

Members of the City Council
HON. MAYOR LIONEL J. WILSON, President



CITY OF OAKLAND
Office of the City Clerk
One City Hall Plaza
Oakland, CA 94612
415/273-3611
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Councilmembers:

Dist. 1 HON. MARGE GIBSON HASKELL
Dist. 2 HON. MARY MOORE
Dist. 3 HON. ALETA CANNON
Vice Mayor
Dist. 4 HON. DICK SPEES
Dist. 5 HON. WILSON RILES, JR.
Dist. 6 HON. CARTER GILMORE
Dist. 7 HON. LEO BAZILE
At-Large HON. FRANK OGAWA
City Auditor HON. NORMA NG LAU

Appointed City Officials

City Manager Henry L. Gardner
City Attorney Jayne Williams
City Clerk Arrece Jameson

A G E N D A

CITY COUNCIL MEETING

**LAKESIDE PARK GARDEN CENTER
666 BELLEVUE AVENUE
OAKLAND, CALIFORNIA**

**TUESDAY, DECEMBER 18, 1990
7:30 P.M.**

All persons wishing to address the City Council are requested to complete a Speaker's Card. After submission of the Speaker's Card, persons wishing to address the Council during the "Open Forum" portion of the agenda may speak; however, Council action can be taken only if findings are made that an emergency exists or if the need to take action arose after posting the agenda. Presentations limited to 3 min.

City Council meetings are held in wheelchair accessible facilities. Contact the Office of the City Clerk, 415/273-3611(voice) or 415/839-6451(TTY) to arrange the following services:

*Sign interpreters or Phonic Ear hearing device for the hearing impaired *Large print, braille, or cassette tape for the visually impaired

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**THE OAKLAND CITY COUNCIL MEETS AS THE OAKLAND
REDEVELOPMENT AGENCY PRIOR TO BEGINNING THEIR
REGULAR COUNCIL MEETINGS-SEE SEPARATE AGENDA**

ORDER OF BUSINESS

PLEDGE OF ALLEGIANCE (Audience please stand)

INVOCATION

ROLL CALL

SPECIAL ORDERS OF THE DAY

(Includes introductions, presentations, and installations)

1. Presentation by Vice Mayor Aleta Cannon of City Council Resolution No. 67668 C.M.S. commending Lionel J. Wilson for meritorious services to the citizens of Oakland as Mayor
2. Presentation by Vice Mayor Aleta Cannon of City Council Resolution No. 67669 C.M.S. commending Oakland City Councilmember Carter Gilmore for meritorious service to the citizens of Oakland
3. Presentation by Vice Mayor Aleta Cannon of City Council Resolution No. 67664 C.M.S. commending City Manager Henry L. Gardner for meritorious service to the citizens of Oakland
4. Presentation by Councilmember Frank Ogawa of City Council Resolution No. 67667 C.M.S. honoring the members of the Oakland Development Council for their dedication in helping the community recover from the Loma Prieta Earthquake of 1989

APPROVAL OF MINUTES

MODIFICATIONS TO THE AGENDA

(Allows for any change in the order of business or the announcement of the postponement or continuation of agenda items) City Council action on items not on the meeting agenda can only be taken if a finding can be made that an emergency exists or if the need to take action arose after the posting of the agenda.

ADOPTION OF CONSENT CALENDAR - ATTACHED

(Includes Items 5-CC through 43-CC)

Action by the City Council under "Adoption of Consent Calendar" means that all of the matters listed are considered to be routine and will be adopted as described on the attached yellow Consent Calendar sheets by one motion. There will be no discussion of these items unless requested. Specified items will be removed from the Consent Calendar and considered immediately prior to the "Announcements" later on the agenda.

PUBLIC HEARINGS

*Closed hrg
Continued
to 1/15/91
to hear
protest
of Pierce
Hayford*

7:31 p.m. - A public hearing to consider the report from the City Manager on the assessment of liens for delinquent real estate transfer tax debts (Pursuant to City Council policy, City Council decision will be made immediately upon close of the public hearing unless a request for a one-week delay is received from a Councilmember) (District-at-Large, Councilmember Frank Ogawa) (In conjunction with Item Nos. 45, 46 and 47 below)

Due to the requirements of the Brown Act, the following resolutions have been prepared and are listed as "possible actions" of the City Council

45.

~~A resolution overruling protests and objections and accepting and confirming reports of the City Manager of the cost incurred by the City of Oakland for delinquent real estate transfer tax debts and authorizing the recordation of liens, administrative charges and assessment charges as necessary - pursuant to Chapter 5, Article 27, of the Oakland Municipal Code, and directing the notice of liens and assessment charges to be turned over to the County Tax Collector for collection (In conjunction with Item No. 44 above)~~

46.

RG7706

A resolution accepting and confirming amended report of the City Manager on the costs incurred by the City of Oakland for delinquent real estate transfer tax debts and confirming the recordation of liens, administrative charges, and assessment charges as necessary - pursuant to Chapter 5, Article 27, of the Oakland Municipal Code, and directing the notice of lien and assessment charges to be turned over to the County Tax Collector for collection (In conjunction with Item No. 44 above)

47.

A resolution continuing hearing on report of the ~~City Manager on the delinquent real estate transfer tax debts and the confirming of the recordation of liens, administrative charges as necessary - pursuant to Chapter 5, Article 27, of the Oakland Municipal Code, and lien assessment charges to be turned over to the Alameda County Tax Collector for collection (In conjunction with Item No. 44 above)~~

WRITTEN COMMUNICATIONS

None.

REPORTS/REQUESTS FROM MEMBERS OF THE COUNCIL

48. *Accepted request* A request from Councilmember Dick Spees for a City Council resolution commending Stan McPherson for 25 years of service and achievement as Scoutmaster of Boy Scout Troop 206 (In conjunction with Item No. 49 below)

49. *RL7707* A resolution commending Stan McPherson for 25 years of service and achievement as Scoutmaster of Boy Scout Troop 206 (In conjunction with Item No. 48 above)

50. *Approved report* A report from Councilmember Wilson Riles, Jr., on his participation in the International Nuclear Free Zone Conference

50.1 *Accepted request* A request from Councilmember Carter Gilmore of a City Council resolution honoring the 100th Birthday of Mrs. Annie Holmes Smith (In conjunction with Item No. 50.2 below)

50.2 *RL7708* A resolution honoring the 100th Birthday of Mrs. Annie Holmes Smith (In conjunction with Item No. 50.1 above)

51. *Held over (no specific date)* A request from Mayor-Elect Elihu Harris regarding budget augmentation for the Office of the Mayor

REPORTS FROM COMMISSIONS AND COUNCIL COMMITTEES

(Written committee reports for meetings held after the Wednesday, 3:00 p.m. agenda deadline will be submitted to the Oakland City Council for action on the second Tuesday following the committee meeting.)

52. *Accepted report* A report from Councilmember Leo Bazile, Chairperson of the Oakland City Council Committee on Budget, Finance & Audit/Support Services, of its regular meeting held on Tuesday, December 4, 1990

53. *Accepted report* A report from Councilmember Marge Gibson Haskell, Chairperson of the Oakland City Council Committee on Cultural Services, Education, Recreation & Sports/Social Services, Health & Welfare of its regular meeting held on Tuesday, December 4, 1990 (In conjunction with Item Nos. 54 and 55 below)

54. *RL67709* A resolution establishing a joint participation in the development of a Bay Trail with the cities of Richmond, Berkeley, Albany, and Emeryville (In conjunction with Item No. 53 above)

55. *RL67710
UD176* A resolution authorizing the City of Oakland to apply for, accept and expend up to \$100,000 of grant funds for resource enhancement planning under the Coastal Conservancy Resource Enhancement Program for the Lake Merritt Estuary (In conjunction with Item No. 53 above)

56. *Accepted report* A report from Vice Mayor Aleta Cannon, Chairperson of the Oakland City Council Committee on Community Development, Economic & Training/Housing, of its regular meeting held December 11, 1990 (In conjunction with Item Nos. 57, 58 and 59 below)

57. *RL67711* A resolution authorizing the City Manager to file an application with the United States Department of Commerce-Foreign Trade Zones Board for the permanent expansion of Foreign Trade Zone No. 56 (In conjunction with Item No. 56 above)

58. *O-11280
D10080
D10081
D10082* An emergency ordinance authorizing a set-aside in the amount of \$508,000 to be utilized either for the acquisition of three properties which were developed as part of the North Oakland Housing Program and which are in foreclosure or for the procurement of an assignment of the first deeds of trust of said properties (In conjunction with Item No. 56 above)

59.

*RL67712
C10177*

A resolution authorizing the Fifth Amendment to an agreement with the Organized People of Elmhurst Neighborhoods, Inc. to extend the contract to April 15, 1991 (In conjunction with Item No. 56 above)

60.

Accepted report

An oral report from Councilmember Leo Bazile, Chairperson of the Oakland City Council Committee on Budget, Finance & Audit/Support Services, on Item No. 6 of its regular meeting held on Tuesday, December 18, 1990 (In conjunction with Item No. 61 below)

61.

RL67713

A resolution approving the designation and reserving of fund balance in Fund 570, the Capital Improvement Construction Fund and the recording of the Oakland Athletics Repayment in Fund 570 (In conjunction with Item No. 60 above)

62.

Accepted report

An oral report from Councilmember Carter Gilmore, Chairperson of the Public Safety/Public Works & Capital Improvements, Land Use, Environmental Concerns, on Item No. 5 of its regular meeting held Tuesday, December 18, 1990 (In conjunction with Item No. 63 below)

63.

Referred to staff & to remain on PS/PW Cmt's agenda

A resolution awarding a contract to General Electric Mobile Communications Distribution, a corporation, for furnishing an 800 Megahertz Trunked Radio System to the City of Oakland for a five year period beginning the date contract is signed by the City Manager, according to Specification No. 520-571 and appropriating Fiscal Year 1991 funds for purchasing this radio system (Non-Local; Non-Minority) (In conjunction with Item No. 62 above)

64.

Accepted report

A report from Mayor Lionel J. Wilson, Chairperson of the Oakland City Council Committee on Rules and Procedures/Legislative, of its regular meeting held on December 11, 1990

REPORTS FROM OTHER AGENCIES

None.

REPORTS FROM STAFF

65.

Accepted report

A report from the Director of City Planning on Central District Development Program (CDDP)

66. *Accepted report* An informational report from the City Manager on the Loma Prieta Earthquake and Recovery, Preparedness and Mitigation Update

67. *Accepted report* A report from the City Manager on presentation of Final Report by VBN Architects for the repair and renovation of City Hall and recommendations for phasing construction and the process for selecting architects, engineers, and a construction manager for the project

68. *Held over until Mayor Elect can be present for discussion* A report from the City Manager on the role of the Drug Abuse Prevention Division in the City Manager's Office

69. *Accepted report* A report from the City Manager on County charges for Property Tax Administration and Prisoner Booking

RESOLUTIONS

70. *RL7714 C10178* A resolution authorizing the City Manager to enter into an agreement with Kenneth J. Emanuels for \$91,730 per year to represent the City of Oakland in Sacramento before legislative and other organizations

71. *RL7715 C10179* A resolution authorizing the City Manager to negotiate and execute a contract with the Coliseum Commerce Center Corporation (CCCC) to implement the 1991 Work Plan for the Business Retention and Expansion Program as contained in the 1990 Annual Report of the (CCCC) Business Retention and Expansion Program

72. *Referred to CD/HSE committee* A resolution authorizing the City Attorney to enter into contracts with D.J. Miller and Associates and Mason Tillman and Associates, to conduct a study of the City's Affirmative Action programs in an amount of \$272,000

73. *Referred to BGT/SP committee* A resolution authorizing the City Manager to negotiate and execute a professional services contract with Steinmann, Grayson, Smylie, Inc., in an amount not to exceed \$165,000 to conduct a Comprehensive Office Space Study for the City Government of Oakland

74. *RL7716 C10180* A resolution rejecting all bids for the Alice Arts Center Renovation (Project No. C11200) and authorizing and directing the Director of Public Works to revise the plans and specifications and to negotiate informally and to award the contract by Council action

75. *etc: This was a staff report not a resolution* A resolution to negotiate a contract amendment with VBN/MWA to design clocktower repair and base isolation to City Hall, in an amount not to exceed \$333,000

INTRODUCTION OF ORDINANCES

76. *Final passage 1-8-91* An ordinance amending Article XXIII of the Oakland Traffic Code pertaining to the establishment of a residential permit parking area and amending section 401 of the Oakland Traffic Code to increase the fine for parking in excess of the posted time limit within a residential permit parking area

77. *Final passage 1-8-91* An ordinance amending the Oakland Planning Code and Oakland Municipal Code to establish a Conditional Use Permit Procedure for all proposals involving the use of shared access facilities (Common Driveways and Private Access Easements)

FINAL PASSAGE OF ORDINANCES

None.

ITEMS REMOVED FROM CONSENT CALENDAR AND HELD FOR SEPARATE DISCUSSION

ANNOUNCEMENTS

(Beginning with Councilmember Dick Spees)

OPEN FORUM (Total time available: 15 minutes)

All persons wishing to address the City Council are requested to complete a Speaker's Card. After submission of a Speaker's Card, persons wishing to address the City Council during the "Open Forum" portion of the agenda may speak; however, City Council action can be taken only if findings are made that an emergency exists. At the discretion of the Chair, speakers are allowed up to 3 minutes to make a presentation.

ADJOURNMENT (By 11:55 p.m. unless continued by motion of Council)

ARRECE JAMESON
City Clerk and
Clerk of the Council

CONSENT CALENDAR
OAKLAND CITY COUNCIL
LAKESIDE PARK GARDEN CENTER - VISTA ROOM
666 BELLEVUE AVENUE
OAKLAND, CA 94612
TUESDAY, DECEMBER 18, 1990
7:30 P.M.

CONSENT CALENDAR

WRITTEN COMMUNICATIONS

None.

REPORTS/REQUESTS FROM MEMBERS OF THE COUNCIL

None.

REPORTS FROM COMMISSIONS AND COUNCIL COMMITTEES

None.

REPORTS FROM OTHER AGENCIES

None.

REPORTS FROM STAFF

5-CC A report from the Director of the Office of Finance on
Accepted the Cash Management Report for November, 1990
report

6-CC A report from the Emergency Services Manager on 1989
Accepted Winter Storm Disaster Claims Audit
report

RESOLUTIONS

Item Nos. 7-CC through 8-CC are awards of contracts to the lowest responsible bidders:

7-CC A resolution awarding a contract to Davis
RL67676 Design/Preferred Office System, a co-partnership, for
C10167 furnishing acoustical, non-acoustical and hang-on
 components to the City of Oakland, according to
 Specification No. 425-56 for the period of December 17,
 1990 to October 31, 1993 (Local; Minority)

8-CC A resolution awarding a contract to Manuel C. Jardim,
RL67677 Inc., for the rehabilitation of sanitary sewers in Weldon
C10168 Avenue between Warfield and Lakeshore Avenues (Project
 No. C39510) (Non-Local; Non-Minority)

9-CC A resolution confirming the findings of the
RL67678 Administrative Hearing that a dangerous and insanitary
 condition exists in or about the building sewer serving
 the property commonly known as 968 - 56th Street

10-CC A resolution authorizing payment to McGuire and Hester in
RL67679 the amount of \$25,298.21 for for rental of equipment and
C10169 services needed to cleanup vacant lots

11-CC A resolution authorizing the sole source purchase for the
RL67680 refurbishing and renovation of an Oakland Fire
C10170 Department's Aerial Ladder Truck (Vehicle No. 0306) from
 Seagrave Fire Apparatus, Inc.

12-CC A resolution authorizing fringe benefits for
RL67681 unrepresented management employees at no additional cost
 to the City

13-CC A resolution authorizing sole source contract with
RL67682 Shelter Information Systems, Inc.
C10171

14-CC A resolution authorizing and directing the Office of the
RL67683 City Manager, on behalf of the Office of the Mayor, to
C10172 enter into a contract amendment in an amount not to
 exceed \$3,600 with Joyce Snider, CMC, dba Snider Seminars
 & Consulting Services, for the time period from December
 1, 1990, through January 31, 1991, for professional
 services

15-CC A resolution authorizing the hiring of one (1)
RL67684 consultant/coordinator providing essential services to
C10173 the Tobacco Control Program, a program of the Office of
 Parks and Recreation - Youth Services Division, for
 Program Year October 1, 1990 to December 31, 1991

16-CC

RL67685

A resolution appointing the Director of City Planning, as the Mayor's designee, to submit demolition and alteration proposals affecting earthquake damaged historic structures to the State Office of Historic Preservation for approval as required by SB 3X

17-CC

RL67686
CU0174

A resolution authorizing an amendment to an existing loan agreement with CaHon Associates for the California Hotel Project to modify the repayment provisions of said agreement

18-CC

RL67687
CU0175

A resolution authorizing an agreement with Positive Strokes Latchkey Afterschool Tutorial, Inc., to provide an amount not to exceed \$28,418 for the period November 1, 1990 to October 31, 1991

19-CC

RL67688

A resolution sustaining the decision of the Planning Commission and denying the application of R. E. Johnson for a variance to construct a residential apartment building on Calcot Place in the M-30 Zone

20-CC

RL67689

A resolution sustaining the decision of the Planning Commission and denying the application of R. Kiet Dang on behalf of the Win Long Corporation for a permit to sell beer and wine at a Market located at 830 East 14th Street in the C-40 Zone

21-CC

RL67690

A resolution reversing the decision of the Planning Commission and approving the application of Maxwell Beaumont for a Major Variance to establish five residential units on a lot that is 850 square feet smaller than required

22-CC

RL67691

A resolution sustaining the decision of the Planning Commission and denying the application of W. Crawford for a permit to operate a residential treatment facility at 1138 Bella Vista Avenue in the R-50 Zone

23-CC

RL67692

A resolution sustaining the decision of the Planning Commission and denying the appeal of Gary McDaniel for a Design Review to install signs at 3201 Lakeshore Avenue in the C-20 Shopping Center Commercial and S-9 Retail Frontage Combining Zones

24-CC

Withdrawn

A resolution reversing the decision of the Planning Commission and approving the application of Willie Ealy for a variance to construct 9 residential units at 7894 Ney Avenue in the R-50/R-30 Zones

- 25-CC
R67693 A resolution sustaining the decision of the Planning Commission and denying the application of Kee Sup Lee for a Major Conditional Use Permit to sell beer and wine at 8135 Bancroft Avenue
- 26-CC
R67694 A resolution reversing the decision of the Planning Commission and approving the application of Timothy L. Clack for a Major Conditional Use Permit to legalize an existing residential unit at 3528-30 Meadow Street in the R-50 Medium Density Residential Zone
- 27-CC
R67695 A resolution sustaining the decision of the Planning Commission and denying the application of Janice S. Lee, on behalf of Volunteers of America for a Major Conditional Use Permit to operate a facility for former inmates at 1121 - 7th Street
- 28-CC
R67696 A resolution permitting the withdrawal of Joseph Festinese's appeal on behalf of Gregory Labarthe, against the Planning Commission's denial of a Major Conditional Use Permit for commercial offices at 5263 Claremont Avenue
- 29-CC
R67697 A resolution sustaining the decision of Planning Commission in granting Design Review approval for construction of a sign on Piedmont Avenue and denying Design Review approval for a sign on Estrada Avenue
- 30-CC
R67698 A resolution sustaining the decision of the Planning Commission and denying the application of Shahman Zomarodi for a Major Variance to operate a convenience market at 4635 Park Boulevard
- 31-CC
R67699 A resolution sustaining the decision of the Planning Commission and denying the application of Toufike Abdo for a Major Conditional Use Permit to add the sale of distilled spirits to a market located at 4705 Shattuck Avenue
- 32-CC
R67700 A resolution permitting Robert Eller-Issacs to withdraw his appeal against the decision of the Planning Commission granting a Major Variance, with conditions, that waived certain off-street parking requirements
- 33-CC
R67701 A resolution sustaining the decision of the Planning Commission and denying the application of Thomas Reese for a Major Conditional Use Permit to resume the sale of beer, wine and distilled spirits at 325 East 18th Street
- 34-CC
R67702 A resolution sustaining the decision of the Planning Commission and permitting the construction of two dwelling units on a single lot at 480 - 48th Street

35-CC

R67703

A resolution permitting D. Christopoulos to withdraw his appeal against the Planning Commission's decision denying a application to establish a non-retail use at 2077 Mountain Boulevard

36-CC

R67704

A resolution authorizing and directing the City Attorney to compromise and settle the case of Diedre Dobrodzek vs. City of Oakland, Municipal Court Action No. 494188, Our File No. 89315

37-CC

R67705

A resolution approving changes to the By-Laws of the Oakland Convention Center Management, Inc., adopted by its Board of Directors

INTRODUCTION OF ORDINANCES

38-CC

*Final passage
1-8-91*

An ordinance authorizing the acquisition of approximately 3400 square feet of land being a portion of 9798 MacArthur Boulevard in Phase II of the 98th Avenue Street Improvement Project for the sum of \$22,100

39-CC

*Final passage
1-8-91*

An ordinance authorizing the City Manager to negotiate and execute an easement agreement for the construction and operation of a building, including a health club facility, above the City Center Garage

FINAL PASSAGE OF ORDINANCES

40-CC

0-11276

An ordinance amending Ordinance No. 4727 C.M.S. to implement agreed upon salary increases for employee classifications represented by United Public Employees, Local 790, International Brotherhood of Electrical Workers, Local 1245, Western Council of Engineers and the Oakland Police Officers' Association; and to amend and create certain miscellaneous employee classifications

41-CC

0-11277

An ordinance amending Ordinance No. 4727 C.M.S., as amended, fixing salaries and other terms and conditions of City employment and establishing offices and classifications of position of employment, by increasing compensation for members of the City Council, effective July 7, 1990

42-CC

*0-11278
D10079*

An ordinance authorizing the City Manager to negotiate and execute a Quitclaim Deed to extinguish the Reverter Provision of the Quitclaim Deed for the 13th Street portion of the Oakland Federal Building Site

43-CC

0-11279

An ordinance amending Chapter 5, Article 29, Section 5-29.10 A., of the Oakland Municipal Code, to increase the fare structure for taxicabs in the City of Oakland