

### City of Oakland Meeting Minutes

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

**Tuesday, July 06, 2010** 

5:30 PM

Oakland City Hall, 3rd Floor

- 1 Pledge of Allegiance
- 2 Roll Call / ORA & Council

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

ORA\Councilmember Excused: 1 - Councilmember De La Fuente ORA\Councilmember Present: 7 - Councilmember Brooks, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner The Concurrent Meeting of the Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 5:54 p.m..

3 Open Forum / Citizens Comments

(Time Available: 15 minutes)

Play Video

The following individual (s) spoke under Open Forum:

- Sanjiv Handa
- Kathleen Hargan
- Judith Ghidinelli
- Carl Chan
- Kalihi Taylor
- Uriel Lopez
- 4 ACTIONS ON SPECIAL ORDERS OF THE DAY

(Ceremonial Presentations, Reports/Presentations from the Mayor, Council Acknowledgements/Announcements):

4.1 Subject: Wilkie Roy Morgan - Retirement

From: Councilmember Desley Brooks

Recommendation: Adopt A Resolution Honoring Mr. Wilkie Roy Morgan For Thirty Five (35) Years Of Dedicated And Distinguished Service To The City Of Oakland And Congratulating Him On His Retirement

09-1599 Play Video

A motion was made by Councilmember Brooks, seconded by Councilmember Reid, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember
Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember
Quan, Councilmember Reid and President of the Council Brunner
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5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETINGS OF THE ORA/CITY COUNCIL FOR JUNE 15, 2010.

A motion was made by Councilmember Kaplan, seconded by Councilmember Kernighan, to \*Approve the Minutes. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember
Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember
Ouan, Councilmember Reid and President of the Council Brunner

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):

There was no action necessary for this item

#### 7. CONSENT CALENDAR (CC) ITEMS:

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7.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The AIDS Epidemic 09-1595

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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7.2-CC Subject: Medical Cannabis Health Emergency

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland 09-1596

A motion was made by Councilmember Reid, seconded by Councilmember Kaplan, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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7.3-CC Subject: Portable Restroom At Madison Square Park

From: Councilmember Kernighan

Recommendation: Adopt A Resolution Authorizing An Allocation Of \$1960 To The Public Works Agency For Rental Of A Portable Restroom At Madison Square Park Through Fiscal Year 2010 -2011

09-1529

A motion was made by Councilmember Reid, seconded by Councilmember Kaplan, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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7.4-CC Subject: Amendment To Delphine Allen MOU

From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Amend The Agreement With Police Performance Solutions, LLC, The Independent Police Monitoring Team Who Is Overseeing The Implementation Of Contemporary Police Practices By The Oakland Police Department, In An Amount Not To Exceed One Hundred Thousand Three Hundred Twenty Dollars (\$100,320.00): (1) To Provide Additional Technical Assistance To The Oakland Police Department, Beginning June 1, 2010 And Ending June 30, 2011, As Required By A Court Order Issued In The Matter Of Delphine Allen, et al V. City Of Oakland USDC Case No. Coo-4599 The; (2) Amending Resolutions No. 82448 C.M.S., Which Authorized A Two-Year Contract With Said Monitoring Team Under The Name Of Alexandria Group Of MPRL, And No. 82491 C.M.S. Which Authorized A Change In The Name Of Said Monitoring Team 09-1608

#### This Matter was Adopted on the Consent Agenda.

**Votes:** ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

*The following individual spoke on this item:* 

- Sanjiv Handa

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7.5-CC Subject: Oakland's Sanitary Sewer System

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Negotiate And Enter Into A Professional Services Agreement With V & A Consulting Engineers For Engineering Services For Oakland's Sanitary Sewer System (Project Number C329119) In The Amount Not To Exceed Three Million Dollars (\$3,000,000.00) 09-1497

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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7.6-CC Subject: Vacating A Portion Of Peralta Street

From: Community And Economic Development Agency

Recommendation: Adopt An Ordinance Conditionally Vacating A Portion Of Peralta Street At Its Intersection With 36th Street Without Cost To The Emeryville Redevelopment Agency To Facilitate Construction Of The Ambassador Affordable Housing Project 09-1468-1

#### This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

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7.7-CC Subject: Master Fee Schedule - Amendments

From: The Budget Office

Recommendation: Adopt An Ordinance Amending Ordinance Number 12948 C.M.S., As Amended) To Establish, Modify And Delete Fees Assessed By The Office Of The City Administrator, Office Of The City Clerk, Department Of Contracting And Purchasing, Department Of Information Technology, Finance And Management Agency-Parking Management, Oakland Police Department, Oakland Fire Department, Oakland Museum Of California, Office Of Parks And Recreation, Public Works Agency, And The Community And Economic Development Agency

#### This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner The following individual spoke on this item:

Sanjiv Handa
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7.8-CC Subject: Special Tax Imposed For Library Services

From: Budget Office

Recommendation: Adopt An Ordinance Authorizing A Fiscal Year 2010-2011 Increase To A Special Tax Imposed For Library Services In Accordance With The Library Services Retention And Enhancement Act Of 2004 (Measure Q) 09-1292

#### This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

The following individual spoke on this item:

Sanjiv Handa
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7.9 Subject: Violence Prevention And Public Safety Services

From: Budget Office

Recommendation: Adopt An Ordinance Authorizing A Fiscal Year 2010-2011 Increase To A Special Tax Imposed For Violence Prevention And Public Safety Services In Accordance With The Violence Prevention And Public Safety Act Of 2004 (Measure Y); And Setting June 15, 2010 As The Date For A Public Hearing 09-1293

The following individual spoke on this item:

- Sanjiv Handa

- Teresa Salazar View Report.pdf

7.10-CC Subject: EBMUD- Sewer Lateral Regional Ordinance

From: Community And Economic Development Agency

Recommedation: Adopt An Ordinance Adopting The East Bay Municipal Utility District's Private Sewer Lateral Regional Ordinance Establishing Requirements For Property Owners To Inspect And Certify Private Sewer Laterals At The Time Of Property Transfer, Major Remodel And Change In Water Service 09-1415

This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

*The following individual spoke on this item:* 

- Sanjiv Handa

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7.11-CC Subject: Capital Improvement Projects At Children's Fairyland

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution: 1) Authorizing An Amendment To The Children's Fairyland, Inc. Operation And Management Agreement To Add Design And Project Management Services In Connection With Specific Capital Improvement Projects At Children's

Management Services In Connection With Specific Capital Improvement Projects At Children's Fairyland To The Scope Of Work For An Amount Not-To-Exceed One Hundred Thousand Dollars (\$100,000.00) From East Bay Park District Measure WW Park Bond Extension Funds, And 2) Waiving Advertising And The Competitive Request For Proposal/Qualifications Process For Said Design And Project Management Services 09-1495

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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7.12-CC Subject: Oakland Sports Center Project - Fund Allocation

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution To Allocate An Amount Up To One Million Two Hundred Thousand Dollars (\$1,200,000.00) Of Measure DD Series 2003A Unallocated Interest Funds For The East Oakland Sports Center Project For Additional Construction Contract Contingencies And Associated Capital Expenses 09-1496

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

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7.13-CC Subject: San Francisco Bay Trail Regional Development Program

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee, To Apply For, Accept And Appropriate Grant Funds From The San Francisco Bay Trail Regional Development Program, For Up To Four Hundred Thousand Dollars (\$400,000.00) For The Fruitvale Avenue To High Street Gap Closure Segment Of The Oakland Waterfront Bay Trail 09-1516

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

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7.14-CC Subject: Construction Of Various Streets - Gallagher & Burk, Inc.

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Awarding The Contract For Construction Of Various Streets And Roads And Preventive Maintenance (Project Number C388010) To Gallagher & Burk, Inc., The Lowest, Responsive, Responsible Bidder, In Accord With The Project Plans And Specifications And Contractor's Bid Therefore In The Amount Of One Million One Hundred Forty-Four Thousand Four Hundred Ninety-Eight Dollars And Ninety-Five Cents (\$1,144,498.95)

09-1517

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

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Subject: Energy Efficiency Improvements - Municipal Lighting Energy Efficiency

From: Public Works Agency

Recommendation: Adopt A Resolution Waiving Competitive Bidding And Authorizing The City Administrator Or Designee To: 1) Award A Design-Build Agreement To Linc Lighting And Electrical For Municipal Lighting Energy Efficiency Retrofits Phase 8 For An Amount Not To Exceed Seven Hundred Sixty-Six Thousand Dollars (\$766,000.00) Including But Not Limited To Federal Government's Stimulus Package Funds; And 2) Accept And Appropriate Energy-Related Rebates In Project Numbers C388710 (Community Ballfield Lighting Controls), C389110 (City Building Retrofits) And C389210 (Hall Of Justice Lighting Retrofits) For Municipal Lighting Energy Efficiency Retrofits Phase 8

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

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7.16-CC Subject: Energy Efficiency Improvements

From: Public Works Agency

Recommendation: Adopt A Resolution Waiving Competitive Bidding And Authorizing The City Administrator Or Designee To: 1) Award A Design-Build Agreement To Rockridge Builders For Energy Efficiency Improvements To The Police Administration Building (PAB) Heating, Ventilation, And Air Conditioning (HVAC) System For An Amount To Exceed Seven Hundred Ninety Thousand Dollars (\$790,000.00), Including But Not Limited To Federal Government's Stimulus Package Funds; And 2) Accept And Appropriate Energy-Related Rebates For Project Number C389310 (PAB HVAC Efficiency Upgrades) For Energy Efficiency Improvements To The PAB HVAC System 09-1543

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente
ORA\Councilmember Absent: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember
Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember
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7.17-CC Subject: Raiders Ticket Surcharge

From: Finance And Management Agency

Recommendation: Adopt A Resolution Decreasing Estimated Revenue And Offsetting Expenditures From The 2009 Raiders Ticket Surcharge To Reflect Actual Revenues Collected, And Authorizing A Transfer Of \$130,934, Which Is The Actual Revenue Collected, From The Non-Departmental Citywide Activities Budget To The Office Of Parks And Recreation Budget To Benefit Citywide Youth Activities 09-1429

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

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7.18-CC Subject: Debt Management Policy And Swap Policy

From: Finance And Management Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Adopting The Oakland Redevelopment Agency's Debt Management Policy and Swap Policy For Fiscal Year 2010 -2011; And 09-1530

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

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2) A Resolution Adopting The City Of Oakland's Debt Management Policy And Swap Policy For Fiscal Year 2010-2011 09-1530-1

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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7.19-CC Subject: Redevelopment Agency's Investment Policy For FY 2010-2011

From: Finance And Management Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Adopting The City Of Oakland Investment Policy For Fiscal Year 2010-2011; And

09-1498

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

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2) An Agency Resolution Adopting The Oakland Redevelopment Agency's Investment Policy For Fiscal Year 2010-2011

09-1498-1

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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7.20-CC Subject: Montclair Business Association Contract Extension

From: Finance and Management Agency

Recommendation: Adopt A Resolution Authorizing An Extension Of The Contract Between The City And The Montclair Business Association On A Month To Month Basis Not to Exceed June 30, 2011

09-1573

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner *The following individual spoke on this item:* 

Sanjiv Handa
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Council 7.21-CC

Subject: Oakland Army Base Amended MOA

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

1) A City Resolution Authorizing The City Administrator To Negotiate And Execute An Amendment To The Oakland Army Base Amended And Restated Memorandum Of Agreement Among The City Of Oakland, The Redevelopment Agency, And The Port Of Oakland, To Extend The August 7, 2010 Deadline For The Agency And The Port To Fund The West Oakland Community Trust Fund; And 09-1439

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner *The following individual spoke on this item:* 

- Sanjiv Handa

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2) An Agency Resolution Authorizing The Agency Administrator To Negotiate And Execute An Amendment To The Oakland Army Base Amended And Restated Memorandum Of Agreement Among The City Of Oakland, The Redevelopment Agency, And The Port Of Oakland, To Extend The August 7, 2010 Deadline For The Agency And The Port To Fund The West Oakland Community Trust Fund 09-1439-1

#### This Matter was Adopted on the Consent Agenda.

**Votes:** ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Ouan, Councilmember

Reid and President of the Council Brunner

2010-0076 CMS.pdf

7.22-CC Subject: Purchase Of Real Property At 7001 Snell Street,

From: Community And Economic Development Agency

Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 7001 Snell Street, In The Coliseum Redevelopment Project Area, From Union Pacific Railroad, For \$295,350, And Authorizing Up To \$250,000 For Demolition, Environmental Remediation, Fencing, And Real Estate Closing Costs 09-1519

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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7.23-CC Subject: Artisan Walk Home Owners Association

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

1) A Resolution Authorizing A One-Year Extension Of The Broadway/MacArthur/San Pablo Redevelopment Project Area Committee To July 25, 2011; And 09-1521

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

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2) A Resolution Amending The Procedures Of Formation For The Broadway/MacArthur/San Pablo Redevelopment Project Area Committee To Designate The Artisan Walk Home Owners Association As A Community Organization Represented On The Project Area Committee 09-1521-1

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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7.24-CC Subject: Mortgage Assistance Loans

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Appropriating \$122,000 In Revenue From Application Fees From Homebuyers Applying For Mortgage Assistance Loans And Authorizing The Appropriation Of Future Loan Fees For Program And Operational Expenses 09-1524

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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7.25-CC Subject: Affordable Housing Development Activities

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

1) An Agency Resolution Authorizing An Affordable Housing Development Loan In An Amount Not To Exceed \$4,000,000 To EAH Inc. For The Cathedral Gardens Project Located At 668 21st Street;

09-1536

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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2) An Agency Resolution Authorizing An Affordable Housing Development Loan In An Amount Not To Exceed \$5,597,000 To Related Companies Of California And Acts Community Development Corporation Jointly For The 94th And International Apartments Project; And 09-1536-1

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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3) An Agency Resolution Amending Resolution Number 2010-0033 C.M.S. To Change The Source Of Funds For An Affordable Housing Development Loan In An Amount Not-To-Exceed \$3,850,000 To Amcal Multi-Housing, Inc., For The MacArthur Apartments Projects 09-1536-2

#### This Matter was Adopted on the Consent Agenda.

**Votes:** ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

2010-0080 CMS.pdf

7.26-CC Subject: Alcohol Control Enforcement Project

From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed One Hundred Thousand Dollars (\$100,000) From The State Of California, Department Of Alcoholic Beverage Control (ABC), Grant Assistance Program (GAP), For A One-Year (2010-2011) Alcohol Control Enforcement Project Within The Police Department 09-1531

#### This Matter was Adopted on the Consent Agenda.

**Votes:** ORA\Councilmember Excused: 1 - Councilmember De La Fuente ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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Subject: Post Certified Emergency Vehicle Operations Course

From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Execute An Agreement With The California Commission On Peace Officer Standards And Training (POST) For The Period Of July 1, 2010 Through June 30, 2011 For The Purpose Of Permitting The Police Department To Present The POST Certified Emergency Vehicle Operations Course (EVOC) To One Hundred Fifty (150) Police Officer Trainees, And To Receive Up To Sixty-Six Thousand Seven Hundred Fifty Dollars (\$66,750) In Reimbursement Funds

09-1533

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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7.28-CC Subject: Urban Search And Rescue (USAR) Team Grant Funding

From: Oakland Fire Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Apply For, Accept And Appropriate A Grant From The Federal Emergency Management Agency (FEMA) In The Amount Of One Million Forty One Thousand Nine Hundred Dollars (\$1,041,900) To Meet Continuing Management, Training And Equipment Needs Of The Fire Department's Urban Search And Rescue (USAR) Team, And 2) Enter Into A Cooperative Agreement With The Federal Emergency Management Agency (FEMA) For The Period Of May 01, 2010 To August 31, 2011 To Provide Training To The Task Force, Respond As Requested To Local, State And National Incidents, And To Purchase Equipment To Support Our Response Capability As Directed By FEMA, And 3) Waive The City's Competitive Bidding Requirements And Authorize Procurement Of Equipment From The General Services Administration Agency And Or Other Government Pricing Schedules, And 4) Award Equipment Contracts Without Return To Council 09-1466

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente
ORA\Councilmember Absent: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember
Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember
Reid and President of the Council Brunner
The following individual spoke on this item:

Sanjiv Handa
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7.29-CC Subject: City's Federal Legislative Lobbyist - Polsinelli Shugart

From: Office of the City Administrator

Recommendation: Adopt A Resolution Waiving The Request For Proposal/Qualifications Process And Authorizing An Extension Of The 2009 Agreement With Polsinelli Shugart To Serve As The City's Federal Legislative Lobbyist For The Period Of January 1, 2010 Through June 30, 2010, At A Cost Of Sixty Three Thousand Dollars (\$63,000) For The Six Month Extension. 09-1433

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner *The following individual spoke on this item:* 

- Sanjiv Handa View Report.pdf

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7.30-CC Subject: Cultural Services Grant

From: Cultural Affairs And Marketing

Recommendation: Adopt A Resolution Authorizing The Appropriation Of \$90,000 In Transient Occupancy Tax Surcharge Funds To Fulfill Cultural Services Grants To Thirty-Nine (39) Oakland-Based Nonprofit Organizations And Individual Artists Providing Arts And Cultural Services In Oakland During Fiscal Year 2009-2010 And To Enter Into A Cultural Services Grant Agreement With African Queens Youth Performance Company For Arts And Cultural Services In Oakland During Fiscal Year 2009-2010 09-1538

#### This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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7.31-CC Subject: Master Fee Schedule Amendment - Office Of Parks And Recreation

From: Office of Parks and Recreation

Recommendation: Adopt An Ordinance Amending Ordinance Number 12948 C.M.S. (Master Fee Schedule), As Amended To Add Assessed Fees By The Office Of Parks And Recreation For The Dunsmuir Hellman Historic Estate 09-1584

#### This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember

Reid and President of the Council Brunner

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#### Passed The Consent Agenda

A motion was made by Councilmember Reid, seconded by Councilmember Kaplan, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner

8 Oral Report of Final Decisions Made During Closed Session & Disclosure of Non-Confidential closed session discussions

A motion was made by Councilmember Kaplan, seconded by Councilmember Quan, to \*Approve as Submitted the oral report from the Office of the City Attorney of 1 final decisions made during Closed Session. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember
Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember
Quan, Councilmember Reid and President of the Council Brunner
The following individual spoke on this item:
- Sanjiv Handa

COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE
THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:
9. CONSIDERATION OF ITEMS WITH STATUATORY PUBLIC HEARING
REQUIREMENTS:

## Concurrent Meeting of the Oakland Redevelopment Agency / City

Council

9.1

Subject: Central City East Neighborhood Project Initiative Program

From: Community And Economic Development Agency

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing Funding For Various Improvement Projects In An Amount Not To Exceed \$160,000 Under The Central City East Neighborhood Project Initiative Program, Authorizing A Contribution Of Agency Funds To The City Under The Cooperation Agreement In An Amount Not To Exceed \$160,000 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 Funded Under The Program Without Returning To The Agency; And 09-1417

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A motion was made by Councilmember Reid, seconded by Councilmember Kaplan, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 6:33 p.m

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Kaplan, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Kaplan, Kernighan, Nadel, Reid, Quan, and President of the Council Brunner -6 and 2 Absent - Brooks and De la Fuente View Report.pdf 2010-0081 CMS.pdf

2) A City Resolution Accepting And Appropriating Redevelopment Agency Funds Under The Cooperation Agreement In An Amount Not To Exceed \$160,000 For City Public Improvements Within The Central City East Redevelopment Project Area Under The Neighborhood Project Initiative Program.

09-1417-1

A motion was made by Councilmember Reid, seconded by Councilmember Kaplan, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember
Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember
Quan, Councilmember Reid and President of the Council Brunner
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9.2

Subject: Sustainable Green Building

From: Community And Economic Development Agency

Recommendation: Conduct A Public Hearing An Upon Conclusion Adopt An Ordinance, Adopting Oakland Municipal Code Title 18 - Sustainability, Chapter 18.02 Sustainable Green Building Requirements For Private Development To Establish Environmentally Sustainable Regularions For Building Construction, Remodeling, Landscaping And Demolition 09-1436

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A motion was made by Councilmember Reid, seconded by Councilmember Kaplan, that this matter be Adopted This Ordinance must go to the State for Review before returning to Council for Final Passage. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened 6:35 p.m

The following individual spoke on this item:

- Douglas Boxer
- Greg McConnell
- Naomi Schiff
- Sanjiv Handa

Agency/Councilmember Reid made a motion, seconded by
Agency/Councilmember Kaplan, to close the Public Hearing, and hearing no
objections, the motion passed by Ayes: Agency/Councilmember: Brooks,
Kaplan, Kernighan, Nadel, Reid, Quan, and President of the Council Brunner
-7 and 1 - Absent - De La Fuente
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9.3 Subject: Oakland Army Base Redevelopment

From: Community And Economic Development Agency

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Adopting 2010-2015 Implementation Plan For The Oakland Army Base Redevelopment

Project 09-1438 Play Video

A motion was made by Councilmember Nadel, seconded by Councilmember Quan, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at 6:55 p.m.

*The following individual(s) spoke on this item:* 

- Sanjiv Handa
- Ricky Anderson

Agency/Councilmember Nadel made a motion, seconded by
Agency/Councilmember Quan, to close the Public Hearing, and hearing no
objections, the motion passed by Ayes: Agency/Councilmember: Brooks,,
Kaplan, Kernighan, Nadel, Reid, Quan, and President of the Council Brunner
-7, and I-Absent - De La Fuente
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2010-0082 CMS.pdf

9.4 Subject: Amendments To Planning Code

From: Community And Economic Development Agency

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, Recommended By The Planning Commission, To (A) Amend Section 17.136.075 Of The Oakland Planning Code And Make Other Related Amendments To The Planning Code And Building And Construction Code (Chapter 15.36 Of The Oakland Municipal Code) Relating To Required Findings For The Demolition Of Historic Structures; And (B) Adopt Admininstrative Submittal Requirement For Applications To Demolish Historic Structures 09-1419

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A motion was made by Councilmember Nadel, seconded by Councilmember Quan, that this matter be Adopted as Amended. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner Upon the reading of Item 9.4 by the City Clerk, the Public Hearing was opened at 7:00 p.m.

The following individual spoke on this item:

- Sanjiv Handa
- Naomi Schiff
- Paul Campos
- Greg McConnell

Agency/Councilmember Nadel made a motion, seconded by
Agency/Councilmember Quan, to close the Public Hearing, and hearing no
objections, the motion passed by Ayes: Agency/Councilmember: Brooks,
Kaplan, Kernighan, Nadel, Reid, Quan, and President of the Council Brunner
-7 and 1 Absent - De La Fuente
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9.5

Subject: Alta Bates Appeal

From: Community And Economic Development Agency

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal (Al 0-139), Thereby Upholding The Planning Commission Decision To Adopt California Environmental Quality Act Findings And Approve A Planned Unit Development (Including A Preliminary Development Plan For The Master Plan And A Final Development Plan For Phase 1); Design Review For Phase 1; A Conditional Use Permit For Demolition Of Existing Rooming Units; And A Minor Variance For Off-Street Parking For The Alta Bates Summit Medic Center, Summit Campus Seismic Upgrade And Master Plan Project (Planning Case File Nos. ER 09-0001, PUD 09-104, DR 09-105)

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A motion was made by Councilmember Nadel, seconded by Councilmember Reid, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner Upon the reading of Item 9.5 by the City Clerk, the Public Hearing was opened at 7:09 p.m.

The following individual spoke on this item:

- Sanjiv Handa
- Gloria Smith
- Benjamin Elliott
- Warren Kirk
- Greg McConnell
- Joe Haraburch
- Rebekah Right
- Darnita Garry
- Frieda Adamson
- Donavon Taylor
- Chris Coltan
- Steve O'Brien, MD
- David Preiss

Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember Reid, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Kaplan, Kernighan, Nadel, Reid, Quan, and President of the Council Brunner -7 and 1 Absent - De la Fuente

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#### **ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:**

10 THIS ITEM INTENTIONALLY LEFT BLANK

Subject: Measure Y - Progress Report

From: Department Of Human Services

Recommendation: Receive A Report On The Progress Of Fiscal Year 2009-2010 Measure Y

Violence Prevention Grantees; And

09-1349 Play Video

A motion was made by Councilmember Nadel, seconded by Councilmember Quan, that this matter be \*Received and Filed. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 2 - Councilmember Quan and Councilmember

Reid

ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel and President of the

Council Brunner

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A Resolution Authorizing The City Administrator To Exercise The Option To Renew Grant Agreements Between The City Of Oakland And Various Public And Non-Profit Agencies To Provide Violence Prevention Programs For A Total Amount Not To Exceed \$5,362,128 For The Period Of July 1, 2010 To June 30, 2011 09-1349-1

A motion was made by Councilmember Nadel, seconded by Councilmember Quan, that this matter be Adopted. The motion carried by the following vote:

**Votes:** ORA\Councilmember Excused: 1 - Councilmember De La Fuente

ORA\Councilmember Absent: 2 - Councilmember Quan and Councilmember

Reid

ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember

Kaplan, Councilmember Kernighan, Councilmember Nadel and President of the

Council Brunner

The following individual spoke on this item:

Sanjiv Handa
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12 Subject: Improving Language Access To City Services

From: Office Of The City Adminstrator/ Equal Access

Recommendation: Receive A Status Report On The Implementation Of The Equal Access To

Services Ordinance

09-1526 Play Video

### Continued to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/20/2010

The following individual spoke on this item:

- Sanjiv Handa
- Karen Hoy
- Jorge Lerma
- Luz Buitrago

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13 Subject: Parking Access And Revenue Control Systems (PARCS)

From: Finance And Management Agency

Recommendation: Adopt A Resolution Authorizing The City Administator To Negotiate And Execute A Contract Between The City Of Oakland And Scheidt And Bachmann USA, Inc. To Provide A Parking Access And Revenue Control Systems(PARCS) Not To Exceed \$2,500,000 09-1525

### Withdrawn and Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/20/2010

The following individual spoke on this item:

- Sanjiv Handa

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14 Subject: User Fee Ordinance

From: Oakland Fire Department

Recommendation: Adopt The Following Pieces Of Legislation;

1) An Ordinance Adding Title 8, Health And Safety, Chapter 8.56, Emergency Response Services Fees Program, To The Oakland Municipal Code To Establish And Implement A Program To Charge User Fees For The Emergency response Services Rendered By The City Of Oakland In Connection With Motor Vehicle Accidents Caused By Any And All Non-Resident Drivers Deemed To Be At-Fault And Any And All Criminally Negligent Drivers, Regardless Of Residence, And Amending The Master Fee Schedule To Include The New User Fees; And 09-1614

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A motion was made by Councilmember Reid, seconded by Councilmember Kaplan, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on July 20, 2010. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember De La Fuente
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember
Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember
Quan, Councilmember Reid and President of the Council Brunner
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2) A Resolution Waiving The Advertisement And Request For Proposal/Qualifications Process And Authorizing The City Administrator To Negotiate And Award A Three Year Term Agreement To Fire Recovery, USA To Provide Billing And Collection Services In Connection With The City's Emergency Response User Fee Program In Exchange For Retention Of A Percentage Of Revenue Collected To Be Determined By The City Administrator 09-1614-1

The following individual spoke on this item:

Sanjiv Handa82880 CMS.pdf

#### **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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There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting at 7:50 p.m.

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