Ayes

S-14 Subject: Tax And Revenue Anticipation Notes
From: Finance And Management Agency
Recommendation: Adopt An Ordinance Providing For The Borrowing Of Funds For Fiscal Year 2010-2011 In An Amount Not To Exceed \$200,000,000 And The Issuance And Sale Of 2010-2011 Tax And Revenue Anticipation Notes, Therefore And Approving Certain Related Matters
(09-1413)

The May 11, 2010 Finance and Management Committee approved recommendations; 4 Ayes

Continuation of Open Forum

SUPPLEMENTAL

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

Tuesday, May 18, 2010

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

ORA - Oakland Redevelopment Agency
S - Supplemental Item