



# 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>

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Tuesday, January 21, 2014

5:30 PM

City Council Chambers, 3rd Floor

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### **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

**COUNCILMEMBERS:** Desley Brooks, District 6; Noel Gallo, District 5; Lynette Gibson McElhaney, District 3; Dan Kalb, District 1; President Pro Tempore Rebecca Kaplan, At-Large; Vice Mayor Larry Reid, District 7; Libby Schaaf, District 4; Council President Patricia Kernighan, District 2

3 OPEN FORUM / CITIZEN 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: Recognizing The East Bay Dragons Motorcycle Club  
From: Councilmember Desley Brooks and Vice Mayor Larry Reid  
Recommendation: Adopt A Resolution Honoring And Recognizing The East Bay

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Dragons Motorcycle Club On Their 55th Anniversary  
(13-0241)

- 4.2 Subject: Honoring The East Bay Warriors  
From: Councilmember Lynette Gibson McElhaney  
Recommendation: Adopt A Resolution Honoring And Commemorating The East Bay Warriors Football And Cheerleading Teams For Their Participation In The Pop Warner Super Bowl And National Cheerleading Championships In Florida In December 2013 And Recognizing The Organization's Efforts To Promote Athletics And Academics For Oakland's Youth  
(13-0251)

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF JANUARY 7, 2014

- 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 Human Immunodeficiency Virus ("HIV")/Acquired Immunodeficiency Syndrome ("AIDS") Epidemic  
(13-0272)
- 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  
(13-0273)
- 7.3-CC Subject: Library Advisory Commission Appointments - Duong And Belay  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Noelle Tu Duong And Daniel Belay As Members Of The Library Advisory Commission  
(13-0271)
- 7.4-CC Subject: Violence Prevention And Public Safety Oversight Committee Appointments  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Appointing Nwamaka Agbo And Reappointing Melanie Shelby And Jose Dorado As Members Of The Violence Prevention And Public

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Safety Oversight Committee  
(13-0275)

7.5 Subject: Settlement Agreement - Tony Ray Jones v. City Of Oakland  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Tony Ray Jones v. City Of Oakland, Et Al. United States District Court Case No. CV12-1416 In The Amount Of \$125,000 As A Result Of An Officer Involved Shooting On February 12, 2012  
(13-0274)

7.6-CC Subject: Former Oakland Army Base Street Reservations And Easements  
From: Office Of Neighborhood Investment  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Acknowledging And Confirming The City's Reservation, Acceptance And Establishment Of Parcels A, B, C And D At Gateway Industrial Park As Public Streets And Public Rights-Of-Way Within The City Of Oakland; And  
(13-0238)

2) An Ordinance Authorizing The City Administrator To Negotiate And Execute Public Utility Easements And Utility Easements With Comcast, East Bay Municipal Utility District, U.S. Department Of The Navy, San Francisco Public Utilities Commission (Or Related Entity), Port Of Oakland, CalTrans And To-Be-Determined Telecommunications Providers To Facilitate The Army Base Public Infrastructure Project On The Former Oakland Army Base  
(13-0238-1)

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

**INTRODUCTION (First Reading) WAS PASSED ON JANUARY 7, 2014;  
8 AYES.**

S-7.7-CC Subject: Semi-Annual Vacancy Report  
From: Department Of Human Resources Management  
Recommendation: Receive The Semi-Annual Informational Report On Budgeted Vacant Positions And Hiring For The Period April 8, 2013 Through November 26, 2013  
(13-0264)

**The January 14, 2014 Finance & Management Committee received and forwarded the report with a vote of 4 Ayes.**

**The Committee also directed staff to provide a supplemental report which explains the terms used in the "Comment" section of the report, including estimated timeframes for each comment made.**

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The Committee also directed staff to include the following in future vacancy report:

- 1) Anticipated dates for which vacant positions will be filled;
- 2) Intentional vacancies;
- 3) Budget-assumed vacancy rate; and
- 4) Industry standard vacancy rate goals.

S-7.8-CC Subject: Salary Ordinance Amendment - Employee Relations Director  
From: Department Of Human Resources Management  
Recommendation: Adopt The Following Pieces Of Legislation:

- 1) An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Classification Of Employee Relations Director; And [\(13-0268\)](#)

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

**FINAL PASSAGE (Second Reading) WILL OCCUR ON FEBRUARY 4, 2014.**

**The January 14, 2014 Finance & Management Committee approved recommendations as amended with a vote of 4 Ayes.**

**The Committee approved recommendations as contained in the draft version of the ordinance.**

- 2) A Resolution Recommending To The Civil Service Board The Exemption Of The Following Classification From The Operation Of The Civil Service: Employee Relations Director [\(13-0268-1\)](#)

**The January 14, 2014 Finance & Management Committee approved recommendations with a vote of 4 Ayes.**

S-7.9-CC Subject: Deferred Compensation Plan For Part-Time, Seasonal & Temp Employees  
From: Department Of Human Resources Management  
Recommendation: Adopt The Following Pieces Of Legislation:

- 1) An Ordinance Approving Amendments To The Deferred Compensation Plan For Full-Time And Permanent Part-Time Employees, Established By Resolution No. 68563, As Amended By Resolution 75111, Incorporated Herein, Updating The Deferred Compensation Plan To Comply With State And Federal Laws, Establishing Participant Loan And Other Procedures, To Reflect The Approved Composition Of The Deferred

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Compensation Committee, And Affirming The Authority Of The Deferred Compensation Committee Take Any And All Actions, And To Negotiate, Execute And Deliver, Any And All Agreements And Other Documents That The Committee May Deem Necessary Or Advisable To Administer The Plan; And  
(13-0270)

2) An Ordinance Approving Amendments To The Deferred Compensation Plan For Part-Time Seasonal And Temporary Employees, Established By Resolution No. 68722, As Amended By Resolution 75111, Incorporated Herein, Updating The Deferred Compensation Plan To Comply With State And Federal Laws, Establishing Participant Loan And Other Procedures, To Reflect The Approved Composition Of The Deferred Compensation Committee, And Affirming The Authority Of The Deferred Compensation Committee Take Any And All Actions, And To Negotiate, Execute And Deliver, Any And All Agreements And Other Documents That The Committee May Deem Necessary Or Advisable To Administer The Plan  
(13-0270-1)

**ACTION ON THESE ITEMS WILL RESULT IN INTRODUCTION (First Reading) OF THE ORDINANCES.**

**FINAL PASSAGE (Second Reading) WILL OCCUR ON FEBRUARY 4, 2014.**

**The January 14, 2014 Finance & Management Committee approved recommendations as amended with a vote of 4 Ayes.**

**The Committee approved recommendations as amended to revise key provisions so that each ordinance uses the same terminology and language.**

S-7.10-CC Subject: Sanitary Sewer Rehabilitation  
From: Public Works Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award A Construction Contract To Andes Construction For The Rehabilitation Of Sanitary Sewers In The Area Bounded By 20th Street, San Pablo Avenue, Telegraph Avenue, Alice Street, And 12th Street (Project No. C227230) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Four Million Five Hundred Eighty Thousand Six Hundred Five Dollars (\$4,580,605.00)  
(13-0259)

**The January 14, 2014 Public Works Committee approved recommendations with a vote of 4 Ayes.**

S-7.11-CC Subject: Creation Of The Bicyclist And Pedestrian Advisory Commission  
From: Public Works Agency  
Recommendation: Adopt An Ordinance Creating The Bicyclist And Pedestrian Advisory Commission And Specifying The Terms And Responsibilities Of Its

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Commissioners  
(13-0260)

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

**FINAL PASSAGE (Second Reading) WILL OCCUR ON FEBRUARY 4, 2014.**

**The January 14, 2014 Public Works Committee approved recommendations as amended with a vote of 4 Ayes.**

**The Committee approved recommendations as amended to increase the number of BPAC commissioners to 9 members, requiring 5 members to constitute a quorum.**

S-7.12-CC Subject: Closing Down/Banning Internet Café/Sweepstake Casinos  
From: Councilmember Noel Gallo  
Recommendation: Receive An Informational Report To Draft An Ordinance - Or Revise An Existing Ordinance - Allowing The City Of Oakland To Close Down/Ban Internet Café/Sweepstake Casinos  
(13-0162)

**The January 14, 2014 Public Safety Committee received and forwarded this report with a vote of 4 Ayes.**

**The Committee also approved the following motion with a vote of 4 Ayes directing staff to bring a future report recommending the following proposals:**

- 1) Amend Chapter 9.24 of the Oakland Municipal Code “Gambling” to include online sweepstakes gambling activities;**
- 2) Amend zoning regulations to modify the Planning Code definition of mechanical or electronic games, section 17.10.320, to include Internet cafes; and**
- 3) Direct staff to keep this item in the Public Safety Committee rather than moving it to the Community and Economic Development Committee due to the nature of public safety matters associated with this type of activity.**

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:**

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## 9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING

### REQUIREMENTS:

### ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: Ordinance to Dissolve CFD No. 2013-1  
From: Office Of The City Administrator  
Recommendation: Adopt An Ordinance Dissolving City Of Oakland Community  
Facilities District No. 2013-1 (Wildfire Prevention District)  
(13-0250)

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

**FINAL PASSAGE (Second Reading) WILL OCCUR ON FEBRUARY 4, 2014.**

**This item was Continued from the January 7, 2014 City Council meeting.**

12 Subject: Grant Funds For Travel Expenses For Oakland Youth  
From: Councilmember Noel Gallo  
Recommendation: Adopt A Resolution Authorizing A Grant In The Amount Of \$600  
From Councilmember Gallo's Priority Project Funds To Oakland Community  
Organizations (OCO) To Cover Travel Expenses For A Youth Group To Travel To  
Central California As Part Of A National Campaign For Immigration Reform  
(13-0253)

**This item was Continued from the January 7, 2014 City Council meeting.**

13 Subject: RCC's Analysis Of EBRCS P25 Radio Systems  
From: Department Of Information And Technology  
Recommendation: Receive (A) An Informational Report On RCC's Side-By-Side  
Analysis Of Oakland And East Bay Regional Communications System (EBRCS) P25  
Radio Systems; And (B) Authorize The City Administrator To Enter Into Negotiations  
With EBRCS And Return To Council In 90-120 Days With Proposed Negotiations Terms  
And A Funding And Transition Plan  
(13-0226)

**This item was Continued from the January 7, 2014 City Council meeting.**

**The December 17, 2013 Finance & Management Committee approved recommendations as amended with a vote of 4 Ayes.**

**The Committee approved staff recommendations as amended as follows:  
"Authorize the City Administrator to enter into negotiations with EBRCS**

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**and return to Council in 90-120 days with proposed negotiation terms and a funding and transition plan, and include a funding plan for the purchase and maintenance of radio units."**

14 Subject: Amendment To Lease With EOYDC QALICB  
From: Office Of The City Administrator  
Recommendation: Adopt A First Amendment To Ordinance No. C.M.S. 13187, Which Authorized City Administrator To Enter Into A 66 Year Lease For \$1.00 Per Year With East Oakland Youth Development Center Qualified Active Low Income Community Business, Inc., A California Nonprofit Public Benefit Corporation (EOYDC QALICB), To Further Authorize: (1) An Increase Of Security In Such Leasehold Interest From \$7 Million To Up To \$10 Million, And (2) Inclusion In The New 66-Year Lease Of An Option To Purchase The Property  
(13-0279)

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

**FINAL PASSAGE (Second Reading) WILL OCCUR ON FEBRUARY 4, 2014.**

**This item was placed on the agenda at the January 9, 2014 Rules & Legislation Committee meeting.**

S-15 Subject: Parking Meter Management System  
From: Public Works Agency  
Recommendation: Adopt A Resolution (A) Waiving Advertising And Competitive Bidding And (B) Authorizing The City Administrator Or Her Designee To Execute A Five-Year Service Contract With IPS Group, Inc. In An Amount Not To Exceed Five Million Seven Hundred And Ninety-Three Thousand Nine Hundred And Eighty Dollars (\$5,793,980.00), Inclusive Of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) For Meter Equipment, Installation And Training, As Well As Three Million Two Hundred And Ninety-Three Thousand Nine Hundred And Eighty Dollars (\$3,293,980.00) For Wireless Data, Licensing Fees And Merchant Fees For The Purchase Of Parking Meters And Related Equipment Associated With The Public Works Agency's Parking Meter Management System Initiative; And Authorizing 1) Adjustments To The Public Works Agency's Adopted Fiscal Year 2013-2015 Operating Budget In The Amount Of One Million Nine Hundred And Eighty Thousand One Hundred And Twenty-Five Dollars (\$1,980,125.00) For Fiscal Year 2014-2015 For Debt Service; Wireless Data; Licensing Fees; Merchant Fees; Replacement Meters And Parts; Personnel Overtime And Other Operational And Maintenance Expenses Associated With Parking Meters; And 2) Adjustments To The Adopted Fiscal Year 2013-2015 Operating Budget By Increasing Budgeted Parking Meter Revenue In The Amount Of One Million Seven Hundred And Ninety-Four Thousand One Hundred And Sixty Dollars (\$1,794,160.00) And Increasing Budgeted Parking Citation Revenue In The Amount Of Two Hundred Nine Thousand



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Dollars (\$209,000.00) In Fiscal Year 2014-2015; And 3) The City Administrator Or Her Designee To Execute A Master Lease Purchase Agreement And All Related Documents With A Financial Institution To Be Identified And Selected Through The Competitive Bidding Process For Said Parking Meter Management System Initiative Financing In The Amount Of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) For A Term Not To Exceed Five (5) Years And An Interest Rate Not To Exceed Two And One-Half Percent (2.5%) For The Purchase Of Four Thousand Three Hundred (4,300) Single-Space Parking Meters And Related Equipment; And 4) The City Administrator Or Her Designee To Increase The Financial Terms Of The Proposed Contract With IPS Group, Inc. For The Possible Future Purchase(s) Of Additional Parking Meters And Related Equipment To Ensure Infrastructure And Equipment Integrity In An Amount Not To Exceed The Appropriated Budget For Said Activities, Without Return To Council  
[\(13-0256\)](#)

**The January 14, 2014 Finance & Management Committee approved recommendations with a vote of 4 Ayes.**

**The Committee also directed staff to provide a supplemental report on the locations where new meters will be replaced.**

S-16      Subject:      Contract With JT2 Integrated Resources  
From:          Department Of Human Resources Management  
Recommendation:    Adopt A Resolution Awarding A Contract To JT2 Integrated Resources For The Provision Of Workers' Compensation Administration Services For A Contract Amount Of \$2,477,278.82 For Contract Years 2013-14 And A Contract Amount Of \$2,477,278.82 Contract Year 2014-15 And With Council Approval, Options To Extend The Agreement For Three Additional Two-Year Terms For A Total Contract Amount Of \$2,477,278.82 For Contract Year 2015-16, \$2,511,538.40 For Contract Year 2016-17, \$2,546,483.16 For Contract Year 2017-18, \$2,582,126.83 For Contract Year 2018-19, \$2,618,483.36 For Contract Year 2019-20, \$2,655,567.03 For Contract Year 2020-21  
[\(13-0263\)](#)

**The January 14, 2014 Finance & Management Committee approved recommendations as amended with a vote of 4 Ayes.**

**The Committee approved recommendations as amended to require Council approval for any contract extensions.**

S-17      Subject:      Sewer Revenue Refunding Bonds, 2014 Series A  
From:          Office Of The City Administrator  
Recommendation:    Adopt A Resolution Approving The Issuance And Sale Of Not To Exceed \$55,000,000 Aggregate Principal Amount Of City Of Oakland Sewer Revenue Refunding Bonds, 2014 Series A To Refund Sewer Revenue Bonds, 2004 Series A; Approving The Form Of And Authorizing The Execution And Delivery Of A Second Supplemental Indenture, Escrow Agreement, Continuing Disclosure Agreement And

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Bond Purchase Agreement; Approving The Form Of And Authorizing The Distribution Of A Preliminary Official Statement And Authorizing The Execution And Delivery Of An Official Statement; And Authorizing Necessary Actions Related Thereto  
(13-0265)

**The January 14, 2014 Finance & Management Committee approved recommendations as amended with a vote of 4 Ayes.**

**The Committee also directed staff to provide a supplemental with amended resolution removing the funding for additional \$15 million which is no longer required.**

S-18 Subject: Contract For Operation And Management Of Parking Facilities  
From: Public Works Agency  
Recommendation: Adopt A Resolution Directing The City Administrator (1) To Negotiate A Multi-Year Contract For The Operation And Management Of Eight (8) City-Owned Parking Garages With Standard Parking Corporation And Its Partners Under The Name City Of Oakland Parking Partners, The Highest Scoring Respondent To A Competitive Request For Proposal And (2) To Return To The City Council Upon Conclusion Of Negotiations For Final Approval Of Said Contract And Other Parking Related Matters  
(13-0152)

**The January 14, 2014 Public Works Committee approved recommendations as amended with a vote of 4 Ayes.**

**The Committee approved recommendations as amended to include the following:**

- 1) Retention of current employees;**
- 2) Security;**
- 3) Coordination of parking times with local merchants and business improvements districts, including Uptown;**
- 4) Bicycle Parking; and**
- 5) Appropriate signage.**

S-19 Subject: Contract With Alameda County To Operate West Oakland Youth Center  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Enter Into A Memorandum Of Understanding With The County Of Alameda To Operate The West Oakland Youth Center For The Term Of February 1, 2014 To February 28, 2015 With Two One-Year Mutual Options To Renew And Provide Funding Up To \$470,000 For Center Operating Expenses And Planning And Development Of Youth Programming [TITLE CHANGE]  
(13-0215)

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The January 14, 2014 Life Enrichment Committee approved recommendations as amended with a vote of 4 Ayes.

The Committee directed staff to return to the full council with a supplemental report that includes a copy of the MOU, an anticipated timeline for implementation and to specify the composition of the community board members. The Committee also directed staff to include responses to the following questions:

- 1) What is the County's process for running the facility?
- 2) What services will be provided to the youth?
- 3) What are the County's staffing levels?
- 4) How will maintenance and utilities be covered?
- 5) Is there identified funding for public works services?
- 6) How will the 2009 report be incorporated into the current planning process?

The Committee further agreed to add the following language to the First Resolved in the resolution: "...Incorporate the report submitted to the 2009 CED 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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**THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR OVER  
THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO ENSURE THE  
SAFETY OF 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 8:30 A.M. TO 5:00 P.M.**

LaTonda Simmons  
City Clerk and  
Clerk of the Council