



# City of Oakland Meeting Agenda

Office of the City Clerk  
Oakland City Hall  
1 Frank H. Ogawa Plaza  
Oakland, California 94612  
LaTonda Simmons, City Clerk

## **\*Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council**

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

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

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**Tuesday, July 28, 2009**

**5:00 PM**

**Oakland City Hall, 3rd Floor**

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**\*\* PLEASE NOTE CHANGE IN TIME \*\***

**Pursuant to Government code section 54593(b) Councilmember Nadel will participate in this meeting via teleconference at the location below:**

**Blue Harbour  
Castle Gardens  
Port Maria, Jamaica, West Indies - Phone (876) 725-0289**

**(Please Note: There is no street address. There is a main road designated as A1 around the island of Jamaica and there is a sign pointing to the building on that road in the Castle Gardens area of Port Maria.)**

### **ALL VOTES TAKEN DURING THE TELECONFERENCE MEETING SHALL BE BY ROLL CALL**

- 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**

- 3 Open Forum / Citizens Comments  
(Time Available: 15 minutes)
- 3.1 Subject: Army Base Master Developer  
From: Vice Mayor De La Fuente  
Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To Negotiate And Enter Into An Exclusive Negotiating Agreement For A Term Of 360 Days From Agency Approval, Between The Oakland Redevelopment Agency And AMB Property Corporation/California Capital Group And/Or Federal Oakland Associates Regarding A Proposed Development Of A Mixed-Use Project Consisting Of Logistics, Industrial, Office, Project-Serving Retail And Other Uses Mandated By The Agency On Up To 135 Acres Of The Former Oakland Army Base  
[\(09-0553\)](tel:09-0553)

- 4 Subject: Additional Balancing Measures  
From: The Budget Office  
Recommendation: Adopt A Resolution Amending The City Of Oakland's Fiscal Year 2009-2011 Biennial Budget, Which Was Adopted Pursuant To Resolution No. 82102 C.M.S., To Approve Measures (1) Addressing Potentially Lower Than Originally Anticipated Community Oriented Policing Services (COPS) Grant Award, (2) Planning For Possible Return To The Measure Y Fund, Established By The Violence Prevention And Public Safety Act Of 2004, Of Certain Training And Recruitment Costs, And (3) Implementing Budget Reduction Targets Established For The Oakland Police Department (TITLE CHANGE)  
(09-0663)

**This item was placed on the agenda pursuant to Rule 28 of the Council's Rules of Procedure, Resolution 79006 C.M.S.**

- 5 Subject: Budget Amendment - Take Away Of Gas Tax Revenues  
From: Budget Office/Public Works Agency  
Recommendation: Adopt A Resolution Amending The City Of Oakland's Fiscal Year 2009-2011 Biennial Budget, Adopted Pursuant To Resolution No. 82102 C.M.S., To Impose Reductions In Staff And Operations Funding In The Street And Traffic Programs And Re-Allocate Approximately \$2.0 Million In Existing Capital Improvement Program Funding (Propositions 42) To Mitigate Potential Impacts In The Event The State Of California Takes Away Approximately \$6.53 Million Of Gas Tax Revenues From The City Of Oakland Retroactive To July 1, 2009  
(09-0613)

- 6 Subject: Filling Golden Handshake Vacancies  
From: Department of Human Resources Management  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Implement A Restricted Policy On Filling Positions Vacated As A Result Of Retirements Under The California Employees' Retirement System (CalPERS) Two Years Additional Service Credit Program ("Golden Handshake") In Order To Achieve The Level Of Savings Anticipated In The City Of Oakland Adopted Budget For Fiscal Years 2009-2011  
(09-0664)

**This item was placed on the agenda pursuant to Rule 28 of the Council's Rules of Procedure, Resolution 79006 C.M.S.**

- 7 Subject: Budget Implementation Report  
From: The Budget Office  
Recommendation: Status Report On Fiscal Year 2009-2011 Budget Implementation  
(09-0665)

- 8 Subject: General Purpose Fund Encumbrances & Carryforwards  
From: The Budget Office  
Recommendation: Receive The Annual Report On General Purpose Fund Encumbrances And Carryforwards From Fiscal Year 2008 - 2009 To Fiscal Year 2009 - 2010  
(09-0666)

**This item was placed on the agenda pursuant to Rule 28 of the Council's  
Rules of Procedure, Resolution 79006 C.M.S.**

- 9 Subject: Schedule Of Parking Fines Amendment  
From: Finance and Management Agency  
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Sections  
10.48.010 "Schedule Of Parking Fines" To Decrease The City Of Oakland Fine For  
California State Vehicle Code Section 22522 "Sidewalk Access Ramp Within Three (3)  
Feet" From \$320 (Three Hundred Twenty Dollars) To \$275 (Two Hundred Seventy-Five  
Dollars)  
(09-0645)

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

**Introduction (First Reading) was approved on July 21, 2009; 8 Ayes**

- 10 Subject: Monthly Swim Pass  
From: Councilmember Rebecca Kaplan  
Recommendation: Adopt An Ordinance Amending Ordinance Number 12880 C.M.S.  
(Master Fee Schedule), As Amended, To Establish A New Fee Of \$80.00 For Adult  
Monthly Swim Pass  
(09-0638)

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

**Introduction (First Reading) was approved on July 21, 2009; 7 Ayes, 1  
Abstention - Quan**

- 11 Subject: Local 55 Employee Hours  
From: Oakland Fire Department  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Ordinance No.  
12187 C.M.S. (The Salary Ordinance) To Adjust The Salaries Of Employees In The Job  
Classification Represented By The International Association Of Firefighters Local 55  
(09-0647)

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

**Introduction (First Reading) was approved on July 21, 2009; 8 Ayes**

- 12 Subject: Local 21 - Memorandum Of Understanding  
From: Department of Human Resources Management  
Recommendation: Adopt A Resolution Approving The Memorandum Of Understanding  
Between The City Of Oakland And The International Federation Of Professional And  
Technical Engineers, Local 21, Representing Employees In Representation Units TA1,  
TF1, TM2, TW1, UH1, UM1 And UM2, Covering The Period From July 1, 2008  
Through June 30, 2011  
(09-0683)

**This item was placed on the agenda pursuant to Rule 28 of the Council's  
Rules of Procedure, Resolution 79006 C.M.S.**

- 13 Subject: Police Officer's Association Unit UN2 - MOU  
From: Department Of Human Resources Management  
Recommendation: Adopt A Resolution Amending The Memorandum Of Understanding  
Between The City Of Oakland And The Oakland Police Officers' Association Unit UN2  
Sworn Management Police Officers  
(09-0684)

**This item was placed on the agenda pursuant to Rule 28 of the Council's  
Rules of Procedure, Resolution 79006 C.M.S.**

- 14 Subject: Deputy City Attorney V/Special Counsel Association Unit U41-MOU  
From: Department of Human Resources Management  
Recommendation: Adopt A Resolution Approving The Memorandum Of Understanding  
Between The City Of Oakland And The Deputy City Attorney V & Special Counsel  
Association Representing Employees In Representation Unit U41, Covering The Period  
From July 1, 2008 Through June 30, 2011  
(09-0685)

**This item was placed on the agenda pursuant to Rule 28 of the Council's  
Rules of Procedure, Resolution 79006 C.M.S.**

- 15 Subject: Local 21 Unit TM1 - Memorandum Of Understanding  
From: Department of Human Resources Management  
Recommendation: Adopt A Resolution Approving The Memorandum Of Understanding  
Between The City Of Oakland And The International Federation Of Professional And  
Technical Engineers, Local 21, Deputy City Attorney I-IV Representing Employees In  
Representation Units TM1, Covering The Period From July 1, 2008 Through June 30,  
2011  
(09-0686)

**This item was placed on the agenda pursuant to Rule 28 of the Council's  
Rules of Procedure, Resolution 79006 C.M.S.**

- 15.1 Subject: Local 55 - Memorandum Of Understanding  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Approving The Memorandum Of Understanding  
Between The City Of Oakland And The International Association Of Firefighters, Local  
55, Representing Employees In Representation Unit FQ1, Covering The Period Of July  
1, 2008 Through June 30, 2012  
(09-0592)

**This item was rescheduled from the July 21, 2009 City Council agenda**

- 16 Subject: American Recovery And Reinvestment Act Contracts  
From: Councilmember Desley Brooks  
Recommendation: Adopt A Resolution Adopting Governor Schwarzenegger's Program  
Which Urges City And County Governments With Small Businesses To Accept The  
California Department Of General Services' (DGS) 25% Small Business Participation

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And 3% Disabled Veterans Enterprise (DVBE) Participation In Their Procurement And  
Contracts Associated With The American Recovery And Reinvestment Act  
(09-0688)

**This item was placed on the agenda pursuant to Rule 28 of the Council's  
Rules of Procedure, Resolution 79006 C.M.S.**

- 17 Subject: 2009 National Night Out  
From: Office of the City Administrator  
Recommendation: Adopt A Resolution Declaring Tuesday, August 4, 2009, As National  
Night Out In Oakland, And Recognizing The Neighborhood Services Division For Its  
Outstanding Work In Organizing This Successful Citywide Event  
(09-0673)

**This item was placed on the agenda pursuant to Rule 28 of the Council's  
Rules of Procedure, Resolution 79006 C.M.S.**

- 18 Subject: Children's Fund Planning And Oversight Committee - Appointment  
From: Councilmember Rebecca Kaplan  
Recommendation: Adopt A Resolution Re-Appointing Maya Dillard Smith As A  
Member Of The Children's Fund Planning And Oversight Committee  
(09-0668)

**This item was placed on the agenda pursuant to Rule 28 of the Council's  
Rules of Procedure, Resolution 79006 C.M.S.**

**Consideration of items with statutory Public Hearing Requirements:**

- 19 Subject: Hourly Parking Rates Increase - Various Garages  
From: Finance And Management Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Amending Ordinance Number 12880 C.M.S. (Master Fee Schedule), As Amended, To Increase Hourly Parking At The Grand Avenue, Piedmont Avenue, Parkway, Harrison Street And Montclair Parking Lots Rates To \$2.00 Per Hour, And To Increase The Hourly Parking At The Clay Street And Dalziel Building Garages To \$4.50 Per Hour  
(09-0633)

**At the July 21, 2009 meeting Council amended the Ordinance to change the hourly rate for parking at the Clay Street and Dalziel Building Garages to \$4.00 per hour instead of \$4.50 per hour**

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

**Introduction (First Reading) was approved as amended on July 21, 2009; 6  
Ayes, 2 Noes-De La Fuente, Kernighan**

- 20 Subject: ~~Oakland Tourism Business Improvement District~~  
From: ~~Office of the City Administrator~~  
Recommendation: ~~Conduct A Public Hearing And Upon Conclusion Adopt A Resolution To Establish The Oakland Tourism Business Improvement District (OTBID) Proposed By The Oakland Convention & Visitors Bureau, Declare The Results Of The Majority Protest Proceedings, And Authorizing The City Administrator To Negotiate And Enter Into A Professional Services Agreement With The Oakland Convention & Visitors Bureau To Operate The OTBID~~  
(07-1393-1)

**This item was removed from the agenda**

- 21 Subject: City Planning Commission - Appointments  
From: Office of the Mayor  
Recommendation: Adopt A Resolution Appointing Vince Gibbs And Vien V. Troung, And Re-Appointing Madeleine Zayas-Mart And Michael Colbruno, As Members Of The City Planning Commission  
(09-0691)

- 22 Subject: Smartboot System  
From: Finance and Management Committee  
Recommendation: Adopt An Ordinance Amending Ordinance Number 12880 C.M.S. (Master Fee Schedule), As Amended, To Add Boot Removal Fee  
(09-0588-1)

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

**Introduction (First Reading) was approved on July 21, 2009; 8 Ayes**

- 23 Subject: Seismic Screening Evaluation  
From: Councilmembers Jean Quan And Nancy Nadel  
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code And Adding A New Chapter 15.26 Entitled Mandatory Seismic Screening Of Certain Multiple Story Residential Buildings Permitted For Construction Prior To The Adoption By The State Of California On January 1,1991, Of The 1988 Edition Of The Uniform Building Code  
(09-0403)

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

**Introduction (First Reading) was approved on July 21, 2009; 8 Ayes**

- 24 Subject: Permitted Bingo Operations - Annual Hall Fees  
From: Office of the City Administrator  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.10, "Bingo" To: 1) Require A Bingo Hall Permit When The Bingo Hall Operator Is A Separate Entity From The Bingo Game Operator, 2) Specify Application Requirements For Bingo Halls, 3) Prohibit Bingo Hall Operators From Transactions With Bingo Game Operators When Specified Familial And/Or Business Relationships Exist Between The Two Entities, 4) Subject Bingo Hall Operators To Voluntary Disclosure Or Audit Of Their Oakland Bingo Activities, 5) Specify That The Annual Bingo Hall Permit Fee, And, If Applicable, Audit Review Fee, Are Established By The Master Fee Schedule, 6) Establish That The Bingo Game Operators' Fee For Law Enforcement And Public Safety Costs Is Established By The Master Fee Schedule, 7) Require That Most Profits Or Proceeds Be Donated To Oakland Charitable Causes Annually, 8) Prohibit Use Of Illegal Bingo Machines, 9) Provide For Administrative Penalty For Violations, 10) Add Criteria For Denial, Suspension, Revocation, Or Conditional Approval Of Permits, And 11) Increase The Maximum Game Pay-Out From \$250 To \$500.(TITLE CHANGE); And

(07-1233)

2) An Ordinance Amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), As Amended, To Move The Annual Bingo Hall Fee From Chapter 5.10 To The Master Fee Schedule, To Establish A Monthly Fee For Bingo Game Operators To Offset The City's Costs Of Law Enforcement And Public Safety, And To Establish A Fee To Cover The Costs Of The City's Review Of A Bingo Hall Audit, Should The Bingo Hall Not Voluntarily Disclose Its Bingo-Related Financial Information (TITLE CHANGE)

(07-1233-1)

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

**Introduction (First Reading) was approved on July 21, 2009; 8 Ayes**

25 Subject: False Alarm Reduction Program  
From: Oakland Police Department  
Recommendation: Adopt The Following Pieces of Legislation:

1) An Ordinance Repealing And Reenacting Oakland Municipal Code (OMC) Chapter 8.02, Burglar Alarm Systems;

[\(09-0394\)](#)

2) An Ordinance Amending Ordinance No. 12809 (Master Fee Schedule) To Establish Service Fees For False Alarms And For False Alarm Reduction Activities; And

[\(09-0394-1\)](#)

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

**Introduction (First Reading) was approved on July 21, 2009; 8 Ayes**

26 Subject: Parks And Recreation Advisory Commission - Appointment  
From: Council President Brunner & Councilmember Nadel  
Recommendation: Adopt A Resolution Appointing Judy Belcher To The Parks And Recreation Advisory Commission For The Term Beginning November 15, 2008 And Ending November 14, 2011, Pursuant To City Council's Authority Under Charter Section 601 To Fill Vacancies On City Boards And Commissions If The Mayor Does Not Submit A Candidate To Fill The Vacancy Within 90 Days Of The Date The Vacancy Occurs

[\(09-0642\)](#)

**This item was continued from the July 21, 2009 City Council agenda**

27 Subject: Parks And Recreation Advisory Commission - Appointment  
From: Council President Brunner  
Recommendation: Adopt A Resolution Appointing Barry Miller To The Parks And Recreation Advisory Commission For The Term Beginning November 17, 2008 And Ending November 16, 2011 Pursuant To City Council's Authority Under Charter Section 601 To Fill Vacancies On City Boards And Commissions If The Mayor Does Not Submit A Candidate To Fill The Vacancy Within 90 Days Of The Date The Vacancy Occurs

[\(09-0643\)](#)

**This item was continued from the July 21, 2009 City Council agenda**

28 Subject: Center For Elders Independence Day  
From: Council President Jane Brunner  
Recommendation: Adopt A Resolution To Declare August 12, 2009, Center For Elders Independence (CEI) Day In Honor Of The Grand Opening Of The New Josie Barrow Program Of All-Inclusive Care For The Elderly (PACE) And In Recognition Of CEI's Service To Seniors And Commitment To Enhancing The Quality Of Life Of East Bay Residents

[\(09-0694\)](#)

- 29        Subject:    Enterprise Zone - Expand Boundaries  
            From:        Community and Economic Development Agency  
            Recommendation: Adopt A Resolution Approving The Expansion Of The Boundaries Of  
            The Oakland Enterprise Zone Into Portions Of Emeryville And West Berkeley  
            (09-0710)
- 30        Subject:    Predevelopment Loan Modifications  
            From:        Community and Economic Development Agency  
            Recommendation: Adopt A Resolution Authorizing A Waiver To Resolution No. 64573  
            C.M.S. To Authorize A Predevelopment Loan To The Urban Strategies Council Or The  
            Oakland Community Land Trust In An Amount To Not To Exceed \$130,000 And To  
            Waive The Requirement For Matching Funds  
            (09-0717)
- 31        Subject:    Board Of Port Commissioners Appointment  
            From:        Office of the Mayor  
            Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Gilda  
            Gonzales As Member Of The Board Of Port Commissioners  
            (09-0719)

**Continuation of Open Forum**

**ADJOURNMENT OF COUNCIL SESSION**

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

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(TDD)

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(...)

**MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED  
TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA  
PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK,**

**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