



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

***Special 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, December 09, 2008

6:00 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.

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.

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: Jane Brunner, Dist. 1; Patricia Kernighan, Dist. 2; Nancy Nadel, Dist. 3; Jean Quan, Dist. 4; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; Henry Chang, At-Large, and President Ignacio De La Fuente, Dist. 5

- 3 Open Forum / Citizens Comments
(Time Available: 15 minutes)
- 4 Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.
- 5 Motion for 'Members' Requests for Reconsideration' of an Action taken at the preceding Council Meeting, shall be scheduled for the next-succeeding City Council meeting as a non-consent item. (Motion Maker must have voted on prevailing side)

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- 6 Requests from Councilmember(s) to schedule an Action Item considered by Committee but not forwarded to Council, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.
- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on November 18, 2008

8. PRESENTATION OF CEREMONIAL MATTERS

- 8.1 Subject: Coach Paul Perenon - Recognition
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Congratulating Coach Paul Perenon On His Two Hundred Varsity Football Wins At Bishop O'Dowd High School
(07-1839)
- 8.2 Subject: Regina Jackson - Recognition
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Recognizing Regina Jackson For Her Dedication And Commitment To The Youth Of The City Of Oakland
(07-1841)
- S-8.3 Subject: Councilmember Chang Recognition
From: Council President De La Fuente
Recommendation: Adopt A Resolution Honoring Henry Chang, Jr. For 14 Years Of Exemplary Service To The People Of Oakland As A Distinguished Member Of The Oakland City Council
(07-1877)

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

10. CONSENT CALENDAR (CC) ITEMS:

- 10.1-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
(07-1859)
- 10.2-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
(07-1860)
- 10.3-CC Subject: Thelma Gooch - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To

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Compromise And Settle The Case Of Thelma Gooch V. City Of Oakland, Et Al.,
Alameda County Superior Court No. RG06297206, Our File No. 25298, In The Amount
Of \$34,050.00 (Public Works Agency - Trip And Fall)
(07-1861)

This item was not heard in Closed Session

10.4-CC Subject: Yun Su Kim And H. Joseph Jung - 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 Yun Su Kim And H. Joseph Jung, Her Attorney
Of Record In The Amount Of \$7,500.00 For An Automobile Collision Resulting In
Bodily Injury Involving A City Vehicle On March 10, 2008 (Public Works Agency)
(07-1862)

This item was not heard in Closed Session

10.5-CC Subject: Humberto Mejia - 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 Humberto Mejia V. City Of Oakland, Et Al.,
Alameda County Superior Court Case No. RG-07-363616, Our File No. 25912 In The
Amount Of \$11,000.00. This Case Involves An Automobile Accident Involving A City
Of Oakland Vehicle (Police Department)
(07-1863)

This item was not heard in Closed Session

10.6-CC Subject: Jadina Meneses - 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 Jadina Meneses V. City Of Oakland, Alameda
County Superior Court Case No. RG07-319608, In The Amount Of \$45,000.00. As A
Result Of A Trip And Fall Near The Intersection Of Clay Street And Embarcadero West.
(Public Works Agency)
(07-1864)

This item was not heard in Closed Session

10.7-CC Subject: Maureen Cadle - 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 Cadle V. City Of Oakland, Alameda County
Superior Court Case No. RG05-235812 In The Amount Of \$7,500.00 (Public Works
Agency)
(07-1865)

This item was not heard in Closed Session

10.8-CC Subject: Lawrence Williams - Settlement Agreement

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From: Office of the City Attorney

Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Lawrence Williams V. City Of Oakland, Alameda County Superior Court Case No. RG07351261, In The Amount Of \$9,000.00 (Public Works Agency)

[\(07-1866\)](#)

This item was not heard in Closed Session

10.9-CC Subject: Central Estuary Area Specific Plan - Contract Agreement

From: Community And Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing A Contribution Of An Amount Not To Exceed Two Million One Hundred And Thirteen Thousand Twenty Four Dollars (\$2,113,024) From The Coliseum Redevelopment Project Area To The City Of Oakland Under The Cooperation Agreement To Fund The Development Of The Central Estuary Area Specific Plan And Related Environmental Impact Report

[\(07-1680\)](#)

The November 12, 2008 Community and Economic Development Committee approved recommendations and amended the Resolution to reflect a 90% / 10% split between the Central City East Redevelopment Project Area and The Coliseum Redevelopment Project Area. The Committee further directed that this item go to the December 9, 2008 City Council Agenda because the PAC will review the amended resolution on December 1, 2008; 4 Ayes

2) A Resolution Accepting And Appropriating A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement In An Amount Not To Exceed Two Million One Hundred And Thirteen Thousand Twenty Four Dollars (\$2,113,024) And Authorizing The City Administrator To Negotiate And Execute A Professional Services Agreement With Community Design + Architecture For Development Of The Central Estuary Area Specific Plan In An Amount Not To Exceed Two Million Fifty One Thousand Four Hundred Eighty Dollars (\$2,051,480)

[\(07-1680-1\)](#)

The November 12, 2008 Community and Economic Development Committee approved recommendations; 4 Ayes

10.10-CC Subject: Urban Streams Restoration Program Grant

From: Councilmember Jean Quan

Recommendation: Adopt A Resolution Declaring The City Of Oakland's Intent To Apply With The Friends Of Sausal Creek For An Urban Streams Restoration Program Grant For The Sausal Creek Watershed

[\(07-1837\)](#)

10.11-CC Subject: Crimestop Committee Travel

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From: Councilmember Patricia Kernighan
Recommendation: Adopt A Resolution Authorizing The Use Of \$2,000.00 Of Councilmember Patricia Kernighan's Priority Project Funds To Pay For Travel Expenses Of Seven Oakland Police Department Crimestop Committee Members To Los Angeles, California, In December 2008, To Attend And Observe A Comparative Statistics ("CompStat") Meeting Held By The Los Angeles Police Department (LAPD) At Which The LAPD Will Discuss Crime And Crime Trends
(07-1838)

10.12-CC Subject: Violence Prevention Curricula Development
From: Councilmember Patricia Kernighan
Recommendation: Adopt A Resolution Authorizing The Use Of \$7,978.50 From Councilmember Patricia Kernighan's Pay-Go Funds (General Purpose Fund 1010) For The Oakland Department Of Human Services (DHS) To Pay For Middle School Violence Prevention Curricula Materials For The Oakland Unified School District
(07-1840)

10.13-CC Subject: Toler Heights Estates LLC - Sales Amendment
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Amending Ordinance No. 12726 C.M.S., Which Authorized The Sale Of City-Owned Properties To Toler Heights Estates LLC, To Authorize A Price Reduction For 9724 And 9745 Thermal Street From \$416,000 To The Negotiated Value Of \$120,000 To Allow The Completion Of Two Market-Rate Homes, And To Rescind The Authorization To Sell 2656 And 2660 98th Avenue For \$394,500; On The November 12, 2008 Community And Economic Development Committee Agenda
(07-1708)

**ACTION ON THIS ITEM WILL RESULT IN THE FINAL PASSAGE
(SECOND READING) OF THE ORDINANCE**

**Introduction (First Reading) was approved on November 18, 2008; 7 Ayes,
1 Absent - Reid**

10.14-CC Subject: Purchase Of Three Landlocked Parcels
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing The Purchase Of Three Landlocked Parcels Behind Leimert Boulevard And Adjacent To Dimond Park (APN 029A-1353-011-2; 029A-1353-013-2 And APN 029A-1354-001-1) From The Alameda County Treasurer-Tax Collector For A Total Price Not To Exceed \$27,000, Plus Interest
(07-1725)

**ACTION ON THIS ITEM WILL RESULT IN THE FINAL PASSAGE
(SECOND READING) OF THE ORDINANCE**

**Introduction (First Reading) was approved on November 18, 2008; 7 Ayes,
1 Absent - Reid**

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10.15-CC Subject: Anti-Nepotism Policy Amendment
From: Councilmember Nancy Nadel
Recommendation: Adopt An Ordinance Amending Title 9 Of The City Of Oakland
Municipal Code By Adding A New Chapter, 2.38, Entitled Anti-Nepotism Policy, To
Prevent Nepotism And Cronyism In Hiring And Administration
(07-1812)

The Council amended the Ordinance as follows: a) “Cronyism” means participating in any employment decision that involves preferential treatment based on a close friendship, a business partnership, and/or a professional, political, or commercial relationship b) Add the term “Cronyism” to “Section 7C,” as follows: Section 7. Enforcement. C. Any City employee who becomes aware that an official, manager or employee has attempted to influence the City, its officials, managers or employees, or change the terms and conditions of employment of any individual with whom that person has a family relationship, consensual romantic relationship or cohabitant relationship, or who has otherwise engaged in cronyism, shall report that attempt to the Director of Personnel, the City Attorney or the City Auditor; and c) Add the term “Cronyism” to “Section 7D,” as follows: Section 7. Enforcement. D. The Director of Personnel shall provide an annual report to the City Council describing (1) the nature and number of prohibited relationships disclosed and (2) investigations which disclosed cronyism, and what actions were taken to make alternate arrangements.

**ACTION ON THIS ITEM WILL RESULT IN THE FINAL PASSAGE
(SECOND READING) OF THE ORDINANCE**

**Introduction (First Reading) was approved on November 18, 2008; 5 Ayes,
1 No - Brunner, 1 Abstention - Quan, 1 Absent - Reid**

S-10.16-C Subject: Proposition 8 - Party Petitioner
C From: Office of the City Attorney
Recommendation: Adopt A Resolution Memorializing The Council's November 18,
2008 Unanimous Decision In Closed Session Authorizing City Of Oakland To Join As A
Party Petitioner, City And County Of San Francisco, Et Al., V. Horton, Et Al.,
(California Supreme Court, Case No. 168078), A Petition For Writ Of Mandate Asking
The California Supreme Court To Strike Down Proposition 8, The 2008 Voter Initiative
Measure That Eliminates The Fundamental Right To Marry For Same-Sex Couples
(07-1876)

**Council discussed this item in Closed Session on November 18, 2008.
Motion authorizing this action passed with 8 Ayes**

S-10.17-C Subject: Chappell Hayes Health Clinic Improvements
C From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply

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For, Accept, And Appropriate A Grant For \$473,707 From The U.S. Department Of Health And Human Services, Health Resources And Services Administration (HRSA), For Capital Improvements To The Chappell Hayes Health Clinic At McClymond's High School And To Execute Contract With Oakland Unified School District (OUSD) In An Amount Not To Exceed \$473,707 For The Period September 1, 2008 Though August 31, 2009

[\(07-1735\)](#)

**The December 2, 2008 Public Works Committee approved
recommendations; 4 Ayes**

S-10.18-C Subject: First Quarter Revenue And Expenditure Results
C From: Budget Office

Recommendation: Action On A Report On Fiscal Year 2008-2009 First 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 City Facilities Fund (4400); And Overtime Analysis For General Purpose Fund (1010) And All Funds

[\(07-1768\)](#)

The December 2, 2008 Finance and Management received and forwarded the report and directed staff to return at a future date with the following reports: 1) A discussion of alternatives to the internal funds imbalance including the fleet management report; 2) What is being done by the City Administrator to prevent departments from going over budget and if the department goes over, where is the money coming from to cover the overage; 3) Status on parking revenues, expenditures, use of the hand held citation devices, etc.; 4) A review of the capital improvement projects in conjunction with being prepared to benefit from Mr. Obama's proposed economic stimulus package; and 5) Options for OPD to conduct a rookie academy sooner than later and the possibility of splitting the cost between two fiscal years versus continuous lateral academies; 4 Ayes

S-10.19-C Subject: Brown Act Amendments To The Sunshine Ordinance
C From: Public Ethics Commission

Recommendation: Adopt An Ordinance Amending Chapter 2.20 Of The Oakland Municipal Code To Conform The Definition Of "Meeting" To Provisions Of The Ralph M. Brown Act

[\(07-1695-1\)](#)

**The December 2, 2008 Finance and Management Committee approved
recommendations; 4 Ayes**

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION
(FIRST READING) OF THE ORDINANCE**

Final Passage (Second Reading) has been schedule for January 6, 2009

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C From: Office of the City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Two Year Professional Services Agreement, With Two One-Year Options For Renewal, With Civicorps Schools For Implementation Of The Excess Litter Fee Program In An Amount Not To Exceed \$400,000 Each Year (TITLE CHANGE)
(407-1756)

The December 2, 2008 Community and Economic Development Committee approved recommendations and amended the resolution as follows: The addition of a RESOLVED: That the contractor is responsible for the removal of litter from sidewalks, gutters, storm drains and tree wells on a year round basis. Litter will be collected from the designated areas a minimum of two times per week. Litter will be collected three times per week if a) the City Administrator in consultation with Councilmember opts to decrease the number of blocks in a particular district or b) the City Administrator determines that collection can be done three times per week in a particular district, and be it and Further Resolved: That the contractor will track and record number of bags of litter collected from each location daily and prepare accurate, detailed monthly written reports for submittal to the Office of the City Administrator within 15 days after the end of each calendar month; 4 Ayes

S-10.21-C Subject: Third Wave Consulting - Professional Services Contract

C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing A Professional Services Contract With Third Wave Consulting In An Amount Not To Exceed \$36,000.00 For The Design, Configuration And Implementation Of A Customer Relationship Management Application Of Salesforce.Com To Be Partially Paid For With Redevelopment Agency Funds
(07-1777)

The December 2, 2008 Community and Economic Development Committee approved staff recommendations and the resolution submitted in the original report; 3 Ayes, 1 Abstention - Brunner

S-10.22-C Subject: Various Façade Improvement Program Allocations

C From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Allocating \$125,000 To The West Oakland Redevelopment Project Area Façade Improvement Program And Allocating \$125,000 To The West Oakland Redevelopment Project Area Tenant Improvement Program;
(07-1792)

2) An Agency Resolution Allocating \$300,000 To The Coliseum Redevelopment Project Area Façade Improvement Program And Allocating \$245,000 To The Coliseum Redevelopment Project Area Tenant Improvement Program; And

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(07-1792-1)

**The December 2, 2008 Community and Economic Development Committee
approved recommendations; 4 Ayes**

S-10.23-C Subject: Various BID Annual Reports
C From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving The Annual Reports Of The Lakeshore/Lake Park Business Improvement Management District, Temescal/Telegraph Avenue Property Business Improvement District Of 2005, The Laurel Property Business Improvement District Of 2005, The Fruitvale Property Business Improvement District Of 2006, And The Koreatown/Northgate Community Benefit District Of 2007 Advisory Boards And Confirming The Continuing Annual Assessment For Each District For Fiscal Year 2008/2009; And

(07-1775)

**The December 2, 2008 Community and Economic Development Committee
approved recommendations and directed staff to provide a Supplemental
report on all corridors and any other areas of interest that might be able
to become Business Improvement Districts; including interesting
highlights, etc.; 4 Ayes**

2) An Agency Resolution Authorizing Payment Of The Koreatown/Northgate Community Benefit District Of 2007 Assessment For One (1) Agency-Owned Property On Which An Assessment Is To Be Levied (Located At 2016 Telegraph Avenue APN 008-0649-010-00) In An Amount Not To Exceed \$2,035.50 For The Fiscal Year 2008-2009 Assessment Period

(07-1775-1)

**The December 2, 2008 Community and Economic Development Committee
approved recommendations; 4 Ayes**

S-10.24-C Subject: Fruitvale Masonic Temple - Renovation
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City To Apply For, Accept, And Appropriate Grant Funds In An Amount Not To Exceed \$196,000 From The U.S. Department Of Housing And Urban Development's Economic Development Initiative - Special Projects Grant Program To Be Used In The Renovation Of The Fruitvale Masonic Temple Located At Plaza De La Fuente And East 12th Street By The Unity Council

(07-1849)

**The December 2, 2008 Community and Economic Development Committee
approved recommendations; 4 Ayes**

S-10.25-C Subject: Gibson And Associates Agreement
C From: Department of Human Services

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Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute An Agreement With Gibson And Associates For The Period December 11, 2008 Through December 11, 2009, In An Amount Not To Exceed One Hundred Thirty-Five Thousand Dollars (\$135,000) For Professional Services To Develop The Oakland Fund For Children And Youth Strategic Plan (2010-2013)
(07-1796)

The December 2, 2008 Life Enrichment Committee approved recommendations and directed staff to submit a supplemental report providing the details of the monies left in the OFCY for fiscal year 2008-2009. Staff was also directed to bring forward a Rules request on 12/4/08 to schedule a Strategic Planning Workshop for February 2009

S-10.26-C Subject: Renaming Brookfield Park
C From: Office of Parks and Recreation
Recommendation: Adopt A Resolution Renaming "Brookfield Park" At 9175 Edes Avenue, To "Bill Patterson Park"
(07-1758)

S-10.27-C Subject: Dogs On Leashes - Mosswood Park
C From: Office of Parks and Recreation
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 6.04 - "Animal Control Regulations Generally", Section 6.04.080 (A)(1), To Permit Dogs On A Six Foot Leash On Designated Paths Through Mosswood Park
(07-1759)

S-10.28-C Subject: 2009 Selective Traffic Enforcement Program
C From: Oakland Police Department
Recommendation: Adopt A Resolution Amending Resolution No. 81223 C.M.S., Which Authorized The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Two Hundred Ninety-Eight Thousand Seventy Dollars (\$298,070) From The State Of California, Office Of Traffic Safety, To The Oakland Police Department For The Fiscal Year 2009 Implementation Of The Selective Traffic Enforcement Program In The Police Department, To An Amended Amount Not To Exceed Four Hundred Eleven Thousand Three Hundred Seventy Dollars (\$411,370)
(07-1663)

The December 2, 2008 Public Safety Committee approved recommendations; 4 Ayes

S-10.29-C Subject: 2008 Secure Our Schools Grant Program
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To: 1) Accept And Appropriate Grant Funds From The U.S. Department Of Justice, Office Of Community Oriented Policing Services (DOJ/COPS) Secure Our Schools Grant Program To The Oakland Police Department (OPD) In An Amount Not To Exceed One Million Five Hundred Twenty-Five Thousand One Hundred

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Twenty-Six Dollars (\$1,525,126) For The Period September 1,2008 Through August 31, 2010 And, 2) Accept And Appropriate Match Funds From The Oakland Unified School District (OUSD) To The Oakland Police Department In An Amount Not To Exceed One Million Five Hundred Twenty-Five Thousand One Hundred Twenty-Six Dollars (\$1,525,126) And, 3) Execute A Memorandum Of Understanding (MOU) With The Oakland Unified School District For The Procurement Of Surveillance Equipment For The Oakland Secondary School Safety Project
(07-1670)

**The December 2, 2008 Public Safety Committee approved
recommendations; 4 Ayes**

S-10.30-C Subject: Marine Unit Equipment
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Grant Funds In The Amount Of Fifty-Six Thousand Dollars (\$56,000) From The State Of California, Department Of Boating And Waterways, To The Oakland Police Department For Use By The Marine Unit For Equipment Purchases To Outfit And Maintain Two Vessels Used For Law Enforcement And Homeland Security On City Of Oakland Waterways And The Port Of Oakland Terminals
(07-1795)

**The December 2, 2008 Public Safety Committee approved
recommendations; 4 Ayes**

S-10.31-C Subject: Mayor's Street Outreach Program Funding
C From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate \$100,000 From Evelyn & Walter Haas Jr. Fund For Coordination, Technical Assistance, Training And Capacity Building For Measure Y Mayor's Street Outreach Program, Community Policing Officers And Other Providers
(07-1722)

**The December 2, 2008 Public Safety Committee approved
recommendations; 4 Ayes**

S-10.32-C Subject: Second Step Curriculum Funding
C From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend The Measure Y Grant Agreement With Oakland Unified School District (OUSD) For An Additional \$44,016 For Fiscal Year 2008-2009, Resulting In A Total Contract Amount Of \$277,348, To Provide Violence Prevention Curricula (Second Step and Too Good For Violence) To Middle Schools
(07-1736)

**The December 2, 2008 Public Safety Committee approved
recommendations; 4 Ayes**

S-10.33-C Subject: 2009 Federal Legislative Agenda Approval

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C From: City Council
Recommendation: Action On A Report Requesting Approval Of The Proposed 2009
Federal Legislative Agenda For The City Of Oakland
(07-1853)

The December 4, 2008 Rules and Legislation Committee approved recommendations and directed staff to add the following items to the chart for consideration: 3.8 million for the Cryer Boatworks Site - Public Beach Access and the East Oakland Sports Complex. Staff was also requested to include all areas that we are seeking funding for on the chart, (i.e. housing and green jobs); 3 Ayes, 1 Excused - De La Fuente

- 11 An oral report from the Agency Counsel / City Attorney of final decisions made during Closed Session
- 12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 2.20.130 of the Sunshine Ordinance

**COMMENCING AT 7:00 P.M. OR AS SOON AS REASONABLY PRACTICAL
THEREAFTER:**

- 13 Reconsideration of Ordinances pursuant to Charter Section 216

14. Consideration of items with statutory Public Hearing Requirements:

14.1 Subject: Public Hearing - Real Property Transfer Taxes
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Real Property Transfer Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
(07-1833)

2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
(07-1833-1)

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On

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Delinquent Real Property Transfer Taxes And The Recordation Of Liens With
Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of
The Oakland Municipal Code
(07-1833-2)

14.2 Subject: Public Hearing - Transient Occupancy Taxes
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent
Transient Occupancy Taxes And Upon Conclusion Adopt One Of The Following Pieces
Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The
Costs Incurred By The City Of Oakland For Delinquent Transient Occupancy Taxes And
Confirming The Recordation Of Liens With Administrative And Assessment Charges As
Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code, And Directing
The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax
Collector For Collection; Or
(07-1834)

2) A Resolution Overruling Protests And Objections And Accepting And Confirming
Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For
Delinquent Transient Occupancy Taxes And Authorizing The Recordation Of Liens
With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24
Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment
Charges Be Turned Over To The County Tax Collector For Collection; Or
(07-1834-1)

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On
Delinquent Transient Occupancy Taxes And The Recordation Of Liens With
Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of
The Oakland Municipal Code
(07-1834-2)

14.3 Subject: Public Hearing - Delinquent Mandatory Garbage Fees
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Delinquent Mandatory Garbage Fees
For April/May/June 2008, Monthly Accounts And July/August/September 2008,
Quarterly Accounts And Upon Conclusion Adopt One Of The Following Pieces Of
Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The
Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And
Confirming The Recordation Of Liens With Administrative And Assessment Charges As
Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing
The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax
Collector For Collection; Or
(07-1835)

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2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
[\(07-1835-1\)](#)

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Garbage Service Fees And The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code
[\(07-1835-2\)](#)

14.4 Subject: Public Hearing - Delinquent Business Taxes
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Business Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County For Collection; Or
[\(07-1836\)](#)

2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
[\(07-1836-1\)](#)

3) A Resolution Continuing Hearing On Reports Of The City Administrator On The Delinquent Business Taxes And The Confirming Of The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code
[\(07-1836-2\)](#)

14.5 Subject: Revolution Foods Relocation And Expansion Loan Agreement
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing 1) A Coliseum Redevelopment Revolving Loan In

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An Amount Not To Exceed \$170,500, And 2) A Coliseum Commercial Tenant Improvement And Facade Improvement Grant In An Amount Not To Exceed \$90,000, To Revolution Foods, Inc. For The Company's Relocation And Expansion; And
(07-1686)

2) A Resolution Authorizing The Loan Of Enhanced Enterprise Community Loan Funds In An Amount Not To Exceed \$249,500 To Revolution Foods, Inc. To Assist The Company's Relocation And Expansion
(07-1686-1)

At the November 18, 2008 City Council meeting staff presented the following alternative recommendation to amend the Revised Resolutions to reflect that 10 permanent jobs would be created instead of 27 and that the following language would be included in the Resolution: "Further Resolved: That within two years after the initial loan disbursement by the Agency, Revolution Foods, Inc., shall create at least 10 new permanent jobs for low and moderate income Oakland residents of which at least 7 of the jobs shall be filled by residents in Oakland's Enhanced Enterprise Community designated areas."

S-14.6 Subject: General Plan Land Use Diagram Corrections
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Correcting Long-Standing Scrivener's Errors On The General Plan Land Use Diagram To Conform To What Was Previously Adopted
(07-1773)

The December 2, 2008 Community and Economic Development Committee approved recommendations and directed staff to change the name of the tennis club from Claremont's Tennis Club to Berkeley's Tennis Club; 4 Ayes

S-14.7 Subject: Planning Code Amendments - Chapters 17.73 And 17.102
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Amending The Oakland Planning Code To: (1) Amend Chapter 17.102 "General Regulations Applicable To All Or Several Zones" To Include Performance Standards For Primary Collection Center Recycling Uses In All Zones (2) Amend Chapter 17.73 "CIX-1, CIX-2, IG And IO Industrial Zones" To Include Regulations Concerning Primary Collection Center Recycling Uses In CIX-1, CIX-2 And IG Zones; (2) Amend Chapter 17.10 "Use Classifications" To Delete "Intermediate Processing Facility" As A Land Use Activity Type From O.M.C. 17.10.586 "Recycling And Waste-Related Industrial Activities"
(07-1774)

The December 2, 2008 Community and Economic Development Committee approved recommendations and amended the ordinance in Exhibit A as follows: 1) Page eleven section 2-C rewrite the sentence to clearly state that the recycler is closed and section 4-A there is are no decibel readers in the Oakland Police department; 2) Page twelve the addition of 7-C that all

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facility owned trucks must be able to park within the Facility or other off street parking; 3) Page thirteen section 8-A the representative should attend NCPC meetings for a minimum of two per year or as needed or as requested; and 4) Page twelve section 5 -A(IV) a two block radius will be added for trash, litter, and cart pick up; 4 Ayes

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION
(FIRST READING) OF THE ORDINANCE**

Final Passage (Second Reading) has been schedule for January 6, 2009

S-14.8 Subject: Studio One Art Center - Landmark Designation
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Designating Studio One Art Center (Historic Name: Ladie's Relief Society Children's Home) At 365 45th Street As A Landmark Pursuant To Section 17.136.070 Of The Oakland Planning Code
(07-1790)

The December 2, 2008 Community and Economic Development Committee approved recommendations; 4 Ayes

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION
(FIRST READING) OF THE ORDINANCE**

Final Passage (Second Reading) has been schedule for January 6, 2009

S-14.9 Subject: The Altenheim - Landmark Designation
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Designating The Altenheim At 1720 MacArthur Boulevard As A Landmark Pursuant To Section 17.136.070 Of The Oakland Planning Code
(07-1791)

The December 2, 2008 Community and Economic Development Committee approved recommendations; 4 Ayes

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION
(FIRST READING) OF THE ORDINANCE**

Final Passage (Second Reading) has been schedule for January 6, 2009

ACTION ON NON-CONSENT ITEMS:

15 Subject: Donald P. McCullum Youth Court - Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To 1) Apply, Accept, And Appropriate Grant Funds In An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000) From The State Of

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California, Corrections Standards Authority, Juvenile Accountability Block Grant (JABG) Program, Gang Intervention Grant Initiative, For The Grant Term Of January 1, 2009 Through June 30, 2009; 2) Authorize A Funding Agreement In An Amount Not To Exceed One Hundred And Fifty Thousand Dollars (\$150,000) With The Donald P. McCullum Youth Court For Supplemental Implementation Of The Oakland Youth Court, Interface Project, As It Pertains To Youth-Based Gang Violence Preventions and Intervention Services

[\(07-1842\)](#)

- 16 Subject: Billboard Relocation Agreement - CBS Outdoor
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Billboard Relocation Agreement With CBS Outdoor, Inc. (CBS Outdoor), Allowing CBS Outdoor To Remove And Waive Its Rights To Compensation, Including All Real Property And Personal Property Interests, For A Number Of Billboards At Various Locations In Exchange For Reconstruction Of A Billboard Located At 185 98th Avenue (At The Intersection Of Bigge Avenue And 98th Avenue)

[\(07-1682\)](#)

This item was forwarded from the November 18, 2008 City Council agenda

- 17 Subject: Rockridge Business Improvement District - Annual Assessment
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2009-2010 For The Rockridge Business Improvement District, Approving The Annual Report Of The Rockridge Business Improvement District Advisory Board, And Scheduling A Public Hearing For January 6, 2009

[\(07-1727\)](#)

- 18 Subject: Montclair Business Improvement District - Annual Assessment
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2009-2010 For The Montclair Business Improvement District, Approving The Annual Report Of The Montclair Business Improvement District Advisory Board, And Scheduling A Public Hearing For January 6, 2009

[\(07-1728\)](#)

- 19 Subject: Hartford Life, Inc. - Agreement
From: Finance and Management Agency
Recommendation: Adopt A Resolution Authorizing The Deferred Compensation Committee To Execute An Agreement On Behalf Of The City Of Oakland With The Hartford Life, Inc., To Provide Recordkeeping, Administration, Investment, And Related Services For The City's Deferred Compensation Plan

[\(07-1713\)](#)

- 20 Subject: Community Choice Aggregation - Joint Workshop
From: Councilmember Nancy Nadel
Recommendation: A Request For The City Council To Approve The Scheduling Of A

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Joint Workshop, In Early 2009, On Community Choice Aggregation Including The City Councils Representing Oakland, Berkeley and Emeryville
(07-1797)

Pursuant to Resolution 79006 C.M.S. Rule 7, subpart 8 of the Council's Rules of Procedure Councilmember Nadel made a motion seconded by Councilmember Kernighan to pull this item from the November 6, 2008 Rules and Legislation Committee Agenda and place on this agenda as a Non-Consent item

- 21 Subject: Entitlement Extensions
From: Council President De La Fuente
Recommendation: Adopt A Resolution Extending Until December 31, 2011 The Expiration Date Of Permits Issued Under The Authority Of Title 17 Of The Oakland Municipal Code (Planning Code) And Creek Protection Permits Issued Under The Authority Of Chapter 13.16 Of The Oakland Municipal Code That Expire Prior To January 1, 2011 Upon Request And Payment Of Administrative Fee (TITLE CHANGE)
(07-1569)

At the November 18, 2008 City Council meeting a motion was made by Councilmember Quan seconded by Councilmember Nadel to amend the Revised Resolution to: 1) change the date of January 1, 2010 to January 1, 2011; 2) change the extension from one year to two years and 3) amend the first further resolved as follows: Further Resolved: This Extension shall not apply to properties that have been issued an administrative citation under Oakland Municipal Code Chapter 1.12 ("Blighted property"). Furthermore, in the event that a property included in a permit that has been extended pursuant to this resolution receives an administrative citation under Oakland Municipal Code Chapter 1.12 ("blighted property") that is not corrected, the City may terminate said extension; and be it...

- 22 Subject: Measure Q Performance Audit
From: Office of the City Auditor
Recommendation: Receive The Measure Q Performance Audit: Library Funds Were Mostly Spent In Accordance With The Measure
(07-1852)
- 23 Subject: Board Of Port Commissioners Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Pamela Calloway And James Head As Members Of The Board Of Port Commissioners
(07-1867)
- S-24 Subject: Declaration Of The November 4, 2008 Election Results
From: Office of the City Clerk
Recommendation: Adopt A Resolution Declaring The Results Of The City Of Oakland General Municipal Election Held On Tuesday, November 4, 2008

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(07-1874)

S-25 Subject: Oakland Army Base Settlement Agreement - Caltrans
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Agency Administrator To Negotiate And Execute An Amendment To The April 18, 2002 Oakland Army Base Settlement Agreement To Extend Caltrans' Use Of 26 Acres Of The West Gateway Area Property From April 2013 To April 2016 And To Accept From Caltrans A One-Time Easement Fee Of At Least \$10,835,283 In Exchange For The Extension (TITLE CHANGE);

(07-1730)

2) An Agency Resolution Authorizing The Agency Administrator To:

1) Negotiate And Execute An Amendment To The April 29, 2005 Under-Freeway Easement From Caltrans To Expand The Agency's Easement Uses To Include Vehicles And Vehicle Storage; 2) Negotiate And Execute A Phase II Tidelands Trust Exchange Agreement For Oakland Army Base Under-Freeway Property And Take Any Actions Necessary To Implement The Agreement; 3) Negotiate And Execute An Amendment To The May 23, 2005 Purchase And Sale Agreement With Caltrans For 6.5 Acres Of Oakland Army Base Property; And 4) Negotiate And Execute An Easement In Favor Of Caltrans For A San Francisco Bay Trail Connection To Maritime Street

(07-1730-1)

3) A Resolution Authorizing The City Administrator To: 1) Negotiate And Execute An Amendment To The April 18, 2002 Army Base Settlement Agreement To Extend Caltrans' Use Of 26 Acres Of The West Gateway Area Property From April 2013 To April 2016, And 2) Negotiate And Execute An Amendment To The May 23, 2005 Purchase And Sale Agreement With Caltrans For 6.5 Acres Of Oakland Army Base Property(TITLE CHANGE)

(07-1730-2)

The December 2, 2008 Community and Economic Development Committee approved recommendations and amended the legislation as follows: 1) To provide more clarity, the phrase "Tideland Trust" should be rewritten and 2 The word "Execute" will be removed from the San Francisco Bay Trail agreement and all negotiated contract language will be provided before contract finalization. The Committee further directed staff to remove all language referencing the agreement with Caltrans for 6.5 acres of the Oakland Army Base from the Resolution and to bring back a separate report to the Committee in January 2009; 4 Ayes

S-26 Subject: Elmhurst Weed And Seed Initiative Funding
From: Office of the City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed One Hundred Fifty Thousand (\$150,000) From The U.S. Department Of

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Justice, Office Of Justice Programs, Community Capacity Development Office, In
Support Of Third Year Program Operations Associated With The Elmhurst Weed And
Seed Initiative In The Office Of The City Administrator

[\(07-1723\)](#)

S-27 Subject: Taxi Cab Ordinance Amendment

From: City Council

Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter
5.64 "TAXICABS" To A) Move The Administration Of Taxi Permits From The
Oakland Police Department To The City Administrator's Office And B) Move The Initial
And Annual Inspection Of Taxis From The Oakland Police Department To The Public
Works Agency

[\(07-1875\)](#)

**ACTION ON THIS ITEM WILL RESULT IN THE INTRODUCTION
(FIRST READING) OF THE ORDINANCE**

Final Passage (Second Reading) has been scheduled for January 6, 2009

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

**(Meeting shall conclude no later than 10:30 p.m., unless extended by Majority Vote of the
Council)**

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[\(TDD\)](#)

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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,**

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**1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA
94612 FROM 8:30AM TO 5:00PM**

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

ORA - Oakland Redevelopment Agency
S - Supplemental Item