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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

Tuesday, March 04, 2014

5:30 PM

City Council Chambers, 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 / 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: Acknowledging Beverly Hodge

From: Councilmember Noel Gallo

Recommendation: Adopt A Resolution Acknowledging Beverly Hodge For Her

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Commitment To Improve The City Of Oakland As A Community Partner, Volunteer, And Leader

(13-0368)

4.2 Subject: Acknowledging Owens-Illinois Inc.

From: Councilmember Noel Gallo

Recommendation: Adopt A Resolution Acknowledging Owens-Illinois Inc., A Glass Manufacturing Company, For Their Commitment To The City Of Oakland For Over 100 Years

(13-0369)

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF FEBRUARY 18, 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

(13-0351)

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

(13-0352)

7.3-CC Subject: Public Art Advisory Committee Appointments

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Joyce Gordon, Evelyn Orantes, Cristina Cece Carpio, Bryan Cain And Reappointment Of Nick Dong, Kevin Chen, Joyce Hsu, And Judy Moran As Members Of The Public Art

Advisory Committee

(13-0350)

7.4-CC Subject: Violence Prevention And Public Safety Oversight Committee Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Appointing Kisha Jackson As A Member Of The

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Violence Prevention And Public Safety Oversight Committee

(13-0370)

7.5-CC Subject: Oakland Housing Authority Board Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of

Lynette Jung Lee To The Oakland Housing Authority Board

(13-0371)

7.6 Subject: Business Tax Board Of Review Appointment - Hillmer

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of-

Jens Hillmer As A Member Of The Business Tax Board Of Review

(13-0378)

The February 27, 2014 Rules & Legislation Committee withdrew this item.

7.7-CC Subject: Chabot Science Center Board Appointment

From: Council President Kernighan

Recommendation: Adopt A Resolution Appointing Councilmember Libby Schaaf As The Elected Member Of The Oakland City Council On The Chabot Space & Science Center Joint Powers Authority Board Of Directors

(13-0375)

This item was placed on the agenda by the February 20, 2014 Rules & Legislation Committee.

7.8-CC Subject: Settlement Agreement - City Of Oakland v. AMBAC Financial Group

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Approving Partial Settlement Of City Of Oakland v. AMBAC Financial Group, Inc., Et Al., San Francisco Superior Court Case No. CGC-08-479241, Authorizing Acceptance Of Payment From Syncora Guarantee, Inc. Of \$25,830.33, In Exchange For Dismissal Of The Lawsuit By The City (13-0349)

This item was heard in Closed Session on January 7, 2014.

7.9-CC Subject: Settlement Agreement- Henderson 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 Antionette Henderson v. City Of Oakland, Et Al, Alameda County Superior Court Case No. RG11595026, City Attorney's File No. 28096-B, In The Amount Of Forty-Four Thousand Dollars (\$44,000.00) (Oakland Public Works-Tree Limb Failure)

(13-0367)

This item was heard in Closed Session on February 18, 2014. Councilmember Gibson McElhaney made a motion, seconded by Vice

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Mayor Reid, to authorize the settlement in the amount of \$44,000. The motion passed with a vote of 5 Ayes, 3 Absent - Books, Gallo, and Kaplan.

7.10-CC Subject: Honoring Arbor Day At Children's Fairyland

From: Councilmember Lynette Gibson McElhaney

Recommendation: Adopt A Resolution Honoring Arbor Day At Children's Fairyland On Saturday March 15, In Which PG&E Will Sponsor Local Companies From The Western Chapter Of The Society Of Arborists As Well As Public Works Agency Tree Staff To Provide Maintenance To Enhance Over 100 Trees Within Fairyland Through An Educational Event And Celebration Of Oakland's Urban Forest (13-0376)

This item was placed on the agenda by the February 20, 2014 Rules & Legislation Committee.

7.11-CC Subject: Deadlines For Ballot Initiatives For The November 2014 Ballot

From: Office Of The City Clerk

Recommendation: Receive An Informational Report Providing Deadlines For Placing Initiatives On Ballot For The November 4, 2014 Election (13-0309)

The February 20, 2014 Rules & Legislation Committee received and forwarded this report with a vote of 3 Ayes, 1 Excused - Reid.

S-7.12-CC Subject: Salary Ordinance Amendment - Municipal Code Companion

From: Department Of Human Resources Management

Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Make Changes, Additions, And Deletions To The Salary Schedule To: (1) Change Classification Titles Of Directors For The Departments Of Fire, Finance, Public Works, Parks & Recreation, Planning & Building, Economic And Workforce Development; (2) Increase The Salary Range For Directors Of Housing & Community Development, Director Of Planning & Building, And Budget; (3) Add The Classification Of Equal Employment Opportunity Officer; And (4) Delete Obsolete Or Duplicative Department Director Classifications (13-0307)

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

FINAL PASSAGE (Second Reading) WILL OCCUR ON MARCH 18, 2014.

The February 25, 2014 Finance & Management Committee approved recommendations as amended with a vote of 4 Ayes.

The Committee also directed staff to clarify in the report that there is no fiscal impact for the current budget but there may be future, long-term

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fiscal impacts.

S-7.13-CC Subject: Oakland Parks Coalition's Community Report Card Report

From: President Pro Tempore Rebecca Kaplan

Recommendation: Receive An Informational Report From The Oakland Parks

Coalition's Community Report Card On The State Of Oakland Parks

(13-0285)

The February 25, 2014 Public Works Committee received and forwarded this report with a vote of 4 Ayes.

The Committee also directed staff to use Oakland Parks Coalition recommendations, and come back to show how they can plan for next year specifically around financing and equipment for staff and also explore options for trash removal on weekends including larger trashcans. Staff is to bring the report back in time for the mid-cycle budget.

S-7.14-CC Subject: Establishing No Parking Zone On Bancroft Avenue

From: Public Works Agency

Recommendation: Adopt A Resolution To Establish A No Parking Zone On The South

Side Of Bancroft Avenue Between 68th Avenue And 73rd Avenue

(13-0331)

The February 25, 2014 Public Works Committee approved recommendations as amended with a vote of 4 Ayes.

The Committee approved recommendations as amended to include a restriction that the "No Parking Zones" include red paint on the curb.

S-7.15-CC Subject: Establishing A Residential Permit Parking Area "O"

From: Public Works Agency

Recommendation: Adopt A Resolution To Establish Residential Permit Parking Area "O" On Parts Of West Street, 14th Street And 15th Street West Of Interstate 980 (13-0334)

The February 25, 2014 Public Works Committee approved recommendations with a vote of 4 Aves.

S-7.16-CC Subject: Affordable Housing NOFA Funds

From: Department Of Housing And Community Development Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Appropriating \$1,078,483 From Fund Balance In The Low And Moderate Income Housing Asset Fund For Housing Development Activities; And (13-0339)

The February 25, 2014 Community & Economic Development Committee approved recommendations as amended to change the Fund number to

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2830 with a vote of 4 Ayes.

2) A Resolution Increasing The Amount Of An Affordable Housing Preservation And Rehabilitation Loan To East Bay Asian Local Development Corporation For The Marcus Garvey Commons Affordable Housing Development Located At 1769 Goss Street And 1766 7th Street By \$200,000 For A Total Loan Amount Of \$934,000 And Authorizing Loan Extensions And/Or Changes In Terms For Existing Loans For The Project; And (13-0339-1)

The February 25, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

3) A Resolution Authorizing An Affordable Housing Development Loan In An Amount Not To Exceed \$1,575,000 To Meta Housing Corporation For The Civic Center 14 TOD Rental Project Located At 632 14th Street; And (13-0339-2)

The February 25, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

4) A Resolution Authorizing An Affordable Housing Development Loan In An Amount Not To Exceed \$2,750,000 To East Bay Asian Local Development Corporation For The 11th And Jackson Apartments Rental Project Located At 1110 Jackson Street; And (13-0339-3)

The February 25, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

5) A Resolution Increasing The Amount Of An Affordable Housing Loan To Related Companies Of California And Acts Community Development Corporation For The 94th And International Affordable Housing Development Located At 94th Avenue And International Boulevard By \$2,150,000 For A Total Loan Amount Of \$7,747,000; And (13-0339-4)

The February 25, 2014 Community & Economic Development Committee approved recommendations as amended to change the Fund number to 2830 with a vote of 4 Ayes.

6) A Resolution Authorizing An Affordable Housing Development Loan In An Amount Not To Exceed \$750,000 To Habitat For Humanity East Bay/Silicon Valley For The Oakland Home Renovation Program; And (13-0339-5)

The February 25, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

7) A Resolution Increasing The Amount Of An Affordable Housing Loan To California Hotel Oakland, LP, For The California Hotel Affordable Housing Development Located At 3501 San Pablo Boulevard By \$210,000 For A Total Loan Amount Of \$8,631,000 (13-0339-6)

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The February 25, 2014 Community & Economic Development Committee approved recommendations with a vote of 4 Ayes.

S-7.17-CC Subject: OFCY Final Evaluation Report 2012-2013

From: Department Of Human Services

Recommendation: Adopt A Resolution Adopting The Oakland Fund For Children And

Youth Final Evaluation Reports For Fiscal Year 2012-2013

(13-0278)

The February 25, 2014 Life Enrichment Committee approved recommendations with a vote of 4 Ayes.

The Committee also directed staff to look into ways to track how long youth stay in employment positions for the next reporting period.

S-7.18-CC Subject: Citizens Options For Public Safety (COPS) Grant FY Year 2013-2015

From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Accept And Appropriate A Fiscal Years (FY) 2013-2015 State Of California Citizens Options For Public Safety Grant (COPS Grant FY 2013-2015) In An Amount Up To Six Hundred Thirty-Five Thousand And Seven Hundred Twenty-One Dollars (\$635,721) To Fund Equipment Purchase, Equipment Repair And Maintenance For The Oakland Police Department In Accordance With The Spending Plan (13-0336)

The February 25, 2014 Public Safety Committee approved recommendations with a vote of 4 Ayes.

S-7.19-CC Subject: Affiliation Agreement With Peralta Community College

From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Enter Into An Agreement With The Peralta Community College District (Peralta Community College) To Affiliate Public Safety Training Courses With The Oakland Police Department (OPD) And To Accept And Appropriate Funds Worth An Estimated Amount Of Two Hundred Thousand Three Hundred Forty-Nine Dollars (\$200,349) For The Purposes Of Additional Training Of OPD Personnel And The Development Of A Public Safety Training Facility, And To Accept Future Funds That Are Provided By The State Of California Through Reimbursement To The Peralta Community College If Additional Academies Are Approved [TITLE CHANGE] (13-0332)

The February 25, 2014 Public Safety Committee approved recommendations with a vote of 4 Ayes.

S-7.20-CC Subject: Support For A 2016 Ballot Proposition To Reform Proposition 13

From: Councilmembers Schaff, Kalb, Kaplan And Gibson McElhaney

Recommendation: Adopt A Resolution To Encourage The California State Assembly

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And Senate To Place On The 2016 Ballot A Proposition That Would Reform Proposition 13 By Splitting The Tax Roll Between Residential And Commercial Properties (13-0347)

The February 27, 2014 Rules & Legislation Committee approved recommendations with a vote of 3 Ayes, 1 Excused - Kalb.

8 ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION & DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSIONS

<u>COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE</u> THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:

9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

S-10 Subject: Contract Award To Adjudication Hearing Officer

From: Office Of The City Administrator

Recommendation: Adopt A Resolution Authorizing The City Administrator To Award Professional Services Contracts To Rudy Villegas And To Mario Thornton To Serve As Adjudication Hearing Officers For The Parking Section As Needed At The Discretion Of The City Administrator, In A Combined Total Amount Not To Exceed One Hundred Fifty Thousand Dollars (\$150,000) Per Year For Three (3) Years, Each With Two (2) One-Year Renewal Options (13-0304)

The February 25, 2014 Finance & Management Committee approved recommendations as amended with a vote of 3 Ayes, 1 No - Brooks.

The Committee approved recommendations as amended to require City Council approval for all contract extensions.

S-10.5 Subject: Amending Municipal Code Section 2.29 - Organization Of The City

From: Office Of The City Administrator

Recommendation: Adopt An Ordinance Amending Oakland Municipal Code (OMC) Chapter 2.29 "City Agencies, Departments And Offices" To, Among Other Changes, Establish The Departments Of Police, Fire, Finance, Public Works, Human Services, Housing & Community Development, Parks & Recreation, Planning & Building, Library, Human Resources Management, Information Technology, Economic & Workforce Development And Office Of The City Administrator (13-0311)

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

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FINAL PASSAGE (Second Reading) WILL OCCUR ON MARCH 18, 2014.

The February 25, 2014 Finance & Management Committee approved recommendations with a vote of 3 Ayes, 1 Abstention - Brooks.

11 Subject: FY 2013-2014 First & Second Quarter Revenue And Expenditure Report

From: Office Of The City Administrator

Recommendation: Receive An Informational Report On The Unaudited Fiscal Year 2013-2014 First & Second Quarter Revenue And Expenditure Results For Four Selected Funds: General Purpose Fund (GPF 1010), Landscape & Lighting Assessment District Fund (2310), Equipment Fund (4100) And Facilities Fund (4400); And Overtime Analysis For The General Purpose Fund (1010) And All Funds (13-0302)

The February 27, 2014 Rules and Legislation Committee withdrew this item and rescheduled it to the March 18, 2014 City Council agenda pursuant to the request of the February 25, 2014 Finance & Management Committee.

12 Subject: Security Services Contract For City Facilities

From: Public Works Agency

Recommendation: Adopt A Resolution Awarding A Security Services Contract For City Facilities For A Term Period Of Three Years To Cypress Private Security (Cypress) In An Amount Not-To Exceed Two Million Dollars (\$2,000,000) Annually; And To Extend The Contract On A Month-To-Month Basis Upon Expiration Of The Original Or Extended Term Until A New Request For Proposal Process Is Completed [TITLE CHANGE] (13-0100)

At the February 18, 2014 City Council meeting, Councilmember Kalb made a motion, seconded by Councilmember Gibson McElhaney, to schedule the Security Contract for City Facilities item from the February 11, 2014 Public Works Committee meeting to the Non-Consent portion of the March 4, 2014 City Council agenda.

At the February 11, 2014 Public Works Committee meeting, Councilmember Gallo made a substitute motion, seconded by President Pro Tempore Kaplan, to approve recommendations as amended to award the security contract to ABC and BMT. The motion failed with a vote of 2 Ayes - Kaplan and Gallo, and 2 Noes - Reid and Kalb. The Committee then moved to consider the original motion.

Vice Mayor Reid made a motion, seconded by Councilmember Kalb, to approve staff recommendations to award the security contract to Cypress Security. The motion failed with a vote of 2 Ayes - Reid and Kalb, and 2 Noes - Kaplan and Gallo. The matter died in Committee.

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Subject: Endorsing The Alameda County Transportation Expenditure Plan

From: President Pro Tempore Kaplan And Vice Mayor Reid

Recommendation: Adopt A Resolution To Endorse And Support The Approval Of The Alameda County Transportation Expenditure Plan And Recommend To The Alameda County Board Of Supervisors Placement Of An Extension And Augmentation Of The Existing Transportation Sales Tax On The November 2014 Ballot (13-0327)

This item was placed on the agenda by the February 6, 2014 Rules & Legislation Committee.

14 Subject: Domain Awareness Center (DAC) Phase 2 Contract Award

From: Oakland Fire Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1)
Negotiate And Execute A Professional Services Agreement With Schneider Electric Inc.
To Provide Professional Services For Design/Build/Maintain Services Represented In
Phase 2 Of The City And Port Joint Domain Awareness Center (DAC) Project For An
Amount Not To Exceed \$1,600,000; And 2) If Negotiations Fail With Schneider Electric
Inc, The City Administrator Or Her Designee Is Authorized To Negotiate And Enter Into
A Contract With Another Vendor On The DAC Phase Evaluations Ranking List, Without
Returning To Council
(13-0291)

At the February 18, 2014 City Council meeting, Councilmember Brooks made a motion, seconded by President Pro Tempore Kaplan, to continue this item to the March 4, 2014 City Council meeting. The motion passed with a vote of 6 Ayes, 2 Abstentions - Reid and Kalb.

Council also directed staff to provide the following information:

- 1) A modified contract to narrow the scope of the DAC to operate only at the Port;
- 2) Provide the following information for previously installed Phase 1 components, such as City GIS, traffic cameras and Shot Spotter, and components to be implemented in Phase 2:
 - a. Functionality of the components;
 - b. Possible impacts of removing them;
 - c. Which components directly support Port security;
- 3) Provide a cost sharing agreement; and
- 4) Provide a liability agreement.

The January 28, 2014 Public Safety Committee approved recommendations as amended 3 Ayes, 1 Abstention - Gibson McElhaney.

The Committee amended the resolution as follows:

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Delete the following portion of the resolution title: 2) If Negotiations Fail With Schneider Electric Inc., The City Administrator Or Her Designee Is Authorized To Negotiate And Enter Into A Contract With Another Vendor On The DAC Phase Evaluations Ranking List, Without Returning To Council;

Revise the following paragraph to read as follows: FURTHER RESOLVED: That the City Administrator or her designee as hereby authorized to execute the Professional Services Contract with Schneider Electric Inc., in an amount not to exceed \$1.6 million dollars, pending a determination of its full compliance with applicable laws, including the Nuclear Free Zone Act, and be it;

Delete the following paragraph: FURTHER RESOLVED If such negotiations are unsuccessful with Schneider Electric Inc., that the City Administrator is hereby authorized to negotiate and enter into a contract with another vendor on the DAC Phase 2 evaluations ranking list, without returning to Council, and be it;

Add the following paragraph: FURTHER RESOLVED: That the agreement(s) and other actions authorized hereunder shall be reviewed and approved by the Office of the City Attorney for form and legality and filed with the Office of the City Clerk, and shall comply with previous resolutions regarding this project particularly successful adoption of a privacy and data retention policy as a condition of project implementation.

The Committee also directed staff to provide a draft version of the detailed statement of work to be included in the supplemental packet.

15 Subject: Travel Authorization - Brooks
From: Councilmember Desley Brooks

Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To Travel To Dana Point, California To Attend The 13th Annual 2014 IMG World Congress Of Sports Conference From March 19-20, 2014

(13-0377)

This item was placed on the agenda by the February 20, 2014 Rules & Legislation 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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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