



# City of Oakland Meeting Minutes

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

## Concurrent Meeting of the Oakland Redevelopment Agency / City Council Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

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

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Tuesday, April 05, 2011

5:30 PM

Oakland City Hall, 3rd Floor

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1 Pledge of Allegiance

*The Concurrent Meeting of the Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 6:13pm.*

2 Roll Call / ORA & Council

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

ORA\Councilmember Present: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

3 Open Forum / Citizens Comments

(Time Available: 15 minutes)

*There were 20 speakers for open forum*

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

*Vice Mayor Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Richard Winnie and Cora Lee Cleaver.*

*Agency/Councilmember Nadel took a point of personal privilege and requested that the meeting be adjourned in memory of Charles McGlashan.*

*Council President Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Jean Brown, Geneva Louise Hill, Sharon Wise, Charles Irving, and Raymon Perkins Doans.*

- 4.1 Subject: Women's Cancer Resource Center Anniversary  
From: Councilmember Brunner  
Recommendation: Adopt A Resolution Honoring The Women's Cancer Resource Center On Their 25th Anniversary  
[10-0502](#)

**A motion was made by Councilmember Brunner, seconded by President Pro Tempore De La Fuente, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner  
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- 5 APPROVAL OF THE DRAFT MINUTES FROM THE SPECIAL AND REGULAR CONCURRENT MEETINGS OF March 3, 2011, March 7, 2011 and March 15, 2011

**A motion was made by President Pro Tempore De La Fuente, seconded by Councilmember Nadel, to \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

- 6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS  
(Requests to: Reschedule items from consent to Non-Consent to the next Council Agenda, Speak on Consent Calendar, Register Votes, Change order of Items, Reconsiderations, Pull Items held in Committee):

*Councilmember Nadel requested that an item held in committee be pulled and forward to the next City Council meeting. This motion was seconded by Vice Mayor Brooks.*

Subject: Gang Injunction Informational Reports  
From: Councilmember Patricia Kernighan  
Recommendation: Receive A Joint Informational Report From The City Attorney's Office And The Oakland Police Department On The City's Civil Injunction Cases Against The North Side Oakland Gang And The Nortenos Gang  
[10-0331](#)

**Referred to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 5/3/2011**  
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**7. CONSENT CALENDAR (CC) ITEMS:**

7.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's  
Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis  
With Regard To The AIDS Epidemic  
[10-0490](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, President of the Council Reid, Councilmember Schaaf  
and Councilmember Brunner  
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7.2-CC Subject: Medical Cannabis Health Emergency  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local  
Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In  
The City Of Oakland  
[10-0491](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, President of the Council Reid, Councilmember Schaaf  
and Councilmember Brunner  
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7.3-CC Subject: Execution Of A License - Cingular Wireless PSC  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Approving And Authorizing The Execution Of A  
License Agreement Between New Cingular Wireless PCS And The Oakland Alameda County  
Coliseum Authority And Certain Related Matters (Office Of The City Administrator)  
[10-0488](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, President of the Council Reid, Councilmember Schaaf  
and Councilmember Brunner  
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7.4-CC Subject: Settlement Agreement - Mary Flood  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Mary Flood V. City Of Oakland, Alameda County  
Superior Court Case No. RG09-455340 In The Amount Of \$77,500.00 As A Result Of A Trip  
And Fall Accident At Near 3878 Fruitvale Avenue. (Public Works Agency)  
[10-0489](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, President of the Council Reid, Councilmember Schaaf  
and Councilmember Brunner  
*There was one speaker on this item.*

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7.5-CC Subject: Leonard Hanley - Settlement  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Leonard Hanley V. City Of Oakland, et al., Alameda  
County Superior Court Case No. RG10-532238 In The Amount Of \$15,000.00 As A Result Of  
An Auto Accident Wherein An OPD Vehicle Spun Out Of Control While Mr. Hanley Was A  
Passenger. (Oakland Police Department)  
[10-0506](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, President of the Council Reid, Councilmember Schaaf  
and Councilmember Brunner  
*There was one speaker on this item.*

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7.6-CC Subject: Peter Lee - Settlement  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Peter C. Lee V. City Of Oakland, United States District Court Case No. C09-06033 WHA, Our File No. X03578, In The Amount Of \$55,000.00 (Community And Economic Development Agency)  
[10-0507](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember SchAAF and Councilmember Brunner

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7.7-CC Subject: Weco Industries Contract Award  
From: Department Of Contracting And Purchasing  
Recommendation: Adopt A Resolution Awarding A Contract To Weco Industries, A Corporation, In An Amount Not To Exceed Two Hundred Forty Thousand Eight Hundred Ten Dollars And Sixteen Cents (\$240,810.16) To Retrofit Three (3) Closed Circuit Television (CCTV) Vans, By Converting Single Conductor System To Multi Conductor System, In Accordance With Specification No. 11-840-84-01/Request For Quote (RFQ) No. 926  
[10-0500](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember SchAAF and Councilmember Brunner

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7.8-CC Subject: Financial And Membership Status (PFRS)  
From: Department Of Human Resources Management  
Recommendation: Receive An Updated Informational Report On The Financial And Membership Status Of The Police And Fire Retirement System (PFRS) As Of December 31, 2010  
[10-0363](#)

**This Matter was \*Received and Filed on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember SchAAF and Councilmember Brunner

*There was one speaker on this item.*

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7.9-CC Subject: Bay Construction Company Contract Award  
From: Public Works Agency  
Recommendation: Adopt A Resolution Awarding A Contract To Bay Construction Company, The Lowest, Responsible, Responsive Bidder, For The Construction Of The Morcom Rose Garden Improvement Project (No. C377710) In Accord With Project Plans And Specifications And Contractor's Bid Therefore In The Amount Of One Million Ninety Four Thousand Eight Hundred Twenty Dollars (\$1,094,820.00)  
[10-0469](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner  
*There was one speaker on this item.*

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7.10-CC Subject: Global Era Conference, Seattle, WA - Brooks Travel  
From: Vice Mayor Desley Brooks  
Recommendation: Adopt A Resolution Authorizing Vice Mayor Desley Brooks To Travel To Seattle, Washington To Attend The National League Of Cities Leadership Academy On Local Economic Competitiveness In A Global Era Conference From April 19-21, 2011  
[10-0516](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner  
*There was one speaker on this item.*

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7.11-CC Subject: Settlement Agreement - Raymond Castillo  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Raymond Castillo V. City Of Oakland, Et Al. United States District Court Case No. C09-04679-PJH, City Attorney's File No. 27019, In The Amount Of Four Hundred Twelve Thousand Five Hundred Dollars And No Cents (\$412,500.00), As A Result Of Injuries Suffered Incident To Being Taken Into Custody By City Of Oakland Police Officers (Oakland Police Department  
[10-0521](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

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7.12-CC Subject: Amending the Salary Schedule of Ordinance No. 12187 C.M.S  
From: Department of Human Resources Management  
Recommendation: Adopt An Ordinance To Make Corrections To Ordinance No. 12985 C.M.S. And Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. (The Salary Ordinance) To Add The Permanent Part Time (PPT) And Part Time (PT) Equivalent Classifications Of: Real Estate Agent, PPT; Real Estate Agent, PT; Receptionist To The City Auditor, PPT; Receptionist To The City Auditor, PT; Contract Compliance Officer, PPT; And Police Records Specialist, PPT  
[10-0298](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

*There was one speaker on this item.*

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7.13-CC Subject: Commission On Persons With Disabilities Appointment  
From: Mayor Jean Quan  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Kevin Alan Mann To The Commission On Persons With Disabilities  
10-0522

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner  
*There was two speaker on this item.*

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7.14-CC Subject: Head Start Advisory Board Appointments  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Re-Appointment Of Krishen Laetsch, Jo-Ellen Spencer, Dr. Stacy Thompson, Aisha Brown, Alexandra J. Caraballo, Robert Beggs, And Dr. Linda Perez To The Head Start Advisory Board, Term Beginning March 12, 2011 And Ending March 11, 2014  
10-0524

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner  
*There was one speaker on this item.*

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**Passed The Consent Agenda**

**A motion was made by President Pro Tempore De La Fuente, seconded by Councilmember Schaaf, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner



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

**A motion was made by Vice Mayor Brooks, seconded by Councilmember Kernighan, to \*Approve as Submitted the report of the City Attorney of final decisions made during closed session. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner  
*There was one speaker on this item.*

**COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE  
THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:**

**9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING  
REQUIREMENTS:**

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9.1 Subject: MacArthur Transit Village Stage One  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Approving The MacArthur Transit Village (a) Stage One (1) Final Development Plan Permit, Which Would Allow For Development Of A New BART Parking Garage And Site Infrastructure, As Part Of The MacArthur Transit Village Planned Unit Development (PUD060058), Pursuant To City Council Resolution No. 81422 C.M.S. Condition Of Approval No. 27, And (b) Vesting Tentative Tract Map 8047  
[10-0108](#)

**A motion was made by Councilmember Brunner, seconded by President Pro Tempore De La Fuente, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 7:10 p.m.*

*There were 8 speakers on this item.*

*Agency/Councilmember Kaplan made a motion, seconded by Agency/Councilmember De La Fuente, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, De La Fuente, Kaplan, Kernighan, Nadel, Schaaf, and President of the Council Reid -8*

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

10            Subject:    Special Municipal Election  
              From:        Office of the City Attorney  
              Recommendation: Adopt An Ordinance Adding Section 3.08.015 To Chapter 3.08 Of The  
Oakland Municipal Code, Entitled "Elections," To Authorize The City Council To Call A  
Special Municipal Election On July 12, 2011  
[10-0530](#)

**This matter was Denied. The motion failed.**

**Votes:**

*Prior to any action on the item, the Council is required to approve by a 2/3 rds majority vote a finding of the need to discuss and take action on this item in compliance with the City's Sunshine Ordinance.*

*The motion to approve an urgency finding was made by Councilmember Kaplan, seconded by Councilmember Nadel, and upon call of the roll the motion failed by 5 Ayes: Brunner, Kaplan, Kernighan, Nadel and Council President Reid and 3 Noes: Brooks, De La Fuente and Schaaf.*

*As the vote on the urgency to discuss and take action on the item failed, this item could not be discussed and no action was taken and this matter dies on the floor.*

*There were 4 speakers on the item.*  
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11 Subject: Cypress Private Security Contract Award  
From: Public Works Agency  
Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Awarding The Security Services Contract For City Facilities For A Term Period Of Two Years With A One Year Extension Option, To Cypress Private Security In An Amount Not-To-Exceed Two Million Dollar(2,000,000), Annually; And, Authorizing The City Administrator To: (1) Increase The Contract By An Additional Ten Percent (10%) To Cover Increased Labor Costs During The Term Of The Contract, And (2) Extend The Contract On A Month-To-Month Basis Upon Expiration Until A New Request For Proposal Process Is Completed And Contract Awarded [TITLE CHANGE];OR  
[10-0304](#)

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

**Votes:** ORA\Councilmember Noes: 3 - President Pro Tempore De La Fuente, Councilmember Kaplan and Councilmember Brunner  
ORA\Councilmember Ayes: 5 - Vice Mayor Brooks, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid and Councilmember Schaaf

*There were 33 speakers on the item.*

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2) A Resolution Awarding The Security Services Contract For City Facilities For A Term Period Of Two Years With A One Year Extension Option, To ABC Security Services Inc. In An Amount Not-To-Exceed Two Million Dollars (\$2,000,000), Annually; And, Authorizing The City Administrator To: (1) Increase The Contract By An Additional Ten Percent (10%) To Cover Increased Labor Costs During The Term Of The Contract, And (2) Extend The Contract On A Month-To-Month Basis Upon Expiration Until A New Request For Proposal Process Is Completed And Contract Awarded  
[10-0304-1](#)

**A motion was made by Vice Mayor Brooks, seconded by Councilmember Nadel, that this matter be Not Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

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12            Subject:    Ranked - Choice Voting Follow Up  
              From:        Office Of The City Clerk/Alameda County Registrar Of Voters  
              Recommendation: Action And Discussion On A Follow Up Report Regarding Ranked-Choice  
                      Voting For The City Of Oakland's November 2, 2010 Election, A Review Of The Outreach  
                      And Education Program And Presentation By The Alameda County Registrar Of Voters Office  
                      Responses To Questions Submitted By The City Of Oakland  
              [10-0514](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner  
*There were 20 speaker on this item.*

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13            Subject:    8135 Earhart Road Lease Agreement  
              From:        Community And Economic Development Agency  
              Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And  
                      Execute A Two-Year Lease Agreement With Three Additional One -Year Renewal Options  
                      With The Port of Oakland For Property Located At 8135 Earhart Road To Use As A Storage  
                      Facility For Urban Search and Rescue Equipment For The Initial Amount Of \$24,517 Plus An  
                      Annual Rent Escalator Not To Exceed 5%  
              [10-0413](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

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14 Subject: Measure C Report  
From: Finance And Management Agency  
Recommendation: Receive An Informational Report Presenting The Measure C - Oakland  
Hotel Tax Audit And Program Status Report  
[10-0465](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner  
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15 Subject: Adult And Dislocated Worker Training And Employment Services  
From: Community Of Economic Development Agency  
Recommendation: Discussion And Possible Action On The Status Of Oakland Workforce Investment Act Contracts, Allocations, And Spending In The Current Fiscal Year, And A Resolution Amending Resolution No. 83122 C.M.S. Authorizing Contracts Under The Workforce Investment Act For Adult And Dislocated Worker Training And Employment Services, To Change The Initial Contract Completion Dates From June 30, 2012, To December 31, 2011, And Allow For A Negotiated Six-Month Extension [TITLE CHANGE]  
[10-0510](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner  
*There was one speaker on this item.*

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S-16 Subject: Development Of Infrastructure - Cost Sharing Agreement  
From: Community And Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Agency Administrator To Negotiate And Execute A Cost Sharing Agreement Between The Redevelopment Agency And The Port Of Oakland For The Development Of Infrastructure Including Public Utilities, And Public Streets On The Former Oakland Army Base; And

[10-0412](#)

**A motion was made by President Pro Tempore De La Fuente, seconded by Councilmember Nadel, that this matter be Adopted as Amended. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

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2) A City Resolution Authorizing The City Administrator To Negotiate And Execute A Cost Sharing Agreement Between The City And The Port Of Oakland For The Development Of Infrastructure Including Public Utilities And Public Streets On The Former Oakland Army Base

[10-0412-1](#)

**A motion was made by President Pro Tempore De La Fuente, seconded by Councilmember Nadel, that this matter be Adopted as Amended. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

*There was one speaker on this item.*

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S-17      Subject:      Exclusive Negotiating Agreement Amendment  
From:          Community And Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing: (1) The Agency Administrator To Negotiate And Execute A Second Amendment To The Exclusive Negotiating Agreement (ENA) With AMB Property, L.P./California Capital Group ("AMB/CCG") For A Development On The Former Oakland Army Base ("Base") To: A. Extend The ENA Term From April 22, 2011 To The Earlier Of April 22, 2012 Or The Execution Of A Lease Disposition And Development Agreement, With The Provision For An Automatic Extension Of The Term Of Up To April 22, 2013 If There Is A Delay In Completing A Certification For The Project Under The California Environmental Quality Act Or The National Environmental Policy Act; And B. Provide For: (A) Reimbursement To California Capital Group ("CCG") Of Up To A Maximum Amount Of \$14,100,000 For The Third Party Consultants Cost Of The Planning And Design Work For The Base's Infrastructure, Public Utilities, And Public Streets; (B) Approval Of CCG's Proposal For A Development Team, Scope Of Work, Budget, And Schedule For The Planning And Design Work; (C) Elimination Of The Requirement To Accommodate The Oakland Produce Market And The Oakland Film Center As Part Of The Development; (D) Expansion Of The Development Area To Include The Former Oakland Maritime Support Services ENA Site In The East Gateway Area; And (E) Release Of AMB Property, L.P. From Responsibility For The Planning And Design Work, And Designating CCG As The Sole Party Responsible For The Planning And Design Work (2) A Waiver Of The Advertising And Request For Proposal/Qualifications Process And An Award Of The Planning And Design Of Infrastructure Improvements For The Port-Oriented Railyard And 7th Street Overpass Work, In An Amount Not-To-Exceed \$3,850,212.00, To CCG [TITLE CHANGE]; AND  
[10-0495](#)



A motion was made by Councilmember Brunner, seconded by Vice Mayor Brooks, that this matter be Adopted as Amended to the recommendation of the March 29, 2010 Special Community and Economic Development Committee to amend the Agency Resolution as follows:

- 1)The Agency, CCG and OMSS shall work together to locate a site for OMSS as soon as possible in the master planning process;
- 2) CCG will require its third party consultants to track and report to the Agency the number of Oakland residents the consultants employ;
- 3) CCG will encourage its third party consultants to voluntarily create openings for internships and summer jobs for Oakland youth and young adults; and
- 4) CCG will continue to negotiate a market rate increase in the master planning process;

and further directed staff to return to the Community and Economic Development Committee with a progress report regarding ENA implementation approximately six (6) months before the ENA Term is set to expire.

**The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

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2) A City Resolution Authorizing: (1) The City Administrator To Negotiate And Execute An Exclusive Negotiating Agreement Between The City Of Oakland And AMB Property, L.P./California Capital Group (AMB/CCG) For A Development On The Former Oakland Army Base Without Returning To City Council; And (2) A Waiver Of The Advertising And Request For Proposal/Qualifications Process And An Award Of The Planning And Design Of Infrastructure Improvements For The Port-Oriented Railyard And 7th Street Overpass Work, In An Amount Not-To-Exceed \$3,850,212.00, To CCG [TITLE CHANGE]  
[10-0495-1](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner  
*There were 13 speaker on this item.*

[83297 CMS.pdf](#)

### Continuation of Open Forum

### Adjournment

*There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting at 11:50 p.m.*

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*City Clerk and Clerk of the Council*