



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/Joint Powers Financing Authority

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

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

Tuesday, June 01, 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: Oakland Mother Of The Year 2010 - Barbara Newcombe

From: Council Member Nadel

Recommendation: Adopt A Resolution Recognizing And Honoring Barbara Newcombe As Recipient Of The 2010 Oakland "Mother Of The Year"

SUPPLEMENTAL

**Concurrent Meeting of the Oakland
Redevelopment Agency/City Council/Joint
Powers Financing Authority**

Tuesday, June 01, 2010

(09-1479)

S-4.2 Subject: Honorarium - Dominguita Velasco
From: Councilmember De La Fuente
Recommendation: Adopt A Resolution In Recognition Of Dominguita Velasco's 109th
Birthday And Her 90 Years Of Community Activism In The City Of Oakland
(09-1504)

**This item was previously noticed as item 7.14.
Materials for this item can be found under item 7.14**

5 APPROVAL OF THE DRAFT MINUTES FROM THE SPECIAL AND
CONCURRENT MEETINGS OF THE APRIL 29, 2010 AND MAY 18, 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
(09-1488)

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
(09-1489)

7.3-CC Subject: Quan's Pay-Go Funds
From: Vice Mayor Jean Quan
Recommendation: Adopt A Resolution Authorizing A Grant Of \$5,527.60 From
Councilmember Jean Quan's Pay-Go Funds To The Laurel District Association For The
Design, Fabrication And Installation Of Thirty-Five Street Banners
(09-1502)

7.4 Subject: Clear Channel Billboard Agreement - Ordinance 13003 C.M.S.
From: Office of the City Administrator
Recommendation: Adopt An 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
580 & Ettie Street, and Oakport & Hassler) Deleting The Requirements That The City

SUPPLEMENTAL

Have: (1) Exclusive Use Of, And An Even (50/50) Split Of Revenue From, A Portion Of The Oakport And Hassler Sign; And (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 & Hassler Sign

[\(09-1484\)](#)

**ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE OF THE
ORDINANCE**

Introduction (First Reading) was passed May 18, 2010; 8 Ayes

7.5-CC 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

[\(09-1413\)](#)

**ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE OF THE
ORDINANCE**

Introduction (First Reading) was passed May 18, 2010; 8 Ayes

7.6-CC Subject: Darrell Curry 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 Darrell Curry V. City Of Oakland, Et Al., United States District Court Number C-08-03695-SBA, Our File Number 26357, In The Amount Of \$40,000 (Oakland Police Department - Excessive Force)

[\(09-1503\)](#)

7.7 Subject: OFCY Committee Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Nina Horne As A Member Of The Children's Fund Planning And Oversight Board

[\(09-1404\)](#)

7.8-CC Subject: Violence Prevention And Public Safety Committee Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Reappointing Nicole R. Lee As A Member Of The Violence Prevention And Public Safety Committee

[\(09-1407\)](#)

7.9-CC Subject: Wildfire Prevention Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Dinah Fischbach Benson As A

SUPPLEMENTAL

**Concurrent Meeting of the Oakland
Redevelopment Agency/City Council/Joint
Powers Financing Authority**

Tuesday, June 01, 2010

Member Of The Wildfire Prevention Assessment District Advisory Board
(09-1408)

7.10 Subject: Budget Advisory Committee
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Kenneth Benson, Michael Killian And Sherbeam Wright As Members Of The Budget
Advisory Committee
(09-1409)

7.11-CC Subject: Youth Advisory Commission - District 6 Appointment
From: Councilmember Brooks
Recommendation: Adopt A Resolution Appointing Olivia Lucas As The District 6
Representative To The Youth Advisory Commission
(09-1322)

7.12-CC Subject: Cultural Affairs Commission Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Georgia Fraizer As A Member Of
The Cultural Affairs Commission
(09-1410)

7.13-CC Subject: Parks and Recreation Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Ellen Wu As A Member Of The
Parks And Recreation Advisory Commission
(09-1411)

~~7.14 Subject: Honorarium—Dominguita Velasco
From: Councilmember De La Fuente
Recommendation: Adopt A Resolution In Recognition Of Dominguita Velasco's 109th
Birthday And Her 90 Years Of Community Activism In The City Of Oakland
(09-1504)~~

This item has been moved to 4.2 on this agenda

~~7.15 Subject: Tui Ko 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 Claim Of Tui Ko, In The Amount Of \$5,358.09, As A
Result Of Property Damage Sustained In An Automobile Collision On December 09,
2009 (Public Works Agency)
(09-1505)~~

**This item was withdrawn from this agenda and no new return date has
been specified**

7.16-CC Subject: Allstate Insurance, Jose Martinez V. City Of Oakland

SUPPLEMENTAL

**Concurrent Meeting of the Oakland
Redevelopment Agency/City Council/Joint
Powers Financing Authority**

Tuesday, June 01, 2010

From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Allstate Insurance As Subrogee For Jose Martinez, In The Amount Of \$14,005.00, As A Result Of Property Damage Sustained In An Automobile Collision On May 30, 2009 (Oakland Police Department)
(09-1506)

7.17-CC Subject: Civil Service Board Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Alex Drexel As Member Of The Civil Service Board
(09-1507)

7.18-CC Subject: Measure Z Appointment - Dhar Mann
From: Councilmember Brooks
Recommendation: Adopt A Resolution Appointing Dhar Mann As A Member Of The Measure Z Community Oversight Committee, To Oversee The Implementation Of The Oakland Cannabis Regulation And Revenue Ordinance
(09-1275)

S-7.19-CC Subject: Proposition 84 - Safe Drinking Water
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Proposition 84: Safe Drinking Water, Water Quality And Supply, Flood Control, River And Coastal Protection Bond Act - Nature Education Facilities Program Grant Funds In An Amount Up To Fourteen Million Dollars (\$14,000,000.00), Seven Million Dollars (\$7,000,000.00) Each, For The Lake Merritt Rotary Nature Center Expansion And The Dunsmuir Hellman Estate Park Nature Education Center Improvement Projects
(09-1414)

**The May 25, 2010 Public Works Committee approved recommendations; 3
Ayes, 1 Abstain - Kernighan**

S-7.20-CC Subject: 2009-2010 Third Quarter Review
From: The Budget Office
Recommendation: Receive A Report On Fiscal Year 2009-2010 Third Quarter Revenue And Expenditure Results And Year-End Projections For Four Selected Funds - General Purpose Fund (1010), Landscape & Lighting Assessment District Fund (2310), Equipment Fund (4100) And Facilities Fund (4400); Overtime Analysis For The General Purpose Fund (1010) And All Funds; And Status Of Implementing The Fiscal Year 2009-2010 Budget Measures
(09-1355)

**The May 25, 2010 Finance and Management Committee received and
forwarded the report; 4 Ayes**

SUPPLEMENTAL

**Concurrent Meeting of the Oakland
Redevelopment Agency/City Council/Joint
Powers Financing Authority**

Tuesday, June 01, 2010

S-7.21-CC Subject: Telecommunication Land Use Program
From: Community And Economic Development Agency
Recommendation: Receive An Informational Report On The City Of Oakland
Telecommunication Land Use Program Which Allows The Telecommunication Industry
To Lease City And Redevelopment Agency-Owned Real Estate To Enhance
Telecommunication Services To Their Customers
(09-1420)

**The May 25, 2010 Finance and Management Committee received and
forwarded the report; 4 Ayes**

S-7.22-CC Subject: Sewer Service Charge
From: Finance And Management Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute
Amendment Number 2 To The Sewer Service Charges, Billing And Collection
Agreement Of December 12, 1997, By And Between East Bay Municipal Utility District
(EBMUD) And The City Of Oakland For A Term Of Three Years From July 1, 2010 To
July 1, 2013
(09-1421)

**The May 25, 2010 Finance and Management Committee approved
recommendations; 4 Ayes**

S-7.23-CC Subject: Senior Citizen Alarm Permit
From: Oakland Police Department
Recommendation: Adopt An Ordinance Amending Ordinance No. 12948 C.M.S. (Master
Fee Schedule) To Reflect The Fee Changes Associated With Low Income Senior Citizen
Alarm Permit Discount
(09-1452)

**The May 25, 2010 Finance and Management Committee approved
recommendations; 4 Ayes**

S-7.24-CC Subject: Status Of Grants From ARRA
From: Office Of The City Administrator
Recommendation: Receive An Informational Report On The Status Of Grants From The
American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus
Package") Including Grant Award Periods, Managing Departments, And Jobs Generated
(09-1454)

**The May 25, 2010 Finance and Management Committee received and
forwarded the report; 4 Ayes**

S-7.25-CC Subject: The California Housing Finance Agency-Help Loan Program
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing A Contribution Of Up To \$230,000 In Low And

SUPPLEMENTAL

**Concurrent Meeting of the Oakland
Redevelopment Agency/City Council/Joint
Powers Financing Authority**

Tuesday, June 01, 2010

Moderate Income Housing Funds To The City Under The Cooperation Agreement To Fund The Repayment Of A Loan From The California Housing Finance Agency Housing Enabled By Local Partnership Program
(09-1416)

The May 25, 2010 Finance and Management Committee approved recommendations; 3 Ayes, 1 Absent - De La Fuente

2) A City Of Oakland Resolution Accepting And Appropriating A Contribution Of Up To \$230,000 From The Redevelopment Agency Under The Cooperation Agreement To Fund The Repayment Of A Loan From The California Housing Finance Agency Housing Enabled By Local Partnership Program
(09-1416-1)

The May 25, 2010 Community And Economic Development Committee approved recommendations; 3 Ayes, 1 Excused - Brunner

S-7.26-CC Subject: Oakland's Permanent Access To Housing (PATH)
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing: (1) An Agreement With The Oakland Housing Authority (OHA) To Accept Housing Subsidy Funding In An Amount Up To \$925,000 To Implement The Oakland Path Re-Housing Initiative (OPRI) For The Period Of June 1, 2010 Through June 30, 2011; And (2) An Amendment To An Existing \$1,903,850 Grant Agreement With Abode Services, Inc To Add Up To \$820,000 In OHA Funding For The OPRI Program, For A Total Contract Amount \$2,723,850; And (3) An Amendment To An Existing \$308,450 Grant Agreement With First Place For Youth Inc To Add Up To \$105,000 In OHA Funding For The OPRI Program, For A Total Contract Amount Of \$413,450; And (4) The Allocation Of Funds In An Amount Up To \$133,000 To Satisfy Match Requirements For The Families In Transition (FIT) Program Grant Funded Under HUD's Supportive Housing Program (SHP) For The Period Of March 1, 2010 To February 28, 2011; And (5) The Allocation Of Funds In An Amount Up To \$50,000 To Satisfy Match Requirements For The Matilda Cleveland Transitional Housing Program (MC-THP) Grant Funded Under SHP For The Period Of October 1, 2010 To September 30, 2011; And (6) The Allocation Of Funds In An Amount Up To \$250,000 To Satisfy Match Requirements For The Homeless Families Support Network (HFSN) Program Grant Funded Under SHP For The Period Of March 1, 2010 To February 28, 2011 [TITLE CHANGE]
(09-1359)

The May 25, 2010 Life Enrichment Committee approved recommendations; 4 Ayes

S-7.27-CC Subject: Goat Grazing Services
From: Oakland Fire Department
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator To Select A Vendor and Award A Contract For The Provision Of Goat Grazing Services In The City Of Oakland For The Period Of May 31, 2010 Through May 30, 2014 In An Amount Not

SUPPLEMENTAL

**Concurrent Meeting of the Oakland
Redevelopment Agency/City Council/Joint
Powers Financing Authority**

Tuesday, June 01, 2010

To Exceed One Million Five Hundred Thousand Dollars (\$1,500,000) For The Four Year Period, And 2) Waiving The Advertising And The Fixed, Sealed Bid, Price-Based Bid Process, And 3) Authorizing The City Administrator To Use The Request For Proposal/Qualifications Process To Select The Vendor For The Work
[\(09-1390\)](#)

The May 25, 2010 Public Safety Committee approved recommendations; 4 Ayes

S-7.28-CC Subject: High School Community Collaborative
From: Office Of The Mayor
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate A Grant From The California Emergency Management Agency (CAL-EMA) In The Amount Of Three Hundred Eighty Two Thousand Six Hundred Nine Dollars (\$382,639) To Be Used For The High School Career Pathway And Community Collaborative At Fremont High School And Castlemont High School, Which Provides Job, College and Career Counseling And Other Services To Reduce Violence And Gang Activity
[\(09-1441\)](#)

The May 25, 2010 Public Safety Committee approved recommendations; 4 Ayes

S-7.29-CC Subject: Councilmember Travel And Accommodation Expenses
From: Councilmember Kernighan
Recommendation: Adopt A Resolution Requiring A Statement In The Agenda Report Disclosing Source Of Funding For Councilmember Travel And Accommodation Expenses For Which City Council Approval Is Sought; And If City Funds Are To Be Used, The Projected Amount Thereof
[\(09-1462\)](#)

The May 27, 2010 Rules and Legislation Committee approved recommendations; 3 Ayes, 1 Excused - Brunner

S-7.30 Subject: Assembly Bill 781 - Bilingual Services
From: Councilmembers De La Fuente and Kernighan, Vice Mayor Quan
Recommendation Adopt A Resolution In Opposition Of Assembly Bill 781, As Amended (JEFFERIES), "Bilingual Services" Which Would Effect Statutory Changes Relating To Bilingual Hiring Requirements In Local Agencies
[\(09-1487\)](#)

The May 27, 2010 Rules and Legislation Committee approved recommendations; 3 Ayes, 1 Excused - Brunner

S-7.31-CC Subject: Senate Bill 1100 And Assembly Bills 1343, 2193,2176 and 2398
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:
1) A Resolution To Support California Senate Bill (SB)1100 Which Will Require

SUPPLEMENTAL

**Concurrent Meeting of the Oakland
Redevelopment Agency/City Council/Joint
Powers Financing Authority**

Tuesday, June 01, 2010

Manufacturers To Create, Fund And Operate A Program To Recycle And/Or Dispose Of Household Batteries They Sell In California After Their Useful Life

[\(09-1445-1\)](#)

2) Adopt A Resolution To Support California Assembly Bill (AB)1343 Which Will Require Manufacturers To Create, Fund And Operate A Program To Recycle And/Or Dispose Of Architectural Paint They Sell In California After Its Useful Life

[\(09-1446\)](#)

3) Adopt A Resolution To Support California Assembly Bill 2139 Which Will Require Manufacturers To Create, Fund And Operate A Program To Recycle And/Or Dispose of Household Medical Needles, Household Pesticides, And Household Single-Use Butane Containers They Sell In California After Their Useful Life

[\(09-1447\)](#)

4) Adopt A Resolution In Support Of California Assembly Bill (AB) 2176 Which Will Require Manufacturers To Create, Fund And Operate A Program To Recycle And/Or Dispose Of Mercury-Containing Lamps They Sell In California After Their Useful Life

[\(09-1448\)](#)

5) Adopt A Resolution To Support California Assembly Bill (AB) 2398 Which Will Require Manufacturers To Create, Fund And Operate A Program To Recycle And/Or Dispose Of Carpet They Sell In California After Its Useful Life

[\(09-1449\)](#)

**The May 27, 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

**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: Special Tax Imposed For Emergency Medical Services
From: Budget Office
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing A Fiscal Year 2010-2011 Increase To A Special Tax Imposed For Emergency Medical Services In Accordance With The Emergency Medical Services Retention Act Of 1997 (Measure M) In Setting June 1, 2010 As The Date For Public Hearing
[\(09-1286\)](#)

**ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION OF THE
ORDINANCE**

SUPPLEMENTAL

**Final Passage (Second Reading) has been scheduled for June 15, 2010; 8
Ayes**

- 9.2 Subject: Paramedic Emergency Services
From: Budget Office
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing A Fiscal Year 2010-2011 Increase To A Special Tax Imposed For Paramedic Emergency Services In Accordance With The Paramedic Services Act Of 1997 (Measure N) In Setting June 1, 2010 As The Date For Public Hearing
(09-1289)

**ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION OF THE
ORDINANCE**

Final Passage (Second Reading) has been scheduled for June 15, 2010

- 9.3 Subject: Oakland Wildfire Prevention Assessment District - Annual Report
From: Budget Office
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Confirming The Information In The Annual Report For The City Of Oakland Wildfire Prevention Assessment District For Fiscal Year 2010-2011 And Levying Of Assessments
(09-1290)

- 9.4 Subject: Engineer's Report - LLAD
From: Budget Office
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Confirming The Information In The Engineer's Report For The City Of Oakland Landscaping And Lighting Assessment District For Fiscal Year 2010-2011 And The Levying Of Assessments
(09-1291)

- 9.5 Subject: Scotlan Memorial Convention Center
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Agency Administrator To Enter Into A Sublease With The City Of Oakland For The George P. Scotlan Memorial Convention Center For A Term Of Up To 12 Years For A Total Lease Payment Of \$2,000,000 In Fiscal Year 2009 - 2010 And \$2,000,000 In Fiscal Year 2010 - 2011;
(09-1388)

2) A City Ordinance Authorizing The City Administrator To Enter Into A Sublease With The Redevelopment Agency Of The City Of Oakland For The George P. Scotlan Memorial Convention Center For A Term Of Up To 12 Years For A Total Lease Payment Of \$2,000,000 In Fiscal Year 2009 - 2010 And \$2,000,000 In Fiscal Year 2010 - 2011;
And

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency/City Council/Joint
Powers Financing Authority

Tuesday, June 01, 2010

(09-1388-1)

**ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION OF THE
ORDINANCE**

Final Passage (Second Reading) has been scheduled for June 15, 2010

3) An Oakland Joint Powers Financing Authority Resolution Approving The City Of Oakland Sublease Of The George P. Scotlan Memorial Convention Center To The Redevelopment Agency Of the City Of Oakland Under The Second Amended And Restated Lease And Sublease Agreement Between The Oakland Joint Posers Authority And The City Of Oakland Dated May 1, 2001

(09-1388-2)

**The March 25, 2010 Community and Economic Development Committee
approved recommendations: 3 Ayes, 1 Excused - Brunner**

9.6

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 Sunshine Ordinance and the California Ralph M. Brown Act). Note that the Council has the discretion to pass a motion reopening the public hearing.

NOTE: THIS ITEM IS NOTICED FOR RECONSIDERATION OF THE MOTION TO CONTINUE THE MATTER TO JUNE 15TH IF THE MAYOR DOES NOT APPEAR AND CAST A VOTE TO BREAK THE TIE VOTE

PRIOR ACTION: At the May 18, 2010 Council meeting, Councilmember

SUPPLEMENTAL

Reid made a motion, seconded by Councilmember Kernighan (1) to continue the item to June 15th for a vote on the appeal in light of the applicant's May 14, 2020 request for a 30 day extension to give his new attorney time to review the record and prepare for the hearing and (2) with the understanding that the item also will be placed on the agenda for each regular council meeting prior to June 15 pursuant to Planning Code section 17.134.070 which requires that the Council place the item on each regular Council agenda until the Council decides the matter.

Upon roll call, the motion tied with 4 Ayes (Brooks, Kaplan, Kernighan, Reid) and 4 Noes (De La Fuente, Nadel, Quan, Brunner).

MAYOR'S OPTION TO CAST TIE-BREAKING VOTE: Pursuant to Rule 29 of the Council's Rules of Procedure Resolution No. 82580 C.M.S. and City Charter Section 200, which provides that "the Mayor shall have a vote on the Council if the Councilmembers are evenly divided", the item was continued to the Council's next regularly scheduled meeting solely for the purpose allowing the Mayor to cast the tie-breaking vote on the motion.

Rule 29 provides the following regarding the procedure: "Council and public discussion are permitted on the item to be voted on by the Mayor: however, Councilmembers cannot change their vote unless the item has been properly noticed for reconsideration. The Mayor must appear at the Council meeting to cast his vote."

OPTIONS/NEXT STEPS IF MAYOR DOES NOT CAST TIE-BREAKING VOTE: If the Mayor does not cast a tie-breaking vote in favor of the motion, the motion to continue the item will fail and Council will have the following options/steps:

- (1) A member who voted against continuing the item, can move to reconsider the motion to continue the item to June 15th. (Five affirmative votes are required to pass a motion to reconsider (Rule 7, subpart 7 of the Council's Rules of Procedure Resolution No. 82580 C.M.S.)).
- (2) If the motion to reconsider passes, then the Council will vote again on the motion to continue the item to June 15th for a vote on the appeal.
- (3) If the Council does not continue the item, the matter will be before the Council for a vote on the appeal.
- (4) Prior to voting on the appeal, the Council must hear public comment and Councilmembers' comments, pursuant to the open meeting requirements .
- (5) Prior to hearing public speakers, the Council may pass a motion by a majority vote to reopen the public hearing.

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency/City Council/Joint
Powers Financing Authority

Tuesday, June 01, 2010

(6) As indicated in #3 above, the Council can then vote on the merits of the appeal.

9.7 Subject: ~~Design Review For A Telecommunications Facility~~
From: ~~Community And Economic Development Agency~~
Recommendation: ~~Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal (A10-055), And Upholding The Planning Commission Decision To Approve A Regular Design Review At 1001 42nd Street To Establish A Mini Telecom Facility (Telecommunication Civic Activity).~~
(09-1306)

This item was withdrawn and rescheduled to the June 15, 2010 City Council agenda

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 Subject: Support Of Senate Bill 1205
From: Vice Mayor Quan
Recommendation: Adopt A Resolution In Support Of Senate Bill (SB) 1205 (Corbett) Establishing The San Francisco Bay Area Disaster Recovery Planning Council
(09-1512)

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: Local 1021 Part-Time Unit - MOU
From: Department of Personnel and Management
Recommendation: Adopt A Resolution Approving The Memorandum Of Understanding Between The City Of Oakland And The Service Employees International Union, Local 1021 Part-Time Unit, Representing Employees In Representation Units SII, Covering The Period From July 1, 2008 Through June 30, 2011
(09-1471)

12 Subject: ~~Manufacturing Medical Cannabis~~
From: ~~Councilmembers Reid and Kaplan~~
Recommendation: ~~Adopt An Interim Ordinance Of The City Of Oakland Adopted As An Urgency Measure Pursuant To California Government Code Section 65858 Making Findings And Establishing A Temporary Moratorium On The Establishment Of Any New Activity Or Facility Cultivating And/Or Manufacturing Medical Cannabis~~
(09-1482)

This item was withdrawn from this agenda and no new return date has been specified

S-13 Subject: Establishing Parking Limitations
From: Councilmember Kernighan And Councilmember Nadel
Recommendation: Adopt The Following Pieces Of Legislation:

SUPPLEMENTAL

**Concurrent Meeting of the Oakland
Redevelopment Agency/City Council/Joint
Powers Financing Authority**

Tuesday, June 01, 2010

- 1) A Resolution Approving The Establishment Of Three-Hour Parking Limitations From 8:00 A.M. To 6:00 P.M., Monday Through Sunday Except Holidays On The West Side Of Lakeshore Avenue Between Macarthur Boulevard And The 12th Street Dam;
- 2) Rescinding Resolution Number 47802, Passed April 6, 1967, Which Established A Two-Hour Parking Limitation On The West Side of Lakeshore Avenue Between The 12th Street Dam And East 15th Street Between 8:00 A.M. and Noon, And On The West Side Of Lakeshore Avenue Between El Embarcadero And MacArthur Boulevard Between 8 A.M. and 6 P.M. On Weekdays Except Holidays;
- 3) Rescinding Resolution No. 62175, Passed May 15, 1984, Which Established A Two-Hour Parking Limitation On The West Side of Lakeshore Avenue Between El Embarcadero and East 18th Street Between 10:00 A.M. and 7:00 P.M. Monday Through Sunday; And
- 4) Rescinding Resolution Number 63235, Passed July 30, 1985, Which Established A No-Parking Restriction On The West Side Of Lakeshore Avenue Between MacArthur Boulevard And The 12th Street Dam Between Noon And 8:00 P.M. On Weekends And Holidays
(09-1372)

**The May 25, 2010 Public Works committee approved recommendations: 4
Ayes**

S-14 Subject: Tax And Revenue Anticipation Notes
From: Finance And Management Agency
Recommendation: Adopt A Resolution Authorizing The Sale Of 2010-2011 Tax And Revenue Anticipation Notes In An Amount Not To Exceed Two-Hundred Million Dollars (\$200,000,000); Authorizing The Execution And Delivery Of Related Documents And Approving Certain Related Actions
(09-1483)

**The Mary 25, 2010 Finance and Management Committee approved
recommendations and directed staff to provide a supplemental report on
the criteria used for the RFP process. Staff were further directed to look at
the pool of financial advisors to re-evaluate choices; 4 Ayes**

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)**

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the

SUPPLEMENTAL

**Concurrent Meeting of the Oakland
Redevelopment Agency/City Council/Joint
Powers Financing Authority**

Tuesday, June 01, 2010

City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk - Agenda Management Unit
Phone: (510) 238-3226
Fax: (510) 238-6699
Recorded Agenda: (510) 238-2386
Telecommunications Display Device: (510) 839-6451
(TTD)

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 8:30AM TO 5:00PM

**LaTonda Simmons
City Clerk and
Clerk of the Council**