



# 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

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

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

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**Tuesday, October 21, 2008**

**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. These items are heard on the 6:00 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 7:00 P.M. portion of the agenda.*

**ACTION ITEM:** *any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.*

**INFORMATIONAL ITEM:** *an item of the agenda consisting only of an informational report that does not require or permit Council action.*

1 Pledge of Allegiance

2 Roll Call / ORA & Council

**COUNCIL MEMBERS:** 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)

# SUPPLEMENTAL

## Concurrent Meeting of the Oakland Redevelopment Agency / City Council

---

Tuesday, October 21, 2008

- 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 October 7, 2008

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

- 8.1 Subject: Dimensions Dance Theater Day  
From: Councilmember Nancy Nadel  
Recommendation: Adopt A Resolution In Celebration Of Dimensions Dance Theater's 35 Years Of Arts And Entertainment Innovation, Their Artistic Accomplishments, And Their Continued Commitment As Cultural Ambassadors In The City Of Oakland, And Declaring November 15, 2008 As "Dimensions Dance Theater Day" In The City Of Oakland  
(07-1690)
- 8.2 Subject: National Childhood Lead Poisoning Prevention Week  
From: Councilmember Henry Chang  
Recommendation: Adopt A Resolution Proclaiming The Week Of October 19-25, 2008 As "National Childhood Lead Poisoning Prevention Week"  
(07-1707)
- 8.3 Subject: Donation To The Republic Of El Salvador  
From: Public Works Agency  
Recommendation: Adopt A Resolution Supporting The City's Donation Of Three Overaged Surplus Aerial Ladder Trucks And One Overaged Surplus Fire Hose Wagon, With An Estimated Cumulative Value Of One Thousand Two Hundred Dollars (\$1,200), To The Create A Smile Cross Cultural Exchange Foundation To Be Distributed To The Republic Of El Salvador  
(07-1732)
- 8.4 Subject: Community Policing Advisory Board Recognition  
From: Vice Mayor Larry Reid  
Recommendation: Adopt The Following Pieces Of Legislation:
- 1) A Resolution Honoring David Flack For His Dedication And Many Years Of Service To The Community Policing Advisory Board;  
(07-1737)
- 2) A Resolution Honoring Bill Ashley For His Dedication And Many Years Of Service To The Community Policing Advisory Board;  
(07-1737-1)
- 3) A Resolution Honoring Franklin Rose For His Dedication And Many Years Of Service To The Community Policing Advisory Board;  
(07-1737-2)

# SUPPLEMENTAL

**Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council**

**Tuesday, October 21, 2008**

4) A Resolution Honoring Nick Vigilante For His Dedication And Many Years Of Service To The Community Policing Advisory Board;  
(07-1737-3)

5) A Resolution Honoring Tim Little For His Dedication And Many Years Of Service To The Community Policing Advisory Board;  
(07-1737-4)

6) A Resolution Honoring Eduardo Garcia For His Dedication And Many Years Of Service To The Community Policing Advisory Board;  
(07-1737-5)

7) A Resolution Honoring Colleen Brown For Her Dedication And Many Years Of Service To The Community Policing Advisory Board;  
(07-1737-6)

8) A Resolution Honoring Don Link For His Dedication And Many Years Of Service To The Community Policing Advisory Board;  
(07-1737-7)

9) A Resolution Honoring Charles Porter For His Dedication And Many Years Of Service To The Community Policing Advisory Board;  
(07-1737-8)

8.5      Subject:     Dan Farrell - Recognition  
             From:       Vice Mayor Larry Reid & Councilmember Brooks  
             Recommendation: Adopt A Honoring Fire Chief Daniel D. Farrell For 28 Years Of Dedicated Service To The City Of Oakland And Wishing Him Continued Success In All Of His Endeavors  
(07-1739)

## **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  
(07-1720)

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  
(07-1721)

# SUPPLEMENTAL

**Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council**

**Tuesday, October 21, 2008**

10.3-CC      Subject:    Barry And Sasaki Junko Feigelman - 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 As Subrogee Of Barry And  
                 Sasaki Junko Feigelman In The Amount Of Thirty Nine Thousand Six Hundred Seventy  
                 Six Dollars And 42 Cents (\$39,676.42), As A Result Of Property Damage Sustained Due  
                 To A Sewer Flood Caused By A Failed City Sewer Main On March 1, 2008. (Public  
                 Works Agency)  
[\(07-1742\)](#)

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

10.4-CC      Subject:    Jennie And Huy Dao - 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 Jennie And Huy Dao In The Amount Of  
                 \$7,466.74 As A Result Of Damage Caused To Their Vehicle Due To A Defective  
                 Manhole Cover (Public Works Agency)  
[\(07-1743\)](#)

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

10.5-CC      Subject:    Jimmy Lowe - 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 Jimmy Lowe V. City Of Oakland, Et Al. And  
                 Related Cross-Actions, Alameda County Superior Court No. RG05210158, Our File No.  
                 24132, In The Amount Of \$60,000.00 (Public Works Agency - Personal Injury)  
[\(07-1744\)](#)

**Council discussed this item in Closed Session on October 7, 2008. Motion  
authorizing settlement passed with: 5 Ayes, 2 No - Brunner, De La Fuente,  
1 Abstention - Kernighan**

10.6-CC      Subject:    Tykia Conway And Takia Seymore - 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 Tykia Conway; Takia Seymore V. City Of  
                 Oakland, Alameda County Superior Court Case No. RG06273695, In The Amount Of  
                 \$50,000.00 As A Result Of An Auto Accident At The Intersection Of Hegenberger Road  
                 And Hamilton Street. (Public Works Agency)  
[\(07-1746\)](#)

**Council discussed this item in Closed Session on October 7, 2008. Motion  
authorizing settlement passed with: 7 Ayes, 1 No - De La Fuente**

10.7-CC      Subject:    Taxicab Ordinance - Amendment  
                 From:        Office of the City Administrator

# SUPPLEMENTAL

**Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council**

**Tuesday, October 21, 2008**

Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.64 To:

- A) Require Companies To Provide To Drivers Receipts For Fees Paid To The Company By The Drivers
- B) Require Companies To Provide Drivers With Documentation On Insurance Claims For Accidents Involving A Driver
- C) Require Cameras In Taxicabs That Do Not Have Safety Shields And Prohibit Re-Tread Tires
- D ) Require In-Cab Signage Providing Driver Name, Listing Fares, And Informing Passengers Of Their Rights And The Procedure For Filing Complaints
- E) Require Gps Systems In Taxicabs
- F) Establish Additional Driver Training Requirements
- G) Issue Permits On The Basis Of Service Proposals, Instead Of By Lottery
- H) Establish Who Pays The Fees Incurred Through The Use Of Credit Cards For Payment Of A Taxi Fare
- I) Place A Temporary Freeze On The Taxicab Lease Rates Charged By Taxi Companies To Drivers
- J) Authorize Administrative Citations For Violations Of The Chapter And Authorize Imputation Of Driver And Vehicle Violations To The Fleet Management Permittee
- K) Establish A Process And A Fee For The Establishment And Maintenance Of Taxi Stands
- L) Allow Revocation Of Vehicle Permit If Vehicle Not Used More Than 10 (Ten) Days In Any 30 (Thirty) Day Period
- M) Provide Prompt Hearings On Suspended Permits
- N) Require Companies Of 10 Or More Vehicles To Submit Plan For 24/7 Coverage Of City
- O) Allow Transfer Of Vehicle Permits Only With Sale Of Company, With No Consideration For The Permit
- P) Establish A Requirement To Treat Passengers And Regulatory Personnel Courteously
- Q) Include Violations Of Pertinent Federal, State, And Local Laws As Grounds For Permit Revocation Or Suspension
- R) Extend To Relatives Of The Tertiary Degree The Prohibition On Issuance Of More Than 30 Percent Of Total Vehicle Permits (TITLE CHANGE)

(07-0710)

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

**Introduction (First Reading) was approved as amended on October 7,  
2008; 8 Ayes**

2) An Ordinance Amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), As Amended, To Establish An Inspection Fee For Taxicab Inspections Required In Excess Of Two Inspections Included In The Initial Permitting And Annual Permit Renewal Processes (TITLE CHANGE)

(07-0710-2)

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council

---

Tuesday, October 21, 2008

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

**Introduction (First Reading) was approved as on October 7, 2008; 8 Ayes**

10.8-CC      Subject:      Sell Of Real Property - 566 98th Avenue  
From:          Community and Economic Development Agency  
Recommendation: Adopt An Ordinance Authorizing The City Administrator To  
Negotiate And Execute A Purchase And Sale Agreement To Sell Approximately 1,757  
Square Feet Of City-Owned Surplus Real Property Located At 566 98th Avenue To Jose  
J. Alvizo, The Adjoining Property Owner, For The Fair Market Value Of Eight  
Thousand Seven Hundred And Eighty Five Dollars (\$8,785.00)  
(07-1571)

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

**Introduction (First Reading) was approved on October 7, 2008; 8 Ayes**

S-10.9-CC      Subject:      Men Of Valor Academy - Grant  
From:          Councilmembers Henry Chang & Jean Quan  
Recommendation: Adopt A Resolution Authorizing A Grant of \$10,000 From  
Councilmember Henry Chang's At-Large Pay-Go Funds And A Grant Of \$20,000 From  
Councilmember Jean Quan's District 4 Pay-Go Funds To Men Of Valor Academy For  
Operating Expenses For The Educational Enhancement And Job Readiness Training  
Program  
(07-1761)

**Pursuant to Section 2.20.080(E)2 of the Sunshine Ordinance an urgency  
finding was made at the October 16, 2008 Rules and Legislation Committee  
to place this item on the agenda for the following reasons: That there is a  
need to take immediate action which came to the attention of the local body  
after the agenda was posted, and that the need to take immediate action is  
required to avoid a substantial adverse impact that would occur if the  
action were deferred to a subsequent special or regular meeting.**

**This item requires an urgency finding pursuant to Section 2.20.080 E(2) of  
the Sunshine Ordinance requiring a 2/3 majority vote.**

S-10.10-C      Subject:      Energy Saving Agreement - Five City Swimming Pools  
C                From:          Public Works Agency  
Recommendation: Adopt A Resolution (1) Waiving Any Further Competitive Process  
And Authorizing The City Administrator Or Designee To Negotiate And Award A  
Professional And Construction Services Agreement In An Amount Not To Exceed Two  
Hundred Fifty-Six Thousand Dollars (\$256,000) To Implement Energy Savings  
Measures At The City's Five Swimming Pools, Without Returning To City Council And  
(2) Accepting And Appropriating Energy-Related Rebates For Project No. C256516

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council

---

Tuesday, October 21, 2008

(07-1632)

**The October 14, 2008 Public Works Committee approved recommendations and directed staff to return to a future committee with a report on which contractor was awarded the Professional Services agreement; 4 Ayes**

S-10.11-C Subject: Public Sanitary Sewer Easement - Drury Road  
C From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Summarily Vacating An Existing Sanitary Sewer Easement To David W. Naylor To Facilitate Construction Of A New Dwelling At 1189 Drury Road; And  
(07-1654)

2) A Resolution Summarily Vacating An Existing Sanitary Sewer Easement To David W. Naylor To Facilitate Construction Of A New Dwelling At 1195 Drury Road  
(07-1654-1)

**The October 14, 2008 Public Works Committee approved recommendations; 4 Ayes**

S-10.12-C Subject: Conditional And Revocable Permit - 1633 Harrison Street  
C From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Granting The Oakland Housing Authority A Revocable And Conditional Permit To Allow Enclosed Living Space For Apartments In A New Building At 1633 Harrison Street To Encroach Over The Public Right-Of-Way Along 17th Street And Harrison Street  
(07-1655)

**The October 14, 2008 Public Works Committee approved recommendations; 4 Ayes**

S-10.13-C Subject: Revocable And Conditional Permits - 601 12th Street  
C From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) Adopt A Resolution Granting Oakland T12 LLC A Revocable And Conditional Permit To Allow A Shoring System For A Basement Excavation To Encroach Beneath The Public Right-Of-Way Along 11th Street, 12th Street, Jefferson Street, And Martin Luther King Jr Way For A New Building At 601 12th Street; And  
(07-1656)

2) A Resolution Granting Oakland T12 LLC A Revocable And Conditional Permit To Allow A Concrete Vault And Electrical Transformers For A New Building At 601 12th Street To Encroach Under The Public Sidewalk Along 11th Street  
(07-1656-1)

**The October 14, 2008 Public Works Committee approved recommendations; 4 Ayes**

# SUPPLEMENTAL

**Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council**

---

**Tuesday, October 21, 2008**

S-10.14-C    Subject:    Insanitary Sewers  
C            From:        Community and Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The  
Following Pieces Of Legislation:

1) A Resolution Confirming Administrative Hearing That A Dangerous And Insanitary  
Condition Exists At The Building Serving The Property Known As 2402 - 98th Avenue;  
And

[\(07-1572\)](#)

2) A Resolution Confirming Administrative Hearing That A Dangerous And Insanitary  
Condition Exists At The Building Serving The Property Known As 728 Apgar Street;  
And

[\(07-1572-1\)](#)

3) A Resolution Confirming Administrative Hearing That A Dangerous And Insanitary  
Condition Exists At The Building Serving The Property Known As 1768 Auseon  
Avenue; And

[\(07-1572-2\)](#)

4) A Resolution Confirming Administrative Hearing That A Dangerous And Insanitary  
Condition Exists At The Building Serving The Property Known As 552 - 30th Street;  
And

[\(07-1572-3\)](#)

5) A Resolution Confirming Administrative Hearing That A Dangerous And Insanitary  
Condition Exists At The Building Serving The Property Known As 9619 B Street; And

[\(07-1572-4\)](#)

6) A Resolution Confirming Administrative Hearing That A Dangerous And Insanitary  
Condition Exists At The Building Serving The Property Known As 2534 Frances Street

[\(07-1572-5\)](#)

**The October 14, 2008 Public Works Committee approved  
recommendations; 4 Ayes**

**THE BACKUP MATERIAL FOR THIS ITEM CAN BE FOUND UNDER  
ITEM 14.2**

S-10.15-C    Subject:    Green Building Requirements  
C            From:        Council President De La Fuente  
Recommendation: Action On A Report and Recommendations On A Work Plan To  
Develop A Green Building Ordinance And Other Requirements For Private  
Development Projects  
[\(07-1570\)](#)

**The October 14, 2008 Community and Economic Development Committee  
approved recommendations; 4 Ayes**



# SUPPLEMENTAL

**Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council**

**Tuesday, October 21, 2008**

C From: Community and Economic Development Agency  
Recommendation: Adopt An Agency Resolution Authorizing Commercial Tenant Improvement And Facade Improvement Matching Grants To Dobake Bakery In An Additional Amount Not To Exceed \$45,000, For A Total Grant Amount Not To Exceed \$90,000 (Coliseum Redevelopment Project Area); And PS Print In An Amount Not To Exceed \$75,000 (West Oakland Redevelopment Project Area) (TITLE CHANGE)  
(07-1660)

**The October 14, 2008 Community and Economic Development Committee  
approved recommendations; 4 Ayes**

S-10.17-C Subject: Broadway/MacArthur/San Pablo Project Area - Public Improvements  
C From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation

1) A Resolution Accepting And Appropriating Redevelopment Agency Funds Under The Cooperation Agreement In An Amount Not To Exceed \$97,500 For City Public Improvements Within The Broadway/MacArthur/San Pablo Redevelopment Project Area Under The Neighborhood Project Initiative Program And Authorizing The City Administrator To Enter Into Agreements And Make Necessary Expenditures To Implement Projects Funded Under The Program Without Returning To The City Council  
(07-1661)

2) An Agency Resolution Authorizing Funding In An Amount Not To Exceed \$200,000 Under The Broadway/MacArthur/San Pablo Neighborhood Project Initiative Program For 1) A Tot Lot In Mosswood Park, 2) A Water Fountain At The Mosswood Dog Run, 3) A Traffic Circle At 38th Street And Webster Or Ruby Streets, 4) Security Cameras At 60th Street And San Pablo Avenue, 5) Koreatown Identification Banners, And 6) Pedestrian Level And Street Lighting On Telegraph Avenue Between 40th And 42nd Streets, Authorizing A Contribution Of Agency Funds To The City Under The Cooperation Agreement In An Amount Not To Exceed \$97,500 For City Public Improvements Under The Program, And Authorizing The Agency Administrator To Enter Into Agreements With Project Sponsors And Make Necessary Expenditures To Implement Projects Under The Program Without Returning To The Agency  
(07-1661-1)

**The October 14, 2008 Community and Economic Development Committee  
approved recommendations and directed staff to write a supplemental  
report outlining the financial break down and distribution of the \$97,500  
dollars; 4 Ayes**

S-10.18-C Subject: Oakland Army Base Temporary Winter Shelter  
C From: Department of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Waive The Competitive Process And Enter Into An Agreement For The Period Of October 15, 2008 Through May 15, 2009 In An Amount Not To Exceed \$281,000 With

# SUPPLEMENTAL

**Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council**

**Tuesday, October 21, 2008**

Anka Behavioral Health, Inc. To Open And Operate The Oakland Army Base Temporary Winter Shelter (OABTWS); And (2) Enter Into A Six Month Lease For \$1.00 A Year With The Oakland Redevelopment Agency For Use Of Building 821 At The Army Base From November 1, 2008 Through April 30, 2009; And (3) Allocate \$125,000 From Alameda County, And \$56,000 From The City Of Berkeley To Establish And Operate The Temporary Winter Shelter At The Oakland Army Base; And (4) Allocate \$50,000 In Community Development Block Grant (CDBG) Funds For A Citywide Case Management Program; And (5) Waive The Competitive Process And Enter Into An Agreement With Lifelong Medical, Inc. For The Period Of September 1, 2008 Through August 30, 2009 In The Amount Of \$50,000 For The Citywide Case Management Program

[\(07-1674\)](#)

**The October 14, 2008 Life Enrichment Committee approved  
recommendations; 4 Ayes**

S-10.19-C Subject: DNA Backlog Reduction Grant Program

C From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Grant Funds In The Amount Of Two Hundred Twenty Thousand Eight Hundred Eighty- Four Dollars (\$220,884) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ), To The Oakland Police Department For The 2008 Forensic Casework DNA Backlog Reduction Grant Program In The Police Department For The Period Of October 1, 2008 Through March 31, 2010

[\(07-1555\)](#)

**The October 14, 2008 Public Safety Committee approved  
recommendations; 4 Ayes**

S-10.20-C Subject: National Insurance Crime Bureau Agreement

C From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With The National Insurance Crime Bureau For The Purpose Of Leasing 2004 Motor Vehicle, At A Price Of One Dollar (\$1.00) For A Three-Year Term For Use By The Oakland Police Department

[\(07-1665\)](#)

**The October 14, 2008 Public Safety Committee approved  
recommendations; 4 Ayes**

S-10.21-C Subject: 2008 Legislative Agenda Report

C From: City Council

Recommendation: Receive An Informational Report On The City Of Oakland's 2008 State Legislative Agenda

[\(07-1718\)](#)

**The October 16, 2008 Rules and Legislation Committee received and  
forwarded the report and requested a supplemental report highlighting the**

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council

Tuesday, October 21, 2008

legislation that was passed in conjunction with the City's priorities; 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 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: Aaron Metals Scrap Metal Recycling Facility - Public Hearing  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeals And Sustaining The Decision Of The City Planning Commission In Approving The Application For A Major Conditional Use Permit To Legalize The Previously Unpermitted Expansion Of The Aaron Metals Scrap Metal Recycling Facility Located At 750 105th Avenue, Oakland, With Revised Conditions Of Approval  
(07-1300)

- 14.2 Subject: ~~Insanitary Sewers~~  
From: ~~Community and Economic Development Agency~~  
Recommendation: ~~Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:-~~

~~1) A Resolution Confirming Administrative Hearing That A Dangerous And Insanitary Condition Exists At The Building Serving The Property Known As 2402 98th Avenue; And~~

~~(07-1572)~~

~~2) A Resolution Confirming Administrative Hearing That A Dangerous And Insanitary Condition Exists At The Building Serving The Property Known As 728 Apgar Street; And~~

~~(07-1572-1)~~

~~3) A Resolution Confirming Administrative Hearing That A Dangerous And Insanitary Condition Exists At The Building Serving The Property Known As 1768 Auseon Avenue; And~~

~~(07-1572-2)~~

~~4) A Resolution Confirming Administrative Hearing That A Dangerous And Insanitary Condition Exists At The Building Serving The Property Known As 552 30th Street; And~~

~~(07-1572-3)~~

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council

---

Tuesday, October 21, 2008

~~5) A Resolution Confirming Administrative Hearing That A Dangerous And Insanitary Condition Exists At The Building Serving The Property Known As 9619 B Street; And~~  
~~(07-1572-4)~~

~~6) A Resolution Confirming Administrative Hearing That A Dangerous And Insanitary Condition Exists At The Building Serving The Property Known As 2534 Frances Street~~  
~~(07-1572-5)~~

**At the October 16, 2008 Rules and Legislation Committee it was determined that a Public Hearing was not required for this item; therefore it has been moved to the Consent Calendar as item S-10.14-CC.**

14.3      Subject:      East Oakland Sports Complex Development  
                 From:      Community and Economic Development Agency  
                 Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The  
                 Following Pieces Of Legislation:

1) An Agency Resolution Contributing Coliseum Redevelopment Funds In The Amount Of \$2,000,000 To The City Of Oakland Under The Cooperation Agreement For The Construction And Development Of The East Oakland Sports Complex At 9175 Edes Avenue; And  
(07-1573)

2) A City Resolution Accepting And Appropriating Coliseum Redevelopment Funds In The Amount Of \$2,000,000 Under The Cooperation Agreement For The Construction Of The East Oakland Sports Complex At 9175 Edes Avenue  
(07-1573-1)

**The October 14, 2008 Community and Economic Development Committee approved recommendations; 4 Ayes**

14.4      Subject:      Planning Code Amendments  
                 From:      Community and Economic Development Agency  
                 Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Adopting Various Planning Code Text Amendments, Including: A) Adding Extensive Impact Civic Activities As A Conditionally Permitted Activity To The C-45 And C-55 Zones; B) Adding Animal Care Commercial Activities As A Conditionally Permitted Activity To The C-36 Zone; C) Reducing The Time That An Automotive Servicing, Or A Repair And Cleaning Activity, May Be Discontinued Before It Loses Its Legal, Non-Conforming Status In The S-5 Broadway Retail Frontage Zone; D) Making Permanent An Emergency Ordinance That Creates Special Variance Findings And Expedited Appeal Procedures For Signs; E) Clarifying That Uniformly Applied Development Standards/Standard Conditions Of Approval Are Automatically Imposed On All Applications, Including Those "Deemed Approved" Under The State Permit Streamlining Act; And F) Various Amendments Which Codify Administrative Practice, Update References, Clarify Language, And Other Changes  
(07-1658)

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council

---

Tuesday, October 21, 2008

**The October 14, 2008 Community and Economic Development Committee approved recommendations and amended the Ordinance to temporarily remove section 17.130.080 Minor Land Use Permits Considered Concurrently with Major Permits; 4 Ayes**

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

**Final Passage (Second Reading) has been scheduled for November 4, 2008**

**ACTION ON NON-CONSENT ITEMS:**

- 15        Subject:     Business Services Contract  
             From:        Community and Economic Development Agency  
             Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To Circulate A Request For Proposals, Select A Contractor, And Negotiate And Execute A Professional Services Contract For Business Retention, Expansion And Support Services For Fiscal Year 2008-2010 Without Returning To The Agency In An Amount Not To Exceed \$600,000; And Authorizing An Amount Not To Exceed \$18,000 (3%) For Contract Compliance  
             [\(07-1237\)](#)
- Pursuant to Resolution 79006 C.M.S. Rule 7(6), A motion was made by Councilmember Nadel, seconded by Councilmember Quan to pull this item from the October 7, 2008 Consent Calendar and place it on this agenda as a Non-Consent item.**
- 16        Subject:     Nepotism In City Employment  
             From:        Council President De La Fuente  
             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 In Hiring And Administration (TITLE CHANGE)  
             [\(07-1563\)](#)
- Pursuant to Resolution 79006 C.M.S. Rule 7(8), A motion was made by Councilmember Quan, seconded by Councilmember De La Fuente to pull this item from the September 23, 2008 Finance and Management Committee Agenda and place it on this agenda as a Non-Consent item.**
- 17        Subject:     Opposition To Measure N  
             From:        Councilmember Jean Quan  
             Recommendation: Adopt A Resolution In Opposition To Local Ballot Measure N On The November 4, 2008 Ballot, Which Would Impose An Annual One Hundred And Twenty Dollar (\$120.00) Parcel Tax On Oakland Property Owners To Pay Salary Increases For Oakland Public School Teachers  
             [\(07-1733\)](#)

# SUPPLEMENTAL

**Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council**

**Tuesday, October 21, 2008**

18        Subject:     U. S. Treasury Securities Investment  
             From:        Finance and Management Agency  
             Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Of The City Council Of The City Of Oakland Approving The Investment In US Treasury Securities For A Not-To-Exceed 60-Day Period In An Amount Not To Exceed 20% Of The City Portfolio; And Authorizing Execution Of Documents And Taking Of All Necessary Actions Relating To Making Such Investments; And

[\(07-1741\)](#)

2) A Resolution Of The Redevelopment Agency Of The City Of Oakland Approving The Investment In US Treasury Securities For A Not-To-Exceed 60-Day Period In An Amount Not To Exceed 20% Of The City Portfolio; And Authorizing Execution Of Documents And Taking Of All Necessary Actions Relating To Making Such Investments

[\(07-1741-1\)](#)

**The October 14, 2008 Finance and Management Committee approved  
recommendations; 2 Ayes, 1 Abstained - Nadel, 1 Absent - Brunner**

19        Subject:     City Of Oakland Budget  
             From:        Office of the City Administrator  
             Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing Amendments To The Biennial Budget As The Financial Plan For Conducting The Affairs Of The City Of Oakland For Fiscal Years 2007-2009 By (1) Amending The Midcycle Policy Budget (Adopted By Resolution No. 81485 C.M.S. On July 15, 2008) To Reflect Further Changes To Revenues And Expenditures In Various Funding Sources, Eliminate The Budget Deficit And Balance The Budget For Fiscal Year 2008-2009; And (2) Appropriating Certain Funds To Provide For The Expenditures Proposed By Said Budget;

[\(07-1747\)](#)

2) An Agency Resolution Amending The Mid-Cycle Policy Budget For Fiscal Year 2008-2009 Adopted Through Resolution No. 2008-0074 C.M.S. On July 15, 2008, To Reflect Further Changes To Revenues And Expenditures In Various Funding Sources;

[\(07-1747-1\)](#)

3) An Ordinance Amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), As Amended, To Increase Certain Parking Fees Assessed By The Finance And Management Agency; And

[\(07-1747-2\)](#)

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

**Introduction (First Reading) was approved on October 16, 2008; 8 Ayes**

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council

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Tuesday, October 21, 2008

Parking Fines" To Increase Parking Fines  
(07-1747-3)

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

**Introduction (First Reading) was approved on October 16, 2008; 8 Ayes**

S-19.1      Subject:      City Of Oakland Budget  
                 From:        Office of the City Administrator  
                 Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Ordinance No. 12502 C.M.S. To (1) Clarify The General Purpose Fund (GPF) Reserve Requirements; (2) Consolidate All Municipal Capital Projects In The Capital Improvements Reserve Fund; (3) Require A Mayoral Declaration Of Fiscal Emergency And Approval By Council Before The GPF Reserve Can Be Drawn Down; (4) Require That Real Property Transfer Tax Revenues In Excess Of \$40 Million Be Deposited In The GPF Reserve And The Capital Improvements Reserve Fund; (5) Require That One-Time Revenues Be Used To Repay Negative Fund Balances And Fund Capital Improvement Projects; And (6) Provide Criteria For Project Carryforwards And Encumbrances In The GPF; And  
(07-1641-3)

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

**Final Passage (Second Reading) has been scheduled for November 4, 2008**

2) A Resolution Amending Resolution 78747 Setting Forth The City Policy For The Prioritization Of Capital Improvement Projects Related To The City Of Oakland's Infrastructure To Require That The Highest Priority Be Given To Replacement Or Capital Repairs To Existing Infrastructure And Facilities, Limiting New Capital Projects, And Providing That Deviation From The Priority Policy Must Be Approved By The City Council  
(07-1641-4)

**This item was added to this agenda at the direction of the full council at the  
October 16, 2008 Special Budget Meeting.**

**This item requires an urgency finding pursuant to Section 2.20.080 E(2) of  
the Sunshine Ordinance requiring a 2/3 majority vote.**

20            Subject:      Housing, Residential Rent And Relocation Board Appointment  
                 From:        Office of the Mayor  
                 Recommendation: Adopt A Resolution Appointing Alan Flatt, As A Member Of The  
Housing, Residential Rent And Relocation Board  
(07-1748)



# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council

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Tuesday, October 21, 2008

21           Subject:    Community Policing Advisory Board Appointment  
              From:       Office of the Mayor  
              Recommendation: Adopt A Resolution Appointing Deborah Taylor As A Member Of  
                              The Community Policing Advisory Board  
              (07-1749)

S-22       Subject:    Salary Policies And Provisions  
              From:       Councilmember Quan  
              Recommendation: Adopt An Ordinance (1) Amending The Salary Ordinance, (2) Setting  
                              Forth The Council's Compensation Policies And Provisions For City Employees,  
                              Officials And Officers, (3) Memorializing The Authority And Discretion The Council  
                              Has Granted To The City Administrator Regarding Fixing Compensation And (4)  
                              Supplementing Ordinance No. 12187 C.M.S.  
              (07-1562)

**The October 14, 2008 Finance and Management Committee requested an opinion from the City Attorney regarding the effective date of the Ordinance and when the elected officials leave accruals would be impacted (i.e. new term for the current official or new term for a newly elected official); 3 Ayes, 1 No - De La Fuente**

S-23       Subject:    Entitlement Extensions  
              From:       Council President De La Fuente  
              Recommendation: Adopt A Resolution Extending For One Year 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, 2010 Upon  
                              Request And Payment Of Administrative Fee (TITLE CHANGE)  
              (07-1569)

**The October 14, 2008 Community and Economic Development Committee directed staff to write a supplemental report on what type of extension fee will be applied for extended entitlements ( i.e. administrative action with no discretion that entails an estimated fee of \$70 dollars); 4 Ayes**

**The October 16, 2008 Rules and Legislation Committee determined that a supplemental report was not required; 4 Ayes**

S-24       Subject:    Housing And Urban Development Grants  
              From:       Community and Economic Development Agency  
              Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply  
                              For And Accept Funds From The Housing And Economic Recovery Act Of 2008 (H.R.  
                              3221) From The U.S. Department Of Housing And Urban Development And The State  
                              Of California  
              (07-1673)

**The October 14, 2008 Community and Economic Development Committee**



# SUPPLEMENTAL

**Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council**

**Tuesday, October 21, 2008**

**approved recommendations; 4 Ayes**

S-25      Subject:      Oakland Unified - Joint Facilities Agreement  
From:      Office of Parks and Recreation  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute  
A Joint Facilities Use Agreement With Oakland Unified School District For A Five-Year  
Term Beginning July 1, 2008 And Ending June 30, 2013  
(07-1246)

**The October 14, 2008 Life Enrichment Committee approved  
recommendations and directed staff to write a supplemental report  
broadening the language of paragraph A (pg 1 or 9) to specifically address  
use by community groups and the NCPCs and clarifying the language of  
paragraph E (pg 5 of 9) to not imply a funding obligation by the City; 4  
Ayes**

S-26      Subject:      Status Report On The Crime Fighting Strategic Plan  
From:      Councilmember Jane Brunner  
Recommendation: Receive A Follow-Up Report From The Chief Of Police On The  
Department's Crime Fighting Strategic Plan, Including The Department's Top Priorities,  
And Strategies To Address Them, The Proposed Timeline For Implementation Of The  
Top Priorities And Strategies, And The Processes Used To Measure Effectiveness  
(07-1643)

**The October 14, 2008 Public Safety Committee received and forwarded the  
report and directed staff to add in future reports Key Contact column to  
the attachments; 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)**

Americans With Disabilities Act

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# SUPPLEMENTAL

**Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council**

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**Tuesday, October 21, 2008**

THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR  
OVER THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO  
ENSURE THE SAFETY OF THOSE ATTENDING MEETINGS.

(...)

**MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED  
TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA  
PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK,  
1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA  
94612 FROM 8:30AM TO 5:00PM**

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

ORA - Oakland Redevelopment Agency  
S - Supplemental Item