



# 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

1 Frank H. Ogawa Plaza, Council Chambers, 3rd Floor

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

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Tuesday, December 04, 2007

6:00 PM

Oakland City Hall, 3rd Floor

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#### **DEFINITION OF TERMS:**

**CONSENT ITEM:** any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.

**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; Vice Mayor 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 6, 2007

## **8. PRESENTATION OF CEREMONIAL MATTERS**

- 8.1 Subject: Shanna O'Hare - Recognition  
From: Councilmember Larry Reid And Vice Mayor Henry Chang  
Recommendation: Adopt A Resolution Honoring Shanna O'Hare On Her Retirement After 17 Years Of Dedicated Service To The City Of Oakland  
(07-0783)
- 8.2 Subject: Eddie Abrams - Recognition  
From: Council Member Larry Reid and Desley Brooks  
Recommendation: Adopt A Resolution Honoring And Recognizing Eddie Abrams For His Years Of Dedication And Commitment To The Residents Of Oakland  
(07-0804)
- 8.3 Subject: Joyce Luckett - Recognition  
From: Councilmember Larry Reid  
Recommendation: Adopt A Resolution Honoring Joyce Luckett On Her Retirement For 16 Years Of Dedicated Service To The City of Oakland  
(07-0809)
- 8.4 Subject: Shonda Scott - Recognition  
From: Councilmember Larry Reid  
Recommendation: Adopt A Resolution Commending Shonda Yvette Scott On Her Work As Chairperson Of The Alameda County Human Relations Commission From The City Of Oakland  
(07-0722)

**This item was rescheduled from the November 6, 2007 City Council  
Agenda**

## **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  
(07-0833)
- 10.2-CC Subject: Medical Cannabis Health Emergency

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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  
(07-0834)

10.3-CC Subject: Smoking Ordinance  
From: Office of the City Administrator  
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance  
Amending Oakland Municipal Code Chapter 8.30, "Smoking" To (1) Prohibit Smoking  
At Bus Stops And Other Areas Where The Public Waits For Service, (2) At Outdoor  
Dining Areas, (3) Public Trails And Parks, (4) Family Childcare Centers, (5) Common  
Outdoor Areas In Multi-Unit Housing; (6) Establish Policy For Smoking Outside Bars;  
(7) Require New Rental And Sale Agreements For Multi-Unit Housing To Disclose  
Nonsmoking Prohibitions  
(07-0237-2)

**At the Council's November 6, 2007 meeting, the ordinance was before the council for Final Passage (Second Reading) with a provision that prohibited smoking on City-owned golf courses. The Council passed a motion amending the ordinance to allow smoking on City-owned golf courses, thereby re-introducing the ordinance as amended (First Reading of Ordinance, as amended). Moved - Reid; Seconded - Nadel; 6 Ayes - Brunner, Kerningham, Nadel, Brooks, Reid Chang; 1 No - Quan; Excused - De La Fuente**

**Introduction (First Reading) was approved on November 6, 2007; 6 Ayes, 1 No - Quan, 1 Excused - De La Fuente**

10.4-CC Subject: Southern Pacific Company - Revoking Permission  
From: Council President Ignacio De La Fuente  
Recommendation: Adopt A Resolution Rescinding Resolution No. 23515 C.M.S.  
Approved August 30, 1949, Which Granted A Revocable Permit To Southern Pacific  
Company To Maintain And Operate An Existing Spur Track Upon And Across 23rd  
Avenue, 29th Avenue, Derby Street, Lancaster Street And Ford Street And Upon And  
Along Glascock Street Between 29th Avenue And Lancaster Street In The City Of  
Oakland ("Fruitvale Track") And Directing The City Administrator To File An Action  
For "Adverse Abandonment" Of The Fruitvale Track With The Department Of  
Transportation Surface Transportation Board  
(07-0730)

**This item was rescheduled from the November 6, 2007 City Council  
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10.5-CC Subject: Conflict Of Interest Waiver  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing Waiver Of Any Potential Conflict

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Of Interest That The Law Firm Of Hanson, Bridgett, Marcus, Vlahos, Rudy LLP May Have As A Result Of The Firm's Representation Of Yellow Cab In Its Appeal Of The City's Decision Revoking Taxi Medallions, To Allow The Firm To Provide Specialized Legal Assistance To The City Of Oakland Regarding Union Pacific Railroad's Interest In Using A Rail Spur Track In Oakland's Fruitvale District

[\(07-0766\)](#)

**This item was rescheduled from the November 6, 2007 City Council  
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- 10.6-CC      Subject:      City Attorney Annual Report  
From:          Office of the City Attorney  
Recommendation: Receive The Office Of The City Attorney Annual Report, Fiscal Year 2006-2007  
[\(07-0699\)](#)
- 10.7-CC      Subject:      Priority Project Funds - District Two  
From:          Councilmember Patricia Kernighan  
Recommendation: Adopt A Resolution Authorizing A Grant Of \$500 From Councilmember Kernighan's Priority Project Funds For The Programs And Operation Of The Vietnamese-American Community Center Of The East Bay  
[\(07-0771\)](#)
- 10.8-CC      Subject:      Priority Project Funds - District Seven  
From:          Councilmember Larry Reid  
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$10,000.00 From Councilmember Larry E. Reid's Priority Project Funds For Operating Expenses To Cypress Mandela Training Center, Inc. For The Pre-Apprenticeship Program That Teaches Skills In The Construction Trades, Basic Computer Skills, Construction Math And Life Skills  
[\(07-0810\)](#)
- 10.9-CC      Subject:      Youth Ventures Joint Powers Authority - Appointment  
From:          Office of the City Attorney  
Recommendation: Adopt A Resolution Appointing Councilmember Jane Brunner, Councilmember Jean Quan, Wayne Tucker, Andrea Youngdahl, And Cheryl A. P. Thompson, To The Board Of Trustees Of The Youth Ventures Joint Powers Authority For Four Year Terms Beginning July 1, 2007 And Ending June 30, 2011  
[\(07-0811\)](#)
- 10.10-CC     Subject:      Sue Rosanne Taylor - 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 Sue Rosanne Taylor V. City of Oakland, Et Al., United States District Court No. C 06-05169 WHA, Our File No. X02912 In The Amount Of \$40,000.00 (Oakland Police Department - Civil Rights)  
[\(07-0830\)](#)

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10.11-CC Subject: Jack Zolowicz - 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 Jack Zolowicz; Et Al. V. City Of Oakland; Et Al., United States District Court Case No. C06-05915 MJJ, In The Amount Of \$350,000.00. (Police Department - Civil Rights Violation, Excess Force)  
(07-0822)

**Council discussed this item in Closed Session on October 16, 2007. Motion authorizing settlement passed with: 7 Ayes; 1 Excused - Brooks**

10.12-CC Subject: Bryan Keith Thomas - 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 CSAA Insurance A/S/O Bryan Keith Thomas In The Amount Of Twenty Thousand Four Hundred Eighty Two Dollars And 65 Cents (\$20,482.65), As A Result Of Property Damage Sustained In An Automobile Collision With A City Vehicle On April 26, 2007. (Oakland Police Department)  
(07-0832)

**This item was not heard in Closed Session**

10.13-CC Subject: Gallagher And Burk - Street Resurfacing And Slurry Sealing  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To Gallagher And Burk, Inc. For Fiscal Year 2006-2007 Citywide Street Resurfacing And Slurry Sealing Project (C234910) For The Amount Of Four Million Three Hundred Sixty-Six Thousand Four Hundred Seventy Dollars (\$4,366,470.00)  
(07-0703)

**The November 13, 2007 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks**

10.14-CC Subject: Revocable And Conditional Permit - 2719 Foothill Boulevard  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Granting 2719 Foothill LP A Revocable And Conditional Permit To Allow A Vault And An Electrical Transformer For A New Building At 2719 Foothill Boulevard To Encroach Under The Public Sidewalk  
(07-0751)

**The November 13, 2007 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks**

10.15-CC Subject: Municipal Code Amendment - Utility Users Tax  
From: Office of the City Attorney  
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Amending Chapter 4.28 Of The Oakland Municipal Code, Entitled Utility Users Tax, To Clarify The Provisions Of The Telephone Utility Users Tax And Remove Obsolete Provisions

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(07-0755)

**The November 13, 2007 Finance and Management Committee approved recommendations and directed staff to submit a supplemental report on how low-income individuals apply for Utility User Tax exemptions; 4 Ayes**

**Final Passage (Second Reading) has been scheduled for December 18, 2007**

10.16-CC Subject: Fleet Utilization Report  
From: Public Works Agency  
Recommendation: Action On A Report On Fleet Usage, City CarShare Pilot Program, Commute Options, Vehicle Locators Using Global Satellite Technology, And Fleet Replacement Needs

(07-0296)

**The November 13, 2007 Finance and Management Committee approved recommendations and directed the Legislative Analyst to submit a supplemental report on the analysis of the Fleet including the cost of parking. The Committee also directed staff to submit the following information in a Spring 2008 report: 1) cost analysis and use of pool vehicles; and 2) options for and results of negotiations with AC Transit for the Eco Pass Program and Bart. The Committee also directed staff to: 1) conduct an annual break-even analysis to determine the underutilization mileage trigger, (set the trigger at 400 miles per month (4,800/year) initially) and a wider analysis for negotiations on transportation; 2) issue regular reports on the savings and implications of the fleet, especially the current and long-term status of our lease agreements and the affects on the deficit; 3) submit an annual report on employee mileage reimbursement and usage; 4) calculate the maintenance cost of vehicles as they age; 5) ensure compliance with the IRS Commuting Rule for take-home vehicles and a progress report; 6) present options for potential funding in the Mid-Cycle Budget review for Priority One equipment replacement; 7) increase advertising campaign to encourage more City CarShare use; and 8) provide analysis of the “real cost” of the automobile allowance and further evaluation of Category II and III (i.e. How often are their cars being utilized for City business and Why do they need to use their cars?); 4 Ayes**

10.17-CC Subject: Coliseum Commercial Façade Program  
From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Allocating An Additional \$100,000 From Coliseum Redevelopment Funds For A Total Allocation Of \$225,000 For Fiscal Year 2007-2008 To The Coliseum Commercial Façade Program; And

(07-0681)

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2) An Agency Resolution Allocating An Additional \$100,000 From Coliseum Redevelopment Funds For A Total Allocation Of \$350,000 For Fiscal Year 2007-2008 To The Coliseum Commercial Tenant Improvement Program  
(07-0681-1)

**The November 13, 2007 Community And Economic Committee approved recommendations; 4 Ayes**

10.18-CC Subject: Formation Procedures - Central City East Project Area Committee  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Amending The Formation Procedures For The Project Area Committee ("PAC") For The Central City East Redevelopment Project Area To Authorize City Council Members From Districts 2, 4, 5, 6, And 7 To Change The Community Organizations From Their Respective Districts On The PAC That Have Missed More Than Four Meetings In A Twelve Month Period, Without Returning To The City Council  
(07-0702)

**The November 13, 2007 Community and Economic Development Committee approved recommendations; 4 Ayes;**

10.19-CC Subject: Grant Agreement Vietnamese American Community Center  
From: Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Two-Year Grant Agreement With The Vietnamese American Community Center Of The East Bay, Inc. To Fund Their Programs And Operations For Fiscal Years 2007-2008 And 2008-2009 In A Total Amount Not To Exceed \$60,000  
(07-0721)

**The November 13, 2007 Life Enrichment Committee approved recommendations; 3 Ayes, 1 Excused - Brooks**

10.20-CC Subject: Grant Agreement Vietnamese Community Development, Inc.  
From: Department of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Two-Year Grant Agreement With Vietnamese Community Development, Inc. To Fund Their Programs And Operations For Fiscal Years 2007-2008 And 2008-2009 In A Total Amount Not To Exceed \$60,000  
(07-0723)

**The November 13, 2007 Life Enrichment Committee approved recommendations; 3 Ayes, 1 Excused - Brooks**

10.21-CC Subject: Family Request - Tomas Melero Smith  
From: Councilmember Larry Reid  
Recommendation: Action On A Request From The Family Of Tomas Melero Smith, Who Was Fatally Shot On September 1, 2007, For A Response By The City Council On The Petition Sent On September 10th On Behalf Of The Family  
(07-0666)

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**The November 13, 2007 Public Safety Committee approved  
recommendations; 4 Ayes**

10.22-CC Subject: Tobacco Control Enforcement Project  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Funds In An Amount Of One Hundred Thousand Dollars (\$100,000.00) From The Alameda County Public Health Department, Tobacco Control Program, For Implementation Of The 2007-2011 Tobacco Control Enforcement Grant Project In The Police Department, And Authorizing The City Administrator To Enter Into A Grant Contract With The Alameda County Public Health Department Under Which The City Will Provide The Services Necessary To Implement This Initiative In An Amount Of One Hundred Thousand Dollars (\$100,000.00)  
(07-0678)

**The November 13, 2007 Public Safety Committee approved  
recommendations and directed staff to provide a list of the locations selling  
cigarettes to minors; 4 Ayes**

10.23-CC Subject: USDEA Greater East Bay Area Task Force  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, On Behalf Of The City Of Oakland To Accept And Appropriate Reimbursement Funds In An Amount Not To Exceed Fifteen Thousand Eight Hundred Fifty Four Dollars And Twenty-Five Cents (\$15,854.25) In Federal Funds From The Department Of Justice, United States Drug Enforcement Administration (USDEA) To The Oakland Police Department (OPD) In Overtime Costs For One Police Officer For The Period Of October 1, 2007 Through September 30, 2008, And Thirteen Thousand Dollars (\$13,000) In Rental Car Reimbursement Costs For The Period Of October 1, 2007 Through September 30, 2008, And One Thousand Two Hundred Dollars (\$1,200) In Cellular Phone Reimbursement For The Period Of September 30, 2007 Through September 30, 2008, For Work Associated With The USDEA Greater East Bay Area Task Force (DEA Task Force)  
(07-0706)

**The November 13, 2007 Public Safety Committee approved  
recommendations; 4 Ayes**

10.24-CC Subject: Access To Reproductive Health Care Facilities  
From: Councilmembers Nancy Nadel, Jane Brunner and Jean Quan  
Recommendation: Adopt The Following Pieces Of Legislation:

1) Approve The Final Passage (Second Reading) Of An Ordinance Amending Title 8 Of The City Of Oakland Municipal Code By Adding A New Chapter, 8.50, Entitled "Access To Reproductive Health Care Facilities," And New Sections 8.50.010 Through \_\_\_\_\_, To Protect Access To Reproductive Health Care Facilities And Creating A Private Right Of Action For Violations Of This Chapter; And



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(07-0638)

**Introduction (First Reading) was approved November 6, 2007; 7 Ayes, 1 Excused - De La Fuente**

10.25-CC Subject: Residential Permit Parking Program - Jack London Square  
From: Councilmember Nancy Nadel  
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Of The City Of Oakland Adding Chapter 10.45 Of The Oakland Municipal Code Entitled "Interim Mixed Use Parking Permit Program For The Jack London District" For A Period Not To Exceed Three Years From The Date Of Adoption

(07-0640)

**Introduction (First Reading) was approved November 6, 2007; 7 Ayes, 1 Excused - De La Fuente**

10.26-CC Subject: Business Tax Ordinance Amendment  
From: Finance and Management Agency  
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending Chapter 5.04 Of The Oakland Municipal Code In Order To Correct And Clarify Various Provisions Of The Business Tax Ordinance, To Establish A Late Filing Fee, To Remove Provisions From The Business Tax Ordinance That Are Obsolete Or Repealed By Operation Of Law Or Court Action, To Exempt Owners Of Low Income Housing Tax-Credit Financed Affordable Housing Developments From The Business Tax, To Grant The Director Of Finance Exclusive Discretionary Authority To Waive Penalties, And To Codify Certain Previously Adopted Business Tax Regulations And Policies Relating To Business Reporting And Other Business Tax Procedural Matters

(07-0664)

**Introduction (First Reading) was approved November 6, 2007; 7 Ayes, 1 Excused - De La Fuente**

10.27-CC Subject: Interim Land Use Controls  
From: Council President Ignacio De La Fuente  
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Extending The Interim Controls For The Implementation Of The Oakland General Plan (Oakland Planning Code Chapter 17.01 And The General Plan Conformity Guidelines) To January 1, 2010

(07-0713)

**Introduction (First Reading) was approved November 6, 2007; 8 Ayes**

10.28-CC Subject: Chapter 1.20 Administrative Appeals - Amendment  
From: Finance and Management Agency  
Recommendation: Approve The Final Passage(Second Reading) Of An Ordinance Amending Chapter 1.20 Of The Oakland Municipal Code To Establish And Codify Requirements For Claims For Money Or Damages Against The City Of Oakland That Are Not Otherwise Governed By The Claims Presentation Provisions Of The Government Claims Act, California Government Code Sections 900 Et Seq., Or Other

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State Law  
(07-0665)

**Introduction (First Reading) was approved November 6, 2007; 8 Ayes**

10.29-CC Subject: Emergency Management - Municipal Code Addition  
From: Oakland Fire Department  
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Adding Title 8, Chapter 8.50 To The Oakland Municipal Code To Establish The Emergency Management And Disaster Preparedness Council, Establish A Misdemeanor Penalty For Interference With Emergency Operations And Other Violations Of This Ordinance And Repeal Ordinances No. 11467 C.M.S. And No. 11865 C.M.S., Which Established The Original Emergency Management Board  
(07-0687)

**Introduction (First Reading) was approved November 6, 2007; 8 Ayes**

10.30-CC Subject: Children's Fairyland Disclosure Category  
From: Office Of The City Attorney  
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Amending The City Of Oakland's Conflict Of Interest Code (Ordinance Number 11562 C.M.S. Adopted March 23, 1993, As Amended, Oakland Municipal Code Chapter 3.16) To Create A New Disclosure Category For The Children's Fairyland, Inc., Board Of Trustees  
(07-0767-1)

**Final Passage (Second Reading) has been scheduled for December 18, 2007**

S-10.31-C Subject: California Model Housing Code Amendment  
C From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Of Findings Made And Supporting Local Amendments To The 2007 Edition Of The California Housing Law, California Code Of Regulations (CCR), Title 25, Division 1, Chapter 1, Subchapter 1, Section 32  
(07-0273)

2) Approve The Introduction (First Reading) Of An Ordinance Adopting Local Amendments To The California Housing Law, California Code Of Regulations (CCR), Title 25, Division 1, Chapter 1, Subchapter 1, Division 32, And Amending The Oakland Municipal Code Chapter 15.08  
(07-0273-1)

**The November 27, 2007 Community and Economic Development  
Committee approved recommendations; 4 Ayes**

**Final Passage (Second Reading) has been scheduled for December 18, 2007**

S-10.32-C Subject: California Model Building Code Amendment

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

1) A Resolution Of Findings Made And Supporting Local Amendments To The 2007 Editions Of The California Model Building Codes, California Code Of Regulations (CCR), Title 24, Part 2 (Building), 3 (Electrical), 4 (Mechanical), And 5 (Plumbing) [\(07-0274\)](#)

2) Approve The Introduction (First Reading) Of An Ordinance Adopting Local Amendments To The 2007 Editions Of The California Model Building Codes, California Code Of Regulations (CCR), Title 24, Part 2 (Buildings), 3 (Electrical), 4 (Mechanical), And 5 (Plumbing), And Amending Oakland Municipal Code Chapter 15.04 To Establish The 2007 Oakland Building Construction Code [\(07-0274-1\)](#)

**The November 27, 2007 Community and Economic Development  
Committee approved recommendations; 4 Ayes**

**Final Passage (Second Reading) has been scheduled for December 18, 2007**

S-10.33-C Subject: Community Development Block Grant Reprogramming  
C From: Department of Human Services  
Recommendation: Adopt A Resolution Authorizing The Allocation Of Community Development Block Grant (CDBG) Funds In The Amount Of \$25,000 From Reprogrammed Funds And Authorizing The City Administrator To Enter Into A Grant Agreement With The Elmhurst Food Pantry In The Amount Of \$25,000 For Operating Expenses For The Period From December 1, 2007 Through June 30, 2008 [\(07-0757\)](#)

**The November 27, 2007 Community and Economic Development  
Committee approved recommendations; 4 Ayes**

S-10.34-C Subject: 2007 Sobriety Checkpoint Program  
C From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In The Amount Of Fifty-Four Thousand Six Hundred Ninety-Seven Dollars And Ninety-Two Cents (\$54,697.92) From The Regents Of The University Of California, Berkeley, School Of Public Health, Traffic Safety Center, Serving As The Fiscal Agent For The State Of California, Office Of Traffic Safety, For Costs And Expenses Of The 2007 Sobriety Checkpoint Program To Be Conducted By The Police Department Throughout The Term October 1, 2007 Through September 30, 2008 [\(07-0736\)](#)

**The November 27, 2007 Public Safety Committee approved  
recommendations; 4 Ayes**

S-10.35-C Subject: Vehicle Seizure - Public Nuisance Ordinance Amendment

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C From: Oakland Police Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) Approve The Introduction (First Reading) Of An Ordinance Repealing Ordinances No. 11987, 12015, 12093, and 12684 C.M.S. Which Declared Vehicles Used To Solicit An Act Of Prostitution, For Pandering, For Pimping, Or To Illegally Acquire A Controlled Substance To Be Public Nuisances And Authorizing The Seizure And Forfeiture Of Said Vehicles; And  
(07-0782)

**Final Passage (Second Reading) has been scheduled for December 18, 2007**

2) A Resolution Authorizing The City Administrator, Or Her Designee, To Instruct The City's Legislative Lobbyist To Support Passage Of California Assembly Bill No. 1724 (Jones), Which Seeks To Change State Law To Authorize Local Governments To Enact And Enforce Ordinances To Forfeit Nuisance Vehicles Used In Illegal Purchase Of A Controlled Substance, Pimping, Pandering, Or Solicitation Of Prostitution  
(07-0782-1)

**The November 27, Public Safety Committee directed staff to amend the resolution to reflect that the City would support the Bill if it was amended to include transportation of medical cannabis; 4 Ayes**

- 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 15 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: Bicycle Master Plan  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Certifying The Environmental Impact Report And Adopting The Comprehensive Revision To The Bicycle Master Plan As Part Of The Land Use And Transportation Element Of The City's General Plan  
(07-0612)

**The November 13, 2007 Community and Economic Development Committee approved recommendations and directed staff to coordinate with HR the anticipated recruitment dates(s) for the Bike Pedestrian vacant position; 4 Ayes**

- 14.2 Subject: Implementation And Redevelopment Plans - Various Projects

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From: Community and Economic Development Agency  
Recommendation: Action On The Mid-Term Review Of The Five Year Implementation Plans And Redevelopment Plans For The Acorn, Broadway/MacArthur/San Pablo, Central District, Coliseum, Oak Center, Oakland Army Base And Stanford/Adeline Redevelopment Projects  
(07-0663)

**The November 27, 2007 Community and Economic Development  
Committee approved recommendations; 3 Ayes, 1 Excused - De La Fuente**

14.3 Subject: Public Facilities And Parks - Various Redevelopment Project Areas  
From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing A Contribution Of Redevelopment Agency Funds To The City Of Oakland Under The Cooperation Agreement In an Amount Not To Exceed \$5,064,910 For Certain Public Facility And Parks Projects In The Central District, Coliseum, Central City East, And West Oakland Redevelopment Project Areas; And  
(07-0683)

2) A Resolution Accepting And Appropriating A Contribution Of Redevelopment Agency Funds To The City Under The Cooperation Agreement In an Amount Not To Exceed \$5,064,910 For Certain Public Facility And Parks Projects In The Central District, Coliseum, Central City East, And West Oakland Redevelopment Project Areas For Fiscal Year 2007-2009  
(07-0683-1)

**The November 27, 2007 Life Enrichment Committee approved  
recommendations; 3 Ayes, 1 Excused - Brooks**

14.4 Subject: Delinquent 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  
(07-0836)

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

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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  
[\(07-0836-1\)](#)

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  
[\(07-0836-2\)](#)

14.5

Subject: Delinquent Real Property 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  
[\(07-0837\)](#)

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  
[\(07-0837-1\)](#)

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On 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  
[\(07-0837-2\)](#)

14.6

Subject: 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

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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

[\(07-0838\)](#)

2) A Resolution Overruling Protests And Accepting And Confirming Reports Of The City Administrator On The 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 Tax Collector For Collection; Or

[\(07-0838-1\)](#)

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

[\(07-0838-2\)](#)

14.7

Subject: Delinquent Mandatory Garbage Fees

From: Finance and Management Agency

Recommendation: Conduct A Public Hearing On Delinquent Mandatory Garbage Fees For April/May/June 2007, Monthly Accounts And July/August/September 2007, 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

[\(07-0839\)](#)

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

[\(07-0839-1\)](#)

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

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(07-0839-2)

## ACTION ON NON-CONSENT ITEMS:

15 Subject: McKillop Roadway - Landslide Damage  
From: Public Works Agency  
Recommendation: Adopt A Resolution Renewing And Continuing The Local Emergency  
Due To Landslide Damage To McKillop Roadway First Proclaimed By the City Of  
Oakland On October 17, 2006

(07-0835)

16 Subject: Oil Spill - Local Emergency  
From: Office of Emergency Services  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's  
Declaration Of A Local Emergency Due To The November 7, 2007 Catastrophic Oil  
Spill In The San Francisco Bay That Occurred When M/V Cosco Busvan, A Container  
Ship, Side Swiped One Of The Bay Bridge Western Anchorages

(07-0842)

17 Subject: Industrial Land Use Policy  
From: Community and Economic Development Agency  
Recommendation: Action On A Report And Recommendations Adopting A Motion  
Establishing A City-Wide Industrial Land Use Policy

(07-0613)

18 Subject: New Public Street - Uptown Oakland Project  
From: Councilmember Nancy Nadel  
Recommendation: Adopt A Resolution Designating A New Public Street As Rashida  
Muhammad Street That Will Connect 19th Street, William Street, And Thomas L.  
Berkley Way In The Uptown Oakland Project Area

(07-0646)

**The November 13, 2007 Public Works Committee approved  
recommendations and directed staff to return to a future committee  
meeting with strategies to develop a process for naming 'new' streets; 3  
Ayes, 1 Excused - Brooks**

19 Subject: Measure B-ACTIA Fund - Restore Tunnel Road Washout  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution 1) Appropriating \$650,000.00 From Measure  
B-ACTIA Fund (2211) Fund Balance 2) Reallocating \$300,000.00 Already Budgeted  
Within The Measure B-ACTIA Fund (2211) And 3) Waiving Advertising And  
Authorizing The City Administrator To Award A Construction Contract Through A  
Modified Competitive Bid Process For The Emergency Construction Of Permanent  
Improvements To Restore A Washout On Tunnel Road (Project No. C99581) In A  
Not-To-Exceed Amount Of \$700,000.00 Without Return To Council

(07-0748)



# SUPPLEMENTAL

**The November 13, 2007 Public Works Committee approved recommendations and directed staff to move forward to full Council with a supplemental report including the determination of the waiver and recommendations from ACTIA Board.; 3 Ayes, 1 Excused - Brooks**

- 20 Subject: City Stables Facility Improvements  
From: Office of Parks and Recreation  
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Authorize An Improvement Project At City Stables Located At 13560 Skyline Boulevard, Oakland At An Estimated Cost Of \$515,000 To Clear The Existing Paddock Area, Install New Paddock Structures, Construct A New Pre-Fabricated Hay Storage Shed, And Provide Minor Landscaping And Other Necessary Improvements Consistent With The City Stables Master Plan For Which There Is Available Capital Improvements Funding In Projects C213720 And G230120; And 2) Authorize The Office Of Parks And Recreation To Issue A Request For Proposals To Manage And Operate An Equestrian Facility And Programs  
(07-0725)

**The November 13, 2007 Life Enrichment Committee approved recommendations and directed staff to submit a supplemental report about the total cost to demolish the upper barn located at City Stables. The Committee also directed staff to: 1) collaborate with the community on the RFP process and bring the draft RFP to a future committee; 2) increase the 25% threshold of subsidized riding lessons; and 3) look into a variety of educational courses such as agricultural classes; 3 Ayes, 1 Excused Brooks**

- 21 Subject: Municipal Code Amendment - Cabarets  
From: Office Of The City Administrator  
Recommendation: Adopt The Following Pieces Of Legislation:

1) Approve The Introduction (First Reading) Of An Ordinance Amending Oakland Municipal Code Chapter 5.12, "Cabarets" To (1) Allow Discretion In Permitting Cabarets Within 300 Feet Of Places Of Public Worship, Public Schools, And Public Libraries And 2) Require Background Checks For Cabaret Permit Applicants (TITLE CHANGE); And  
(07-0759)

**The November 13, 2007 Public Safety Committee approved recommendations and amended the Ordinance to eliminate the following language: "(2) Allow Cabarets to remain open past 2 A.M."; 4 Ayes**

**Final Passage (Second Reading) has been scheduled for December 18, 2007**

2) Approve The Introduction (First Reading) Of An Ordinance Amending Oakland Municipal Code Chapter 5.02 To Provide More Notice To Residents Of Business Permit Applications  
(07-0759-1)

# SUPPLEMENTAL

**The November 13, 2007 Public Safety Committee approved recommendations and amended the language to include "Owners"; 4 Ayes**

**Final Passage (Second Reading) has been scheduled for December 18, 2007**

22 Subject: 2008 State Legislative Agenda  
From: Council President Ignacio De La Fuente  
Recommendation: A Report Requesting Approval Of The Proposed 2008 State  
Legislative Agenda For The City Of Oakland  
(07-0734)

**The November 15, 2007 Rules and Legislation Committee Received and Forwarded the report and directed staff to prepare a supplemental report that includes the following information: full descriptions of the proposals and what they mean; description of how the Council legislative priorities coincide with the legislation; the status of the items listed under "watch"; staff proposed legislation regarding: foreclosures, transit villages, estuary plan, affordable housing and schools; 4 Ayes**

23 Subject: Parks And Recreation Advisory Commission Appointments  
From: Office of the Mayor  
Recommendation: Adopt A Resolution Re-Appointing Brad Ricards, Jefferey Taylor  
And Osagie Enabulele As Members Of The Parks And Recreation Advisory Commission  
(07-0840)

24 Subject: Children's Fairyland Board of Trustees - Appointment  
From: The Mayor  
Recommendation: Adopt A Resolution Appointing Nashwa Emem As A Member Of  
The Children's Fairyland Board  
(07-0841)

S-25 Subject: Wood Street Development - Affordable Housing  
From: Community And Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Purchase Of A 3.12 Acre Parcel Located  
Between Wood Street And The Frontage Road And Between 18th Street And 20th Street  
From Holliday Development, Allocating Up To \$8,050,000 For Its Purchase, And  
Authorizing A Request For Proposals For Development Of An Affordable Housing  
Project On The Site;  
(07-0555)

2) An Agency Resolution Allocating Up To \$5,600,000 For 40 First-Time Homebuyer  
Down Payment Assistance Loans And Interest Rate Buy-Down Forgivable Loans For  
Purchase Of Units Within The Wood Street Development District  
(07-0555-1)

**The November 27, 2007 Community and Economic Development**

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**Committee approved recommendations; 4 Ayes**

S-26      Subject:     East Bay Community Law Center - Contract  
              From:        Community and Economic Development Agency  
              Recommendation: Adopt A Resolution Approving A Two-Year Grant To A Maximum  
                          Of \$100,000 Per Year (\$200,000) To The East Bay Community Law Center To Counsel  
                          And Represent Low Income Participants In Oakland Rent Adjustment Program Hearings  
                          And Appeals To The Rent Board, With An Option To Extend The Grant An Additional  
                          Three Years, One Year At A Time, To A Maximum Of \$100,000 For Each Year Of  
                          Extension  
[\(07-0705\)](#)

**The November 27, 2007 Community and Economic Development Committee directed staff to report back with answers to the following questions: 1) what is the workload of the Law Center and number of clients, 2) when do their clients on average contact them -- when tenants are: one, two or three months behind on their rent, 3) what is the Law Center's criteria for accepting cases on behalf of the tenants, and 4) do we have bench-marks that the Law Center has submitted as their monitoring mechanism of the cases, and why are they are not included as part of the report; 2 Ayes, 1 Abstain - Reid, 1 Excused - De La Fuente**

S-27      Subject:     Street Based Outreach - Grant Agreement  
              From:        Office of the Mayor  
              Recommendation: Adopt A Resolution Allocating \$375,000 From The Measure  
                          Y-Reserve Funds Project For Street Based Outreach, To Be Combined With \$200,000  
                          From The General Purpose Fund, Street Outreach Project For The Issuance Of A  
                          Department Of Human Services Request For Proposals (RFP) For Street-Based Outreach  
[\(07-0711\)](#)

**The November 27, 2007 Public Safety Committee directed report back with recommendations from the Oversight Committee. In addition, the Committee directed staff to include all faith-based organizations in the solicitation process (LOI and RFQ) and do a public printing of the Letter of Intent in local community newspapers (i.e., GLOBE, etc.) to reach a broader community; 4 Ayes**

**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)**

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.

(...)

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[\(TDD\)](#)

**LATONDA SIMMONS**

**Agency Secretary/City Clerk**

**and Clerk of the Council**

ORA - Oakland Redevelopment Agency

S - Supplemental Item