



# 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, September 22, 2009

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:** 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)
- 4 Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.
- 5 Motion for 'Members' Requests for Reconsideration' of an Action taken at the preceding Council Meeting, shall be scheduled for the next-succeeding City Council meeting as a non-consent item. (Motion Maker must have voted on prevailing side)

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- 6 Requests from Councilmember(s) to schedule an Action Item considered by Committee but not forwarded to Council, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.
- 7 Approval of the Draft Minutes from the Concurrent Meetings of the Oakland Redevelopment Agency/City Council held on June 30, 2009, July 7, 2009, July 21, 2009 and July 28, 2009

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

- 8.1 Subject: Susan Hayes-Smith - Recognition  
From: Councilmember Larry Reid  
Recommendation: Adopt A Resolution Honoring Susan Hayes-Smith for Eighteen Years of Distinguished Service To The City Of Oakland And Congratulating Her On Her Retirement  
(09-0756)

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

- 8.2 Subject: Congestion Management Presentation  
From: Councilmember Larry Reid  
Recommendation: Receive A 10 Minute Presentation From The Congestion Management Agency On The Proposed I-880 Operational And Safety Improvements At 29th Avenue And 23rd Avenue Overcrossings  
(09-0564)
- 8.3 Subject: Under-10 All Star Baseball Team - Recognition  
From: Councilmember Desley Brooks  
Recommendation: Adopt A Resolution Congratulating The Oakland Cal Ripken Babe Ruth League Under-10 All Star Baseball Team For Their Successes On The Field  
(09-0776)

## **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  
(09-0760)
- 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

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[\(09-0761\)](#)

10.3-CC Subject: July 21, 2009 Special Vote By Mail Election Results  
From: Office of the City Clerk  
Recommendation: Adopt A Resolution Declaring The Results Of The City Of Oakland  
Special Municipal Vote By Mail Election Held On Tuesday, July 21, 2009

[\(09-0757\)](#)

10.4-CC Subject: Sea Otter Awareness  
From: Councilmember Jean Quan  
Recommendation: Adopt A Resolution Proclaiming September 27 - October 3, 2009 As  
Sea Otter Awareness Week

[\(09-0759\)](#)

10.5-CC Subject: Maryanne Byars - 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 Maryanne Byars In The Amount Of Six Thousand  
Three Hundred Fifty Dollars And 00/100 Cents (\$6,350.00), As A Result Of Property  
Damage Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On  
March 05, 2009. (Public Works Agency)

[\(09-0762\)](#)

10.6-CC Subject: Man Coong - 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 On Man Coong And Donald E. Krentsa, His  
Attorney, In The Amount Of Seven Thousand Dollars (\$7,000.00), As A Result Of  
Property Damage Sustained In An Automobile Accident With A City Vehicle On August  
24, 2008 (OPD)

[\(09-0763\)](#)

10.7-CC Subject: Sandra Marion - 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 Sandra Marion V. City Of Oakland, Alameda  
County Superior Court Case No. RG08-381272, In The Amount Of \$7,500.00 As A  
Result Of A Trip And Fall Accident Near The Intersection Of Broadway Avenue And  
22nd Street. (Public Works Agency)

[\(09-0764\)](#)

10.8-CC Subject: Patricia Acosta - 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 Patricia Acosta V. City Of Oakland, Alameda  
County Superior Court Case No. RG08-412026, In The Amount Of \$16,500.00 As A  
Result Of A Trip And Fall Accident On The Lake Meritt Walking Path. (Public Works  
Agency)

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[\(09-0765\)](#)

10.9-CC Subject: Gary King, Jr. - 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 Gary King, Jr., Et Al. V. City Of Oakland, Et Al., United States District Court Case No. C08-02394 SBA, Our File No. 26139, In The Amount Of \$1,500,000.00 (Police Department)

[\(09-0766\)](#)

10.10-CC Subject: Sylvia Castelan - 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 PGAC A/S/O Sylvia Castelan In The Amount Of \$12,251.92 As A Result Of An Automobile Collision Involving A City Vehicle On January 12, 2009. (Police Services Agency)

[\(09-0767\)](#)

10.11-CC Subject: Shari Godinez - 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 Shari Godinez In The Amount Of Twenty Thousand One Hundred Sixty Three Dollars And 00/100 Cents (\$20,163.00), As A Result Of Property Damage Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On November 01, 2008. (Public Works Agency)

[\(09-0768\)](#)

10.12-CC Subject: Thomas Breese - 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 USAA A/S/O Thomas Breese In The Amount Of \$16,159.40 As A Result Of An Automobile Collision Involving A City Vehicle On April 18, 2009. (Police Services Agency)

[\(09-0769\)](#)

10.13-CC Subject: Lynette Jung Lee - Recognition  
From: Councilmembers Patricia Kernighan & Jean Quan  
Recommendation: Adopt A Resolution Recognizing Lynette Jung Lee For 33 Years Of Distinguished Service To East Bay Asian Local Development Corporation And To The Oakland Community

[\(09-0777\)](#)

S-10.14-C Subject: Chinese Garden Improvement Project  
C From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing And Appropriating A Contribution Of Redevelopment Agency Funds To The City Under The Cooperation Agreement In The

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Amount Of \$92,000 For The Construction Of The Hall Of Pioneers Chinese Garden Improvement Project;  
(09-0699)

2) A Resolution Authorizing The City To Accept And Appropriate A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement In The Amount Of \$92,000 For The Construction Of The Hall Of Pioneers Chinese Garden Improvement Project; And  
(09-0699-1)

3) A Resolution Authorizing The City Administrator, Or His Designee, To Award A Contract To The Lowest, Responsible, Responsive Bidder, McGuire And Hester, In An Amount Not-To-Exceed Two Hundred Eleven Thousand Seven Hundred Sixty-Five Dollars (\$211,765.00) For The Construction Of The Hall Of Pioneers Chinese Garden Improvement Project In Accord With Plans And Specifications For The Project (No. P338510) And Contractor's Bid Therefor, To Be Paid For With Redevelopment Agency Funds  
(09-0699-2)

**The September 15, 2009 Public Works Committee approved  
recommendations; 3 Ayes, 1 Excused - Brooks**

S-10.15-C Subject: Rehabilitation Of Sanitary Sewers - Andes Construction  
C From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Awarding A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers in the Area Bounded by 66th Avenue, San Leandro Street, Seminary Avenue, And International Boulevard (Project No. C267310) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of One Million Nine Hundred Seventy-One Thousand Five Hundred Thirty-Seven Dollars (\$1,971,537.00)  
(09-0616)

**The September 15, 2009 Public Works Committee approved  
recommendations; 3 Ayes, 1 Excused - Brooks**

S-10.16-C Subject: Streets And Roads Resurfacing  
C From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Awarding A Construction Contract To Gallagher & Burk, Inc., For Various Streets And Roads Resurfacing (Project No. C376410) In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Not-To-Exceed Three Million Eighty-Five Thousand Nine Hundred Fifty-Five Dollars And Fifty Cents (\$3,085,955.50)  
(09-0751)

**The September 15, 2009 Public Works Committee approved  
recommendations; 3 Ayes, 1 Excused - Brooks**

S-10.17-C Subject: Citywide Curb Ramp And Sidewalk Repair - AJW Construction  
C From: Community and Economic Development Agency

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Recommendation: Adopt A Resolution Awarding A Construction Contract To AJW Construction, For Citywide Curb Ramp And Sidewalk Repair Projects (Project No. C376310) In Accord With The Project Plans And Specifications And Contractor's Bid In The Not-To-Exceed Amount Of Eight Hundred Ninety Five Thousand And Sixty Five Dollars (\$895,065.00)

[\(09-0752\)](#)

**The September 15, 2009 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks**

S-10.18-C Subject: Bus Rapid Transit Project Agreement  
C From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee, To Execute An Agreement With AC Transit To Fund Approximately One Hundred And Ten Thousand Dollars (\$110,000.00) Of City Expenses Related To The Selection Of A Local Preferred Alternative For The Bus Rapid Transit Project

[\(09-0754\)](#)

**The September 15, 2009 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks**

S-10.19-C Subject: 42nd Avenue And High Street - Right-Of-Way Acquisition  
C From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Direct Staff To Proceed With Right-Of-Way Acquisition For The 42nd Avenue And High Street Access Improvement Project (C98530)

[\(09-0755\)](#)

**The September 15, 2009 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Brooks**

S-10.20-C Subject: False Alarm Reduction Unit Program Contract  
C From: Oakland Police Department  
Recommendation: Discussion And Possible Action On A Report And Recommendation Detailing The Results Of The Request For Proposals (RFP) Process Conducted By The Oakland Police Department To Identify And Select A Contractor For The Administration Of The Oakland Police Department's False Alarm Reduction Unit Program

[\(09-0697\)](#)

**The September 15, 2009 Finance and Management Committee approved recommendations and directed staff to provide a copy of the contract; 4 Ayes**

S-10.21-C Subject: Measure Y Annual Report  
C From: Office of the City Administrator/Finance and Management Agency  
Recommendation: Receive An Informational Report On Financial And Program Status Of Measure Y-Violence Prevention & Public Safety Act Of 2004 For Fiscal Years 2004-2005, 2005-2006, 2006-2007, 2007-2008 And 2008-2009

[\(09-0612\)](#)

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**The September 15, 2009 Finance and Management Committee received and forwarded the report and directed staff to submit the page that was inadvertently omitted in the supplemental packet; 4 Ayes**

S-10.22-C Subject: PERS Payment  
C From: Department of Human Resources  
Recommendation: Adopt A Resolution Rescinding Resolution No. 74213 C.M.S. Which Authorized The City Of Oakland To Pay 100 Percent Of Employees' Compensation Earnable As Employer Paid Member Contributions And Authorizing Continued Implementation Of The Provisions Of Section 414(H)(2) Of The Internal Revenue Code To Tax Defer Member Paid Contributions To The California Public Employees' Retirement System (PERS) For Local Miscellaneous Employees Who Are Members Of PERS  
(09-0740)

**The September 15, 2009 Finance and Management Committee approved recommendations; 4 Ayes**

S-10.23-C Subject: Urban Search And Rescue Material Storage Lease  
C From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Amended Lease With Willard And Celeste Korn For The Storage Of Urban Search And Rescue Material For The Oakland Fire Department, For An Additional (1) Year With Five (5) One Year Options To Extend, Beginning October 2009 At 35 Hegenberger Place, In The Amount Of \$67,860 Per Annum Plus An Annual Rent Escalator Not To Exceed 4%  
(09-0729)

**The September 15, 2009 Finance and Management Committee approved recommendations; 4 Ayes**

S-10.24-C Subject: Neighborhood Stabilization Program - Terms Modification  
C From: Vice Mayor Ignacio De La Fuente  
Recommendation: Adopt A Resolution Amending Resolution No. 81933 C.M.S. To Modify The Terms Of The Neighborhood Stabilization Program (NSP) Loan To The Urban Strategies Council/Oakland Community Land Trust To Provide That NSP Loan Funds Be Used To Repay The \$130,000 Predevelopment Loan Authorized By Resolution No. 82250 C.M.S.  
(09-0749)

**The September 15, 2009 Community and Economic Development Committee approved recommendations; 4 Ayes**

S-10.25-C Subject: Purchase Of Real Property - 633 Hegenberger Road  
C From: Community and Economic Development Agency  
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 633 Hegenberger Road, In The Coliseum Redevelopment Project Area, From Coliseum Associates, LLC For A Price Not To Exceed \$13,875,000, Less The Cost

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Of Any Environmental Site Remediation, And Authorizing Up To \$200,000 For  
Demolition And Real Estate Closing Costs  
(09-0727)

**The September 15, 2009 Community and Economic Development  
Committee approved recommendations; 4 Ayes**

S-10.26-C Subject: Purchase Of Real Property - 3229 & 3301 San Leandro Street  
C Agency: Community and Economic Development  
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real  
Property At 3229 And 3301 San Leandro Street, In The Coliseum Redevelopment  
Project Area, From Joyce Sasse For A Price Not To Exceed \$1,200,000, Less The Cost  
Of Any Environmental Site Remediation, And Authorizing Up To \$12,000 For Real  
Estate Closing Costs And \$100,000 For Demolition Costs  
(09-0735)

**The September 15, 2009 Community and Economic Development  
Committee approved recommendations; 4 Ayes**

S-10.27-C Subject: Installation Of Renaissance Trash Cans  
C From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Contributing West Oakland Redevelopment Funds To The  
City Under The Cooperation Agreement In An Amount Not To Exceed \$24,000 For The  
Purchase and Installation Of Trash Cans Along Mandela Parkway; And  
(09-0615)

2) A City Resolution Accepting And Appropriating Redevelopment Agency Funds  
Under The Cooperation Agreement In An Amount Not To Exceed \$24,000 For The  
Purchase and Installation Of Trash Cans Along Mandela Parkway In The West Oakland  
Redevelopment Project Area, And Authorizing The City Administrator To Negotiate  
And Execute Related Agreements Without Returning To City Council  
(09-0615-1)

**The September 15, 2009 Community and Economic Development  
Committee approved recommendations; 3 Ayes, 1 Abstention - Brunner**

S-10.28-C Subject: 2009-2010 Multipurpose Senior Services Program  
C From: Department of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply  
For, Accept, And Appropriate Grant Funds In The Amount Of \$1,581,165 From The  
California Department Of Aging For The Multipurpose Senior Services Program (MSSP)  
For Fiscal Year 2009-2010; And Authorizing The City Administrator To Enter Into  
Contract Number MS-0910-01 With The California Department Of Aging For The  
Multipurpose Senior Services Program For Fiscal Year 2009-2010; And Authorizing The  
City Administrator To Accept, Appropriate And Allocate Any Additional Funding  
Received Without Returning To Council

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(09-0240)

**The September 15, 2009 Life Enrichment Committee approved  
recommendations; 3 Ayes, 1 Absent - Brunner**

S-10.29-C Subject: 2009-2010 Arts And Cultural Services Grants  
C From: Cultural Arts and Marketing  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter  
Into Seventy-Seven (77) Cultural Services Grants To Seventy (70) Oakland-Based  
Nonprofit Organizations And Individual Artists Providing Arts And Cultural Services In  
Oakland During Fiscal Year 2009-2010 In A Total Amount Not To Exceed \$974,647.00  
(09-0737)

**The September 15, 2009 Life Enrichment Committee approved  
recommendations and amended the Resolution to remove the duplicate  
reference to the "Oakland Youth Chorus" on the list of programs to be  
funded; 4 Ayes**

S-10.30-C Subject: 2009-2010 Bicycle, Car Seat And Pedestrian Safety Program  
C From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator (1) To  
Accept And Appropriate Grant Funds In An Amount Not To Exceed Four Hundred  
Ninety-One Thousand Three Hundred And Five Dollars (\$491,305.00) From The State  
Of California, Office Of Traffic Safety, For The Fiscal Year 2010 Implementation Of  
The Vehicle Occupancy Protection And Bicycle Safety Program, And (2) To Appropriate  
Said Funds To The Police Department; And (3) Authorizing A Waiver Of The  
Competitive Request For Proposal/Qualifications Process For The Purchase Of Services  
Associated With The Program From The East Bay Community Recovery Project In An  
Amount Not To Exceed Fifty Thousand Dollars (\$50,000.00), And The Community  
Health Academy In An Amount Not To Exceed Fifteen Thousand Dollars (\$15,000.00)  
(09-0481)

**The September 15, 2009 Public Safety Committee approved  
recommendations; 4 Ayes**

S-10.31-C Subject: 2009-2010 Selective Traffic Enforcement Program  
C From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf  
Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not  
To Exceed Three Hundred Twenty-Nine Thousand Seven Hundred Dollars (\$329,700)  
From The State Of California, Office Of Traffic Safety, For The Fiscal Year 2010  
Implementation Of The Selective Traffic Enforcement Program In The Police  
Department  
(09-0482)

**The September 15, 2009 Public Safety Committee approved  
recommendations; 4 Ayes**

S-10.32-C Subject: 2009 Forensic Casework DNA Backlog Reduction Program

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C From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Two Hundred Fifty Thousand Dollars (\$250,000) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year 2009 Forensic Casework DNA Backlog Reduction Grant Program In The Police Department  
(09-0483)

**The September 15, 2009 Public Safety Committee approved recommendations and directed staff to submit a separate report on the current statistical data of the DNA backlog; 4 Ayes**

S-10.33-C Subject: Forensic DNA Unit Efficiency Improvement Grant  
C From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Five Hundred Sixty-Nine Thousand Dollars (\$569,000) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year 2009 DNA Unit Efficiency Grant Program And Authorizing The Hiring Of One, Full-Time Eighteen-Month Limited Duration Professional Staff Position For The Criminalistics Division In The Police Department  
(09-0484)

**The September 15, 2009 Public Safety Committee approved recommendations; 4 Ayes**

S-10.34-C Subject: Northern California Regional Center - Grants & Agreements  
C From: Fire Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To: 1) Enter Into A Professional Services Agreement With The County Of San Mateo Under Which The City Of Oakland Will Provide Services In Connection With The Operation Of The Northern California Regional Intelligence Center (NCRIC) And The 2007 Urban Areas Security Initiative Grant (UASI) Allocation; And 2) Accept, Appropriate And Administer UASI Grant Allocations Of \$110,435 For The Federal Fiscal Year 2007 For Reimbursement Of Salaries And Benefits Paid To Oakland Fire Department Staff Assigned As Liaison Officer And Federal Fiscal Year 2008 UASI Grant Allocations Of \$220,922 For Reimbursement Of Salaries And Benefits Paid To Oakland Police Department Staff Assigned As Liaison Officer Per The NCRIC Agreement  
(09-0743)

**The September 15, 2009 Public Safety Committee approved recommendations; 4 Ayes**

S-10.35-C Subject: Support Of Senate Bill 279  
C From: Councilmember Nadel and Council President Brunner  
Recommendation: Adopt A Resolution In Support Of Senate Bill 279 (Hancock):

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Finance Energy Efficiency, Water Conservation, And Renewable Energy Investments  
Through Community Facility Districts  
(09-0771)

**The September 17, 2009 Rules and Legislating Committee approved  
recommendations; 3 Ayes, 1 Excused - Quan**

- 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: Delinquent Mandatory Garbage Fees - Public Hearing  
From: Finance and Management Agency  
Recommendations: Conduct A Public Hearing On Delinquent Mandatory Garbage Fees For January/ February/March 2009, Monthly Accounts and April/May/June 2009 And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:
  - 1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or  
(09-0073)
  - 2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or  
(09-0073-1)
  - 3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Garbage Service Fees And The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code  
(09-0073-2)
- 14.2 Subject: Delinquent Real Property Taxes - Public Hearing

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From: Finance and Management Agency

Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Real Property Transfer Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or  
(09-0075)

2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or  
(09-0075-1)

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Real Property Transfer Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code  
(09-0075-2)

14.3 Subject: Dawit Mabrahtu - Appeal  
From: Office of the City Administrator  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal Filed By Dawit Mebrahtu And Upholding The Administrative Hearing Officer's Decision To Deny The Application For A Permit To Operate A Cabaret Under The Name "Oasis" At 135 12th Street  
(09-0225)

**This item was rescheduled from the May 5, 2009 City Council Agenda**

14.4 Subject: Planning Code Amendments- Specific Zone Restoration  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Interim Emergency Ordinance, Pursuant To Oakland City Charter Section 213, To Restore The R-90 Downtown Apartment Residential Zone, The C-51 Central Business Service Commercial Zone, And The C-55 Central Core Commercial Zone Back Into The Planning Code After Being Inadvertently Deleted During The Adoption Of The Central Business District Zones And Make Related Changes Throughout The Planning Code, For A Period Not To Exceed Two Years, Or Until Permanent Controls Are Adopted, Whichever Comes First, To Take Effect Immediately Upon Adoption. (6 Votes Required)

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For Adoption)  
(09-0730)

**(PURSUANT TO CITY CHARTER SECTION 213 (EMERGENCY  
ORDINANCE) THIS ITEM MAY BE INTRODUCED AND ADOPTED  
AT THE SAME MEETING, REQUIRING 6 VOTES, UPON PASSAGE  
ORDINANCE WILL BE DEEMED APPROVED)**

14.5 Subject: ~~Central District Redevelopment Project Area Projects~~  
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 A Contribution Of Redevelopment Agency Funds  
To The City Of Oakland Under The Cooperation Agreement In An Amount Not To  
Exceed \$908,000 For The Following Public Facility And Park Projects In The Central-  
District Redevelopment Project Area: Lincoln Square Park, Madison Square Park,  
Malonga Casquelourd Center And Jefferson Square Park; And~~

~~(09-0676)~~

~~2) A City Resolution Accepting And Appropriating A Contribution Of Redevelopment  
Agency Funds Under The Cooperation Agreement In An Amount Not To Exceed  
\$908,000 For The Following Public Facility And Park Projects In The Central District  
Redevelopment Project Area: Jefferson Square Park, Lincoln Square Park, And  
Malonga Casquelourd Center For The Arts~~

~~(09-0676-1)~~

**This item was rescheduled to the October 6, 2009 City Council Agenda**

14.6 Subject: Purchase of Real Property - 1730 50th Avenue  
From: Community and Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The  
Following Pieces Of Legislation:

1) An Ordinance Authorizing The Purchase Of A Portion (664 Square Feet) Of Real  
Property At 1730 50th Avenue, Oakland, From Oak Stock Group For \$47,500 Plus  
Customary Real Estate Closing Costs, For Development As Additional Parking For Fire  
Station 18 And Accepting A Contribution Of \$47,500, Plus Customary Real Estate  
Closing Costs, From The Redevelopment Agency Under The Cooperation Agreement  
For The Purchase Of The Property; And

( 09-0753)

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

**Final Passage (Second Reading) has been scheduled for October 6, 2009**

2) An Agency Resolution Authorizing The Contribution Of \$47,500, Plus Customary

# SUPPLEMENTAL

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Real Estate Closing Costs, From The Central City East Redevelopment Project Area, To  
The City of Oakland Under The Cooperation Agreement For The Acquisition Of A  
Portion Of 1730 50th Avenue  
(09-0753-1)

**The September 15, 2009 Public Works Committee approved  
recommendations; 3 Ayes, 1 Excused - Brooks**

S-14.7 Subject: Laundromat Moratorium  
From: Vice Mayor Ignacio De La Fuente  
Recommendation: Adopt An Emergency Ordinance, Pursuant To Charter Section 213,  
Establishing Interim Controls Requiring A Major Conditional Use Permit For Nail  
Salons And Self-Serve Laundromats In The City Of Oakland, To Take Effect  
Immediately Upon Introduction And Adoption  
(09-0748)

**The September 15, 2009 Community and Economic Development  
Committee approved recommendations; 4 Ayes**

**(PURSUANT TO CITY CHARTER SECTION 213 (EMERGENCY  
ORDINANCE) THIS ITEM MAY BE INTRODUCED AND ADOPTED  
AT THE SAME MEETING, REQUIRING 6 VOTES, UPON PASSAGE  
ORDINANCE WILL BE DEEMED APPROVED)**

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

15 Subject: Parking Meters Operations And Fines  
From: Councilmember Patricia Kernighan  
Recommendation: Discussion And Action To Adopt An Ordinance Amending Oakland  
Municipal Code Section 10.36.050 To Increase The Exempted Time Period For A  
Parking Meter Zone violation by Changing The Start Time from 8:00 P.M. To 6:00 P.M.  
(09-0770)

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

**Final Passage (Second Reading) has been scheduled for October 6, 2009**

16 Subject: Parking Enforcement Hours  
From: Finance and Management Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Section 10.28 "Stopping,  
Standing, And Parking Generally" To Add A Subsection Entitled "Three-Hour Parking  
Between Certain Hours" To Allow For The Designation Certain Areas For Three-Hour  
Parking Between 5 P.M. And 8 P.M.  
(09-0744)

# SUPPLEMENTAL

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

**Final Passage (Second Reading) has been scheduled for October 6, 2009**

2) A Resolution To Extend Enforcement Hours Of Preferential Residential Permit Parking Program Areas By Two Hours To 8 P.M.(TITLE CHANGE)  
(09-0744-1)

- 17 Subject: Public Works Agency Performance Audit  
From: Office of the City Auditor  
Recommendation: Receive The Performance Audit Of The Public Works Agency  
(09-0230)
- 18 Subject: Whistleblower Program Report  
From: Office of the City Auditor  
Recommendation: Receive An Informational Report To City Council On The City Auditor's Whistleblower Program  
(09-0670)
- 19 Subject: Oakland Police Officers Association MOU - Amendments  
From: Department of Human Resources Management  
Recommendation: Adopt A Resolution Approving (1) Amendments To The Memorandum Of Understanding ("MOU") Between The City Of Oakland And The Oakland Police Officers' Association ("OPOA"), (2) Amendments To The MOU Between The City Of Oakland Police Management Association ("OPMA"), (3) Sideletter To OPOA MOU Regarding Patrol Officer Biweekly Schedule; And, (4) OPOA Vacation Advancement Agreement (TITLE CHANGE)  
(09-0745)
- 20 Subject: Chief Of Police - Compensation  
From: Office of the City Administrator  
Recommendation: Adopt A Resolution (1) Authorizing The City Administrator To Approve An Initial Salary For The Position Of Chief Of Police That Exceeds The Mid-Point Of The Salary Range, As Required By Ordinance No. 12918, In Addition To The Incentives And Benefits Authorized By The Memorandum Of Understanding Between The City And The Oakland Police Management Association; (2) Approving A Three Year Term Of Employment Between The City And The Chief Of Police; (3) Approving A Sick Leave Bank Of 480 Hours For The Chief Of Police; (4) Approving An Additional Week Of Vacation Each Year And Awarding Vacation Leave At The Commencement Of Employment, For The Chief Of Police, And (5) Approving A Relocation Assistance Allowance In The Amount Of Ten Thousand Dollars (\$10,000)  
(09-0778)
- 21 Discussion And Action On Potential Proposals To Obtain Grant Funds Provided Under The American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus Package")

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[\(09-0188\)](#)

- 21.1      Subject:    Stimulus Grant Applications  
              From:      Office of the City Administrator  
              Recommendation: Receive An Informational Report On Grant Applications From The American Recovery And Reinvestment Act of 2009 (Federal Government's "Stimulus Package") Submitted During Council Recess  
[\(09-0779\)](#)
- 21.2      Subject:    Pathways Out Of Poverty Grant  
              From:      Office of the City Administrator  
              Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept And Appropriate Grant Funds From The American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus Package") For Up To \$4 Million From The U.S. Department Of Labor's Pathways Out Of Poverty Grant For The Purpose Of Preparing Workers For Careers In Energy Efficiency And Renewable Energy Industries  
[\(09-0780\)](#)
- 22         Subject:    Commission On Persons With Disabilities Appointments  
              From:      Office of the Mayor  
              Recommendation: Adopt A Resolution Appointing Margarita Diaz, And Reappointing Lateef McLeod, Eugenie Barton, And Michael Moore As Members Of The Commission On Persons With Disabilities  
[\(09-0772\)](#)
- 23         Subject:    Oakland Housing Authority Appointments  
              From:      Office of the Mayor  
              Recommendation: Adopt a Resolution Confirming The Mayor's Appointment Of Esther Purvis And Gregory Hartwig As Members Of The Oakland Housing Authority Board Of Commissioners  
[\(09-0773\)](#)
- 24         Subject:    Community Policing Advisory Board - Appointment  
              From:      Office of the Mayor  
              Recommendation: Adopt A Resolution Appointing Nancy Sidebotham As A Member Of The Community Policing Advisory Board  
[\(09-0774\)](#)
- 25         Subject:    Library Advisory Commission Appointment  
              From:      Office of the Mayor  
              Recommendation: Adopt A Resolution Appointing Jill Broadhurst And Sylvester Grisby And Reappointing Muhammad Alabi, Susanna Gilden, Genevieve Katz, And Thomas Manley As A Members Of The Library Advisory Commission  
[\(09-0775\)](#)
- 26         Subject:    Measure Z Oversight Committee Appointments  
              From:      Office of the Mayor

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Recommendation: Adopt A Resolution Re-Appointing James Anthony, Leslie Bonett, Dale Gieringer, Richard Lee, Keith Stephenson, And Joseph Villatoro, And Appointing TC Everett As Members Of The Measure Z Community Oversight Committee, To 'Oversee The Implementation Of The Oakland Cannabis Regulation And Revenue Ordinance'  
(09-0781)

S-27 Subject: Travel Authorization - Councilmember Quan  
From: Councilmember Jean Quan  
Recommendation: Adopt A Resolution Authorizing Council Member Jean Quan To Travel To San Jose, CA On September 17-18, 2009 To Attend The 2009 League Of California Cities Annual Conference  
(09-0825)

**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-28 Subject: Residential Permit Parking - Expansion Of Area "A"  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Adding New Streets To Residential Permit Parking Areas "A" And "G" And Changing On-Street Parking Restrictions In Those Areas As Follows: (1) Preferential Residential Permit Parking (PRPP) Program Area A Is Expanded To Include Clarke Street From 38th To 40th Street, Latimer Street From West Macarthur Boulevard To 38th Street, Ruby Street From West Macarthur Blvd. To 40th Street, Webster Street From 36th Street To 40th Street, Shafter Avenue From West Macarthur Boulevard To 40th Street, Opal Street From 38th Street To 40th Street, Manila Avenue From 38th Street To 40th Street, 36th Street From Telegraph Avenue To Webster Street, 37th Street From Telegraph Avenue To Webster Street, 38th Street From Telegraph Avenue To Manila Avenue, Rio Vista Avenue From Piedmont Avenue To Eairmont Avenue, Montel Street From Piedmont Avenue To Robley Terrace; And (2) Preferential Residential Permit Parking (PRPP) Program Area G Is Expanded To Include Warren Avenue From Piedmont Avenue To Richmond Boulevard, Croxton Avenue From Piedmont Avenue To Richmond Boulevard, Randwick Avenue From Piedmont Avenue To Richmond Boulevard, 30th Street From Broadway To Richmond Boulevard, Brook Street From Broadway To 30th Street, And Kempton Way From Fairmont Avenue To West Macarthur Blvd, And (3) General Street Parking Within The Foregoing Residential Permit Parking Permit Areas Shall Be Restricted To Two Hours, Monday Through Friday From 8:00 AM To 6:00 PM  
(09-0739)

**The September 15, 2009 Public Works Committee approved recommendations and amended the resolution to give the option of extending the end time to 8:00 PM or having it stay at 6:00 PM; 3 Ayes, 1 Excused - Brooks**

S-29 Subject: City Administrator's Purchasing Authority  
From: Council President Brunner

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Recommendation: Adopt An Ordinance Amending Ordinance No. 7937 C.M.S., Adopted February 6, 1969, And Amendments Thereto, Codified At Oakland Municipal Code Title 2, Chapter 2.04, Purchasing System, Article I, Bidding, Contracting And Purchasing, To Decrease Amounts For Certain Purchases Requiring City Council Approval And Decrease The City Administrator's Authority For Certain Purchases (09-0489)

**The September 15, 2009 Finance and Management Committee approved recommendations; 4 Ayes**

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

**Final Passage (Second Reading) has been scheduled for October 6, 2009**

S-30 Subject: Hotel Tax Surcharge Funding Agreements  
From: Budget Office  
Recommendation: Adopt A Resolution Appropriating \$114,484 To The Cultural Arts And Marketing Division Of The Community And Economic Development Agency And \$115,050 To Non-Departmental From Measure C Proceeds, A Voter-Approved Initiative To Levy A Three Percent Surcharge On The City's Transient Occupancy Tax (Hotel Tax) (09-0732)

**The September 15, 2009 Finance and Management Committee approved recommendations and directed staff to comeback during the mid-cycle budget to discuss a new date for the Art & Soul Festival. Staff was also directed to talk to festival participants around the city to develop a process so that community participants are judged against fair criteria to receive funding; 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)**

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Recorded Agenda: (510) 238-2386

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(TDD)

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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