



# 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 1 Frank H. Ogawa Plaza, Council Chambers, 3rd Floor

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

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Tuesday, January 15, 2008

6:00 PM

Oakland City Hall, 3rd Floor

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1 Pledge of Allegiance

*A meeting of the Joint Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 6:12 PM.*

2 Roll Call / ORA & Council

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

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ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Present: 7 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid

3 Open Forum / Citizens Comments

(Time Available: 15 minutes)

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*The following individual(s) spoke under Open Forum:*

*- Dorothy Morehead-Coleman*

*- Sylvia Vigil*

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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.

**No Action Taken**

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)

**No Action Taken**

- 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.

**No Action Taken**

- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on December 18, 2007

**A motion was made by Vice Mayor Chang, seconded by Councilmember Nadel, to \*Approve the Minutes. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Absent: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel and Councilmember Quan

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

- 8.1 Subject: State Of The City Address  
From: Office Of The Mayor  
Recommendation: Receive The Mayor's State Of The City Address

[07-0910](#)

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

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

*The following individual(s) spoke and did not indicate a position on this item:*

- Geoff Collins

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**9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS**

*Agency/Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Mabel Louise Avant Martin-Hazzard and Terrell Rogers*

*Agency/Councilmembers Brooks and Quan took a point of personal privilege and requested that the meeting be adjourned in memory of Terrell Rogers*

*Agency/Councilmember Nadel took a point of personal privilege and requested that the meeting be adjourned in memory of Steven Jimenez and Deborah Ann Smith*

*Agency/Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Mayola Lewis, Oscar Coffey, Gary McMahan and Robert Finley*

*The Full Council took a point of personal privilege and requested that the meeting be adjourned in memory of Frank Fu-Jen Kiang*

**10. CONSENT CALENDAR (CC) ITEMS:**

10.1-CC     Subject:     Declaration Of A Local Emergency Due To AIDS Epidemic  
                 From:        Office Of The City Attorney  
                 Recommendation: Adopt A Resolution Renewing And Continuing The City Council's  
                 Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis  
                 With Regard To The AIDS Epidemic  
[07-0914](#)

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

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

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10.2-CC      Subject:      Medical Cannabis Health Emergency  
From:            Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local  
Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The  
City Of Oakland  
[07-0915](#)

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

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel,  
Councilmember Quan and Councilmember Reid  
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10.3            Subject:      Millsmont Homeowners Association - Settlement Agreement  
From:            Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Settle  
The Case Of Millsmont Homeowners Assn. V. City Of Oakland And DeSilva Gates  
Construction, L.P., U.S. District Court Action No. C 06-03955 MMC, Our File No. X02821, In  
The Amount Of \$25,000.00. This Case Involves Alleged Storm Water And Sanitary Sewer  
Discharges (CEDA- Public Works)  
[07-0916](#)

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

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Noes: 1 - Councilmember Brunner  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Vice Mayor Chang,  
Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and  
Councilmember Reid  
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10.4-CC Subject: Robert H. Sand - 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 Robert H. Sand In The Amount Of Fifty Three Thousand Four Hundred Eleven Dollars And No Cents (\$53,411.00), As A Result Of Property Damage Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On October 14, 15, And 16, 2007. (Public Works Agency)  
[07-0917](#)

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

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid  
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10.5-CC Subject: Retail Re-Zoning On Broadway  
From: Community and Economic Development Agency  
Recommendation: Approve The Final Passage (Second Reading) Of An Interim Ordinance Amending The Zoning Regulations For Three Years Or Until The City Council Adopts Permanent Regulations To A) Create The S-5 Broadway Retail Frontage Interim Combining Zone Regulations (S-5 Zone) And B) Amend The Zoning Maps To Include The S-5 Zone On And Near Broadway From 23rd Street To Hawthorne Avenue  
[07-0497](#)

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

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid  
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10.6-CC Subject: Salary Ordinance Amendment - Police Classifications  
From: Finance and Management Agency  
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending  
The Salary Schedule Of Ordinance No. 12187 (The Salary Ordinance) To Add: Two 84 Hour Per  
Pay Period, Permanent Full Time Police Officer Classifications; Two 84 Hour Per Pay Period,  
Permanent Full Time Sergeant Of Police Classifications; And Two 84 Hour Per Pay Period,  
Permanent Full Time Lieutenant Of Police Classifications  
[07-0898](#)

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

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

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10.7-CC Subject: Rockridge Business Improvement District  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal  
Year 2008-2009 For The Rockridge Business Improvement District, Approving The Annual  
Report Of The Rockridge Business Improvement District Advisory Board, And Scheduling A  
Public Hearing For January 29, 2008 (TITLE CHANGE)  
[07-0816](#)

**This Matter was Adopted as Amended on the Consent Agenda.**

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

*The resolution was amended to change the date of the public hearing from  
January 29, 2008 to February 5, 2008*

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10.8-CC Subject: Montclair Business Improvement District  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2008-2009 For The Montclair Business Improvement District, Approving The Annual Report Of The Montclair Business Improvement District Advisory Board, And Scheduling A Public Hearing For January 29, 2008 (TITLE CHANGE)  
[07-0818](#)

**This Matter was Adopted as Amended on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid  
*The resolution was amended to change the date of the public hearing from January 29, 2008 to February 5, 2008*  
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S-10.9-CC Subject: Loan Guaranty - Merritt Bakery  
From: Councilmember Patricia Kernighan  
Recommendation: Adopt A Resolution Approving The Issuance Of A Loan Guaranty Not To Exceed Thirteen Thousand Five Hundred Dollars (\$13,500) For Mckinney Griff, Inc., DBA Merritt Bakery And Restaurant, As Required By One California Bank Under Its Conditions Of Approval For A Two Hundred Seventy Thousand Dollars (\$270,000) Term Loan To Finance Business Expansion  
[07-0845](#)

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

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid  
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S-10.10-C Subject: Emergency Housing Assistance Program Loan  
C From: Department of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute All Contracts And Amendments Related To The State Emergency Housing And Assistance Program Capital Development (EHAPCD) Deferred Loans Awarded To The City For The 2004/2005, 2005/2006 And 2006/2007 Program Years For The Rehabilitation Of Emergency Shelters And Transitional Housing Projects In Oakland  
[07-0847](#)

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

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid  
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S-10.11-C Subject: Pier 7 Temporary Construction Easement - Caltrans Bay Bridge Project  
C From: Community and Economic Development Agency  
Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To Execute A Two-Year Extension, To 2015, For The Pier 7 Temporary Construction Easement Benefiting Caltrans And Burdening Approximately 26 Acres Of Land In The West Gateway Area Of The Former Oakland Army Base To Facilitate Completion Of The Caltrans Bay Bridge Project And To Accept From Caltrans A One Time Easement Fee Of \$10,553,347 In Exchange For The Extension  
[07-0890](#)

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

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid  
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S-10.12-C Subject: Mercy Properties California - Lease Renewal  
C From: Department of Human Services  
Recommendation: Approve The Introduction Of An Ordinance Authorizing The Renewal Of A Lease On A City-Owned Property Located At 1226 - 73rd Avenue To Mercy Properties California To Continue The Long Term Use Of The Property For An Additional Five Years, From December 1, 2007 To November 30, 2012 As Housing Under HUD's Shelter Plus Care Program  
[07-0793](#)

**A motion was made to Approved As Amended On Re-Introduction on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid  
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S-10.13-C Subject: Families Building Wealth - Pilot Program  
C From: Department of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To 1) Apply For, Accept And Appropriate A Five-Year Grant In The Amount Of \$250,000 From The U.S. Department Of Health And Human Services, Office Of Community Services (OCS) To The City Of Oakland's Department Of Human Services' Community Action Partnership To Support The Implementation Of Oakland's City-Wide Families Building Wealth Individual Development Account (IDA) Pilot Program; 2) Enter Into An Agreement With Earn Asset Resource Network (EARN) In An Amount Not To Exceed \$50,000 Annually For IDA Management; And 3) Apply For, Accept, And Appropriate Additional Funds Received To Support Oakland's Five-Year Pilot IDA Program Without Returning To Council  
[07-0708](#)

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

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid  
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S-10.14-C Subject: National Medical Services - Agreement  
C From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee, On Behalf Of The City Of Oakland To 1) Waive The Competitive Request For Proposals (RFP) Process, And 2) Enter Into A Professional Services Agreement With National Medical Services (NMS) For The Period Of July 1, 2007 Through June 30, 2009 In An Amount Not To Exceed Forty Nine Thousand Nine Hundred And Ninety-Nine Dollars (\$49,999) For Forensic Testing  
[07-0897](#)

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

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

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**Passed The Consent Agenda**

**A motion was made by Councilmember Reid, seconded by Vice Mayor Chang, 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 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid

11 An oral report from the Agency Counsel / City Attorney of final decisions made during Closed Session

**A motion was made by Councilmember Reid, seconded by Councilmember Quan, to \*Approve as Submitted. The motion carried by the following vote:**

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

*The City Attorney reported that 1 final decision was made during Closed Session. Council approved the request to join the lawsuit of the City and County of San Francisco vs. Coco Busan Et Al regarding the November 7, 2007 Oil Spill in the San Francisco Bay; 7 Ayes, 1 Excised - De La Fuente*

*The following individual(s) spoke and did not indicate a position on this item:  
- Sanjiv Handa*

12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 15 of the Sunshine Ordinance

**A motion was made by Councilmember Reid, seconded by Vice Mayor Chang, to \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid  
*Agency/Councilmember Reid made a motion seconded by Agency/Councilmember Chang confirming that there were no discussions pursuant to Section 15 of the Sunshine Ordinance, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Kernighan-7, Excused: President of the Council De La Fuente -1*

**COMMENCING AT 7:00 P.M. OR AS SOON AS REASONABLY PRACTICAL  
THEREAFTER:**

13 Reconsideration of Ordinances pursuant to Charter Section 216

**No Action Taken**

*There was no action necessary for this item.*

**THE FOLLOWING ITEM WAS INTRODUCED ON THE FLOOR**

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Subject: Winter Storms - Local Emergency  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution (1) Ratifying The Local Emergency That The City Administrator Proclaimed On January 11, 2008 Due To The Severe Impacts And Calamities Caused By The Series Of Winter Storms That Commenced On Or About January 3, 2008 And (2) Requesting That The Governor Declare A State Of Emergency In The City Of Oakland And Request That The President Of The United States Declare That An Emergency Has Occurred In California That Is Beyond The State's Recovery Capabilities  
[07-0970](#)

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

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid  
*Agency/Councilmember Nadel made a motion seconded by Agency/Councilmember Brunner to approve the emergency findings pursuant to Section 2.20.070 E (1) that the need to take action on Item 15.A is necessary to as the matter in question constitutes an emergency, namely the conditions caused by the winter storms severely impair public health and safety given the damages and the mudslide on Skyline Blvd and (2) came to the attention of this body subsequent to this agenda being posted, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Kernighan, Nadel, Reid, Quan-7, Excused: President De La Fuente -1*  
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**14. Consideration of items with statutory Public Hearing Requirements:**

14.1 Subject: Amendment To Zone Regulations - S-5 Zone Area  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Approve The Introduction (First Reading) Of An Interim Ordinance Amending The Zoning Regulations For Three Years Or Until The City Council Adopts Permanent Regulations To: A) Expand The S-5 Broadway Retail Frontage Interim Combining Zone (S-5 Zone) On The Zoning Maps To Include The East Side Of Webster Street Between 30th Street And Hawthorne Avenue And An Area Near Valdez And 27th Streets And B) Amend The Text Of The S-5 Zone In The Planning Code To Require New Construction To Contain Ground Floor Commercial Space At These Expanded Areas

[07-0920](#)

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**A motion was made by Councilmember Nadel, seconded by Councilmember Kernighan, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on February 5, 2008. The motion carried by the following vote:**

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

*Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was opened at 7:02 p.m.*

*The following individuals spoke on this item:*

*- Jacquee Castain*

*- Sanjiv Handa*

*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, Brunner, Chang, Kernighan, Nadel, Reid, Quan -7, Excused: President De La Fuente*

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14.2 Subject: Interim Control Amendments - S-4 Design Review Combing Zone  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Approve The Introduction And Final Passage Of An Emergency Ordinance, Pursuant To Charter Section 213, Establishing Interim Conrols Applying The S-4 Design Review Combining Zone Which Requires All New Construction Or Alterations To Follow Design Review Procedures, To Broadway -- From Hawthorne Avenue To Interstate 580, And From 38th Street To College Avenue, And To The Area Northeast Of The Intersection Of Broadway And Pleasant Valley To View Place, To Take Effect Immediately Upon Introduction And Adoption  
[07-0921](#)  
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**A motion was made by Councilmember Brooks, seconded by Councilmember Reid, that this matter be Approved for Final Passage. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid  
*Upon the reading of Item 14. 2 by the City Clerk, the Public Hearing was opened at 7:08 p.m.*

*The following individuals spoke on this item:  
- Sanjiv Handa*

*Agency/Councilmember Brunner 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, Brunner, Chang, Kernighan, Nadel, Reid, Quan -7, Excused: President De La Fuente  
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14.3      Subject:    Extension Of Interim Controls - Sign Regulations  
              From:        Office of the City Attorney  
              Recommendation: Conduct A Public Hearing And Upon Conclusion Approve The Introduction  
                          And Final Passage Of An Ordinance To Further Extension, Until Permanent Controls Are  
                          Adopted, Of Emergency Ordinance No. 12566 C.M.S., Pursuant To Charter Section 213,  
                          Extending Interim Controls For Conditional Use Permits, Variance And Related Findings For  
                          Signs And Suspending Conflicting Provisions, To Take Effect Immediately Upon Introduction  
                          And Adoption  
              [07-0919](#)

**A motion was made by Councilmember Brunner, seconded by  
Councilmember Nadel, that this matter be Approved for Final Passage.  
The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember  
Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel,  
Councilmember Quan and Councilmember Reid  
*Upon the reading of Item 14.3 by the City Clerk, the Public Hearing was  
opened at 7:13 p.m.*

*The following individuals spoke on this item:  
- Sanjiv Handa*

*Agency/Councilmember Brunner made a motion, seconded by  
Agency/Councilmember Nadel, to close the Public Hearing, and hearing no  
objections, the motion passed by Ayes: Agency/Councilmember: Brooks,  
Brunner, Chang, Kernighan, Nadel, Reid, Quan -7, Excused: President De La  
Fuente  
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**ACTION ON NON-CONSENT ITEMS:**

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15 Subject: End Of McKillop Road Local Emergency  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Proclaiming The End Of The Local Emergency Declared  
By Resolution No. 80899 C.M.S. Due To Landslide Damage To McKillop Roadway First  
Proclaimed By The City Of Oakland On October 17, 2006  
[07-0896](#)

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

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

*The resolution was amended to correct the date from January 2007 to January 2008*

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16 Subject: Oil Spill - Local Emergency  
From: Office of Emergency Services  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration  
Of A Local Emergency Due To The November 7, 2007 Catastrophic Oil Spill In The San  
Francisco Bay That Occurred When M/V Cosco Busvan, A Container Ship, Side Swiped One Of  
The Bay Bridge Western Anchorages  
[07-0918](#)

**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 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid

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17 Subject: Cabaret Permit Application - Notification Fee  
From: Office of the City Attorney  
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), As Amended, To Establish A Notification Fee For Business Permit Applications Subject To Title 5, "Business Taxes, Permits, And Regulations", Of The Oakland Municipal Code That Involve The Ongoing Use Of Property  
[07-0854](#)

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**A motion was made by Councilmember Brunner, seconded by Councilmember Nadel, that this matter be Approved for Final Passage. The motion carried by the following vote:**

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

*The following individual(s) spoke and did not indicate a position on this item:*

- *Sanjiv Handa*

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Subject: Municipal Code Amendment - Cabarets  
From: Office Of The City Administrator  
Recommendation: Adopt The Following Pieces Of Legislation:

1) Approve The Final Passage (Second Reading) Of An Ordinance Amending Oakland Municipal Code Chapter 5.12, "Cabarets" To (1) Allow Discretion In Permitting Cabarets Within 300 Feet Of Places Of Public Worship, Public Schools, And Public Libraries And 2) Require Background Checks For Cabaret Permit Applicants (TITLE CHANGE); And  
[07-0759](#)

**A motion was made by Councilmember Brunner, seconded by Councilmember Nadel, that this matter be Approved for Final Passage. The motion carried by the following vote:**

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

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2) Approve The Final Passage (Second Reading) Of An Ordinance Amending Oakland Municipal Code Chapter 5.02 To Provide More Notice To Residents And Community Groups Of Business Permit Applications

[07-0759-1](#)

**A motion was made by Councilmember Brunner, seconded by Councilmember Nadel, that this matter be Approved for Final Passage. The motion carried by the following vote:**

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

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18

Subject: Prompt Payment Policy

From: Councilmember Desley Brooks

Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Establishing A Prompt Payment Policy Requiring Payment Within 20 Business Days After Receipt Of An Invoice For Purchase Of Goods And/Or Services Applicable To 1) The City With Respect To Contracts Let Directly To Local Businesses, 2) To Non-Profit And For-Profit Entities Contracted To Manage Or Operate City Facilities Or Public Programs Or Concessions On City-Owned Property, And 3) To City Contractors With Respect To Their Subcontractors, And Imposing Interest Penalties For Violations, To Be Codified At Oakland Municipal Code Title 2, Chapter 2.06 (TITLE CHANGE)

[07-0800](#)

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**A motion was made by Councilmember Brooks, seconded by Councilmember Reid, that this matter be Approved for Final Passage. The motion carried by the following vote:**

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

*The following individual(s) spoke and did not indicate a position on this item:*

- Sanjiv Handa

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19 Subject: Protect Access To Reproductive Health Care Facilities - Amendments  
From: Office of the City Attorney  
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Amending Title 8  
Of The City Of Oakland Municipal Code By Adding a New Chapter, 8.50, Entitled "Access To  
Reproductive Health Care Facilities," And New Sections 8.50.010  
Through \_\_\_\_\_, To Protect Access To Reproductive Health Care Facilities And Creating A  
Private Right Of Action For Violations Of This Chapter  
[07-0922](#)  
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**A motion was made by Councilmember Nadel, seconded by Vice Mayor Chang, to Approved As Amended On Re-Introduction to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on February 5, 2008. The motion carried by the following vote:**

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

*Councilmember Brunner made a motion, seconded by Councilmember Nadel for a friendly amendment to the Ordinance as follows: in Section 2.*

*Definitions, section a: the third line containing the words "human reproductive system, including services during pregnancy or the" was deleted; section b: in the third line the word "primarily" was deleted; and "section c: "Primarily" means 51% or more of the services provided" was deleted in it entirety.*

*The following individual(s) spoke and did not indicate a position on this item:*

- Cyrus Johnson
- Lori Hoye
- Walter B. Hoye
- Helen Hutchison

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[12860 CMS.pdf](#)

20 Subject: Cable Franchise Renewal  
From: Information Technology Department  
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Amending Ordinance No. 10399 C.M.S. To Extend For Ten Years The Cable Franchise Held By Comcast Of California/Colorado, LLC To Construct And Operate A Cable System To Provide Cable Service Within The City Of Oakland; Amending The Terms And Conditions Of The Franchise; And Establishing Certain Remedies For The Violation Of The Franchise  
[07-0923](#)

**A motion was made by Councilmember Brooks, seconded by Councilmember Reid, that this matter be Approved on Introduction for Final Passage to the \*Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council, due back on February 5, 2008. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Recused: 1 - Councilmember Kernighan  
ORA\Councilmember Noes: 1 - Councilmember Brunner  
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Vice Mayor Chang, Councilmember Nadel, Councilmember Quan and Councilmember Reid  
*The following individual(s) spoke and did not indicate a position on this item:*  
- Sanjiv Handa  
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S-21 Subject: Playing Field Leveling Project - Contract  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Awarding A Construction Contract To McGuire And Hester For Phase I Of The Leveling The Playing Field Project (City Project No. C290810) To Improve Girl's Softball Fields At Franklin, Golden Gate, McConnell And King Estate Fields In An Amount Not-To-Exceed Six Hundred Sixty-One Thousand Seven Hundred Fifty Dollars (\$661,750.00)  
[07-0894](#)

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

**Votes:** ORA\Councilmember Excused: 1 - President of the Council De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid  
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[81036 CMS.pdf](#)

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S-22      Subject:    Fourteenth Street Project, Inc. - DDA Amendment  
From:        Community and Economic Development Agency  
Recommendation: Adopt An Agency Resolution Authorizing An Amendment To The Disposition  
And Development Agreement With Fourteenth Street Project, Inc., For Proposed Development  
On 1158 14th Street And 1401 Adeline Street To (1) Substitute Bobbie And Arrece Jameson As  
Developer, (2) Increase The Number Of Units From Four To Six, And (3) Modify The  
Requirement To Sell Units To First-Time Homebuyers  
[07-0851](#)  
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**Not Adopted**

*Councilmember Nadel made a motion seconded by Councilmember Brooks to send this item back to the Planning Commission for discussion, a closer examination of the DDA , an analysis based upon the current market and community input regarding home ownership. The motion passed with the following vote: Ayes - Brooks, Brunner, Kernighan, Nadel, Quan; Noes - Chang, Reid, Excused - De La Fuente*

*Councilmember Reid made a substitute motion, seconded by Councilmember Chang to approve staff recommendations as included in the packet. The motion failed with the following vote: Ayes - Chang, Reid; Noes - Brooks, Brunner, Nadel, Quan; Abstained - Kernighan; Excused - De La Fuente*

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

- Barbara Jameson-Bellow
- Brianne Fernandez
- Nicole Hatcher
- Carl Jameson
- Cleveland Bellow
- Dorothy Paynes
- Ben Boudreau

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S-23      Subject:    Quarterly Informational Report On Measure Y  
From:        Office Of The City Administrator  
Recommendation: Receive A Monthly Informational Report On The Measure Y Accelerated  
Police Recruiting, Hiring, Training And Deployment Strategy  
[06-0241-15](#)  
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*The following individual(s) spoke and did not indicate a position on this item:*

- Sanjiv Handa

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**Continuation of Open Forum**

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**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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*There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Mabel Louise Avant Martin-Hazzard, Terrell Rogers, Frank Fu-Jen Kiang, Steven Jimenez, Deborah Ann Smith, Mayola Lewis, Oscar Coffey, Gary McMann and Robert Finley at 8:25 PM*

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*City Clerk and Clerk of the Council*