



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

Tuesday, January 18, 2011

5:30 PM

Oakland City Hall, 3rd Floor

- 1 Pledge of Allegiance
- 2 Roll Call / ORA & Council
COUNCIL MEMBERS: Desley Brooks, Dist. 6; Jane Brunner, Dist. 1; Ignacio De La Fuente Dist. 5; Rebecca Kaplan, At-Large; Patricia Kernighan, Dist. 2; Nancy Nadel, Dist. 3; Libby Schaaf, Dist. 4 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: National Blood Donor Month
From: Council President Brunner
Recommendation: Adopt A Resolution Proclaiming The Month Of January As "National Blood Donor Month" For Oakland
[\(10-0257\)](#)
 - S-4.2 Subject: Dennis Diemer Retirement - EBMUD
From: Council President Reid
Recommendation: Adopt A Resolution Honoring Dennis M. Diemer, General Manager Of The East Bay Municipal Utility District, On His Retirement After 30 Years
[\(10-0325\)](#)

Pursuant to Section 2.20.080(E)2 of the Sunshine Ordinance an urgency finding was made at the January 13, 2011 Rules and Legislation Committee to place this item on the agenda for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action relates to a purely ceremonial or commendatory action.

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 ORA/CITY COUNCIL FOR December 21, 2010, January 3, 2011, and January 10, 2011.

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- 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
[\(10-0307\)](#)
- 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
[\(10-0308\)](#)
- 7.3-CC Subject: AMCO Insurance - 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 AMCO Insurance Company v. City Of Oakland, Alameda County Superior Court Case No. RG10507228 In The Amount Of \$17,461.92 (Oakland Police Department Motor Vehicle Accident)
[\(10-0310\)](#)
- 7.4-CC Subject: David C. Huynh - Settlement Agreement
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of David C. Huynh, In The Amount Of \$6,500.00, Arising From Sewer Lateral Damage Caused By A City Of Oakland Tree (Public Works Agency)
[\(10-0311\)](#)
- 7.5-CC Subject: Sale Of A City-Owned Surplus Vacant Lot
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing The Sale Of A City-Owned Surplus Vacant Lot APN: 048D-7282-020-00 Located Between 6031 Girvin Drive And 6041 Girvin Drive To Jonathan And Diana Stern, The Abutting Property Owner, For The Highest Sealed Bid Of One Hundred Eighty Thousand Dollars \$180,000
[\(10-0214\)](#)

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

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Introduction (First Reading) was passed December 21, 2010; 8 Ayes

7.6-CC Subject: Modification To OMC Sections
From: Office Of The City Attorney
Recommendation: Adopt An Ordinance Moving Oakland Municipal Code (OMC)
Sections 2.04.016 And 2.04.017 To New OMC Chapter 2.07, "Grant Award Approval,"
Renumbering Said Sections To 2.07.100 And 2.07.110, Amending OMC Section
2.04.015 And Clarifying That The Purchasing Ordinance Does Not Apply To Grant
Awards
(10-0249)

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

Introduction (First Reading) was passed December 21, 2010; 8 Ayes

7.7-CC Subject: Local Modifications to California Model Fire Code
From: Oakland Fire Department
Recommendation: Adopt An Ordinance Repealing Current Oakland Municipal Code
Chapter 15.12, Fire Code, Making Findings To Substantiate Modifications To California
Building Codes And Standards Due To Local Climatic, Geological Or Topographical
Conditions, And Adopting And Making Local Amendments To The 2010 Edition Of
The California Model Fire Code, California Code Of Regulation Title 24, Part 9,
Including, But Not Limited To, National Fire Protection Association And Other
Referenced Standards As Adopted By The California State Fire Marshall, And
Recodifying Said Code At Oakland Municipal Code Chapter 15.12 As The Oakland Fire
Code
(10-0104)

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

Introduction (First Reading) was passed December 21, 2010; 8 Ayes

7.8-CC Subject: Commission On Aging - Board Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Julie
Jones As A Member Of The Commission On Aging
(10-0317)

7.9-CC Subject: Commission on Aging - Board Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Wade
Sherwood As A Member Of The Commission On Aging
(10-0318)

7.10-CC Subject: Commission On Aging - Board Appointment
From: Office of the Mayor

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Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Karen Anderson As A Member Of The Commission On Aging
[\(10-0319\)](#)

7.11-CC Subject: Wildfire Prevention and Assessment District - Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Reappointing Christopher M. Candell As Member Of The Wildfire Prevention And Assessment District Advisory Board
[\(10-0322\)](#)

7.12-CC Subject: Oakland Municipal Employees' Retirement Board
From: Office of the Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Carl Gilmore To The Oakland Municipal Employees' Retirement System Board
[\(10-0321\)](#)

7.13-CC Subject: Commission on Aging - Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Ernest Hardmon III As A Member Of The Commission On Aging
[\(10-0323\)](#)

7.14-CC Subject: Dimond Improvement Association Reimbursement - Pay-Go
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Authorizing Councilmember Libby Schaaf's Request For A Grant Of \$1,000 From The Council District 4 Pay-Go Account, In Honor Of "Local Hero" Kathleen Russell, To The Dimond Improvement Association For The Purchase Of A Projector And Projector Screen
[\(10-0313\)](#)

7.15-CC Subject: ACE Arts Contract - Pay-Go Funds
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Waiving The Request For Proposal Process And Approving A Contract With ACE Arts For The Creation And Installation Of Murals At Courtland Creek Park
[\(10-0316\)](#)

7.16-CC Subject: Dimond Improvement Association Grant - Pay-Go
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Authorizing Councilmember Libby Schaaf's Request For A Grant Of \$2,500 From The Council District 4 Pay-Go Account To The Dimond Improvement Association To Pay For Sound Amplification Services At The 2010 Oaktoberfest, A Privately-Sponsored Community Festival, In The Dimond District
[\(10-0314\)](#)

7.17-CC Subject: Settlement Agreement - First Baptist Church
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney

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To Compromise And Settle The Case Of First Baptist Church Of Oakland v. County Of Alameda, Alameda County Superior Court Case No. RG 09468773, In The Amount Of \$13,000.00
[\(10-0324\)](#)

S-7.18-CC Subject: Kaiser Foundation Hospitals - Encroachment Permit
From: Community And Economic Development Agency
Recommendation: Adopt Resolution Granting Kaiser Foundation Hospitals A Revocable And Conditional Permit To Allow Telecommunications Conduits, Electrical Transformers And Vaults, And A Portion Of A Building Foundation And Sewage Storage Vault For Phase II Buildings At 275 West MacArthur Boulevard To Encroach Under The Public Right Of-Way Along Broadway, West MacArthur Boulevard, And Piedmont Avenue
[\(10-0211\)](#)

**The January 11, 2011 Public Works Committee approved
recommendations; 4 Ayes**

S-7.19-CC Subject: East 11th Limited Partnership - Encroachment Permit
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting East 11th L.P. A Revocable And Conditional Permit For A New Building At 720 East 11th Street To Allow A Concrete Vault And Electrical Transformer To Encroach Under The Public Sidewalk Along East 11th Street And Oriel Windows And Architectural Screens To Encroach Over The Public Sidewalk On East 11th Street And 8th Avenue
[\(10-0213\)](#)

**The January 11, 2011 Public Works Committee approved
recommendations; 4 Ayes**

S-7.20-CC Subject: Revocable And Conditional Permit - 3700 International Boulevard
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting Nueva Vista Partners LLC A Conditional And Revocable Permit For A Building At 3700 International Boulevard To Allow A Portion Of The Existing Facade Along International Boulevard And An Existing Concrete Block Wall Along 38th Avenue To Encroach Into The Public Rights-Of-Way
[\(10-0244\)](#)

**The January 11, 2011 Public Works Committee approved
recommendations; 4 Ayes**

S-7.21-CC Subject: Oakland Business Development Corporation Funding Increase
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:
1)A Resolution Authorizing The City Administrator To Supplement The Funding For Oakland Business Development Corporations An Amount Not To Exceed \$95,800 Of Economic Development Initiative Funds For Fiscal Year 2010-2011, And To Accept A

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Contribution From The Oakland Redevelopment Agency Under The Cooperation Agreement In An Amount Not To Exceed \$140,912 For Fiscal Year 2010-2011, For A New Total Contract Amount Not To Exceed \$468,552 For Commercial Loan Underwriting Services

(10-0223)

2) An Agency Resolution Authorizing A Contribution Of \$140,912 To The City Of Oakland Under The Cooperation Agreement, \$100,000 From Coliseum Redevelopment Funds And \$40,912 From Central City East Redevelopment Funds, To Fund Commercial Loan Underwriting Services By The Oakland Business Development Corporation For The Coliseum And Central City East Commercial Revolving Loan Programs For Fiscal Year 2010-2011

(10-0223-1)

The January 11, 2011 Community and Economic Development Committee approved recommendations; 4 Ayes

S-7.22-CC Subject: Installation Of Solar Panels
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing A Grant Of Up To \$100,000 In Broadway/MacArthur/San Pablo Redevelopment Funds To Oakland Affordable Housing Preservation Initiatives, Inc. (OAHPI) For The Installation Of Solar Panels On A Multi-Family Low-Income Housing Property Located At 3901 Webster Street

(10-0245)

The January 11, 2011 Community and Economic Development Committee approved recommendations; 4 Ayes

S-7.23-CC Subject: Enterprise Zone Increase
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Amending Ordinance Number 13024 C.M.S. (Master Fee Schedule) To Increase The \$75 Enterprise Zone Processing Fee By \$5 To \$80, And To Increase The Expedited Enterprise Zone Processing Fees By \$15 To \$110 And By \$35 To \$150

(10-0251)

The January 11, 2011 Community and Economic Development Committee approved recommendations; 4 Ayes

Action on this item will result in Introduction (First Reading)

Final Passage has been scheduled for February 1, 2011

S-7.24-CC Subject: Head Start Advisory Board
From: Department Of Human Services
Recommendation: Adopt A Resolution Extending The Duration Of The Head Start Advisory Board

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(10-0274)

**The January 11, 2011 Life Enrichment Committee approved
recommendations; 4 Ayes**

S-7.25-CC Subject: Installation Of Mural - 52nd Street
From: Council President Brunner
Recommendation: Adopt A Resolution From The Oakland City Council Supporting The
Installation Of A Mural Along 52nd Street At The Highway 24 Underpass And
Assuming Responsibility For Its Maintenance And Upkeep

(10-0258)

**The January 11, 2011 Life Enrichment Committee approved
recommendations; 4 Ayes**

S-7.26-CC Subject: Hazardous Fuels Risk Reduction
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter
Into An Intergovernmental Memorandum Of Understanding The Department Of
Homeland Security Federal Emergency Management Agency, California Emergency
Management Agency, U.S. Fish And Wildlife Service, National Park Service, U.S.
Forest Service, University Of California - Berkeley, East Bay Regional Park District For
Review Of An Environmental Impact Statement For Hazardous Fuels Risk Reduction In
The East Bay Hills

(10-0275)

**The January 11, 2011 Public Safety Committee approved
recommendations; 4 Ayes**

S-7.27-CC Subject: Sewer Service Fund
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing Amendments To The City Of
Oakland's Biennial Budget For Fiscal Year 2010-11 Per Resolution No. 82102 C.M.S. In
The Sewer Service Fund To Appropriate \$4.32 Million In Additional Revenues And
Expenditures Related To The Sewer Service Charge, Which Was Increased Effective
January 1, 2011 To Fund Additional Operation, Maintenance And Capital Improvements
To The Sanitary Sewer System

(10-0219)

**This item was withdrawn from the December 21, 2011 City Council agenda
and rescheduled to the January 18, 2011 City Council agenda**

S-7.28-CC Subject: Alameda County Waste Management Authority Appointment
From: Council President Reid
Recommendation: Adopt A Resolution Appointing Councilmember Rebecca Kaplan To
The Board Of The Alameda County Waste Management Authority For A Term
Beginning January 26, 2011 And Council President Larry E. Reid As The Alternate
Member

(10-0338)

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This item was placed on this agenda pursuant to Rule 28 of the Council's Rules of Procedure Resolution 82580 C.M.S.

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

- 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:

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- S-10 Subject: Governor's Budget Balancing Proposal
From: Office of the City Attorney
Recommendation: Adopt A Resolution Declaring The City Of Oakland's Opposition To Governor Jerry Brown's Proposal To Eliminate Local Redevelopment Agencies By July 1, 2011 As Part Of The Governor's Budget-Balancing Proposal, Urging The Governor And The State Legislature To Reject This Misguided Proposal, And Directing The City's State Lobbyist To Advocate Against The Budget Proposal
(10-0337)

This item was scheduled at the January 13, 2011 Rules and Legislation Committee

The Committee moved, seconded and carried a motion to approve the following urgency finding pursuant to the Sunshine Ordinance Section 2.20.080 E(2) regarding scheduling of this Item: that there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action relates to federal or state legislation.

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.

- ~~11 Subject: 2011 Federal Legislative Agenda
From: Office Of The Council President
Recommendation: Action On A Report Requesting Approval Of The Proposed 2011- Federal Legislative Agenda For The City Of Oakland
(10-0309)~~

This item was withdrawn and rescheduled to the February 1, 2011 City Council agenda

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S-12 Subject: Installation Of New Meters
From: Finance And Management Agency
Recommendation: Adopt A Resolution Confirming Locations For Previously Approved
New Meters As Required By Oakland Muncipal Code Section 10.36.141
(10-0276)

The January 11, 2011 Finance and Management Committee approved recommendations as amended to reduce the percentage of meter installations to 26% in District 1, equal to the number in District 3. Staff was further directed to return to committee as soon as possible with a proposal that distributes meter installations equitably citywide; 3 Ayes, 1 Abstain - Kernighan

S-13 Subject: OFCY Evaluation Report For Fiscal Year 2009-2010
From: Department of Human Services
Recommendation: Adopt A Resolution Adopting The Oakland Fund For Children And
Youth Final Evaluation Reports For Fiscal Year 2009-2010
(10-0196)

The January 11, 2011 Life Enrichment Committee approved recommendations as bifurcated and approved the resolution and directed staff to provide an updated Performance Improvement Plan as supplemental information to the January 18, 2011 Council agenda packet. In addition, the committee held the Performance Improvement Plan for the 3 low performing sites in committee to return at a future date. Staff was also directed to provide in future reports annual comparative data to build longitudinal results and include information on the issue of bullying; 4 Ayes

S-14 Subject: Condition Of The City's Parks
From: Councilmember Kernighan
Recommendation: Receive An Informational Report On The Condition Of The City's
Parks Prepared And Presented By The Oakland Parks Coalition
(10-0277)

The January 11, 2011 Public Works Committee approved recommendations and the committee directed staff to provide a verbal update on the status of the new position created to coordinate maintenance at the city's parks.; 4 Ayes

S-15 Subject: Rainbow Teen Center - Construction Contract
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Waiving Advertising And Bidding Requirements
And Awarding A Contract For The Construction Of The Rainbow Teen Center At 5818
International Boulevard To Pulte Homes In An Amount Not To Exceed \$121,000, And
Accepting A Donation Of \$204,0000 In Labor And Materials From Pulte Homes For The
Rainbow Teen Center Project
(10-0290)

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The January 11, 2011 Public Works Committee approved recommendations and directed staff to verify that prevailing wages were received from contractors who worked on the renovations at the Rainbow Teen Center and provide a verbal report to the full Council; 4 Ayes

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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(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