



# SUPPLEMENTAL City of Oakland Meeting Agenda

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

## Concurrent Meeting of the Oakland Redevelopment Agency / City Council

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

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

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Tuesday, November 06, 2007

6:00 PM

City Council Chambers - 3rd Floor

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### **DEFINITION OF TERMS:**

**CONSENT ITEM:** any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.

**NON-CONSENT ITEM:** any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.

**ACTION ITEM:** any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

**INFORMATIONAL ITEM:** an item of the agenda consisting only of an informational report that does not require or permit Council action.

- 1 Pledge of Allegiance
- 2 Roll Call / ORA & Council

**COUNCIL MEMBERS:** 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

- 3 Open Forum / Citizens Comments  
(Time Available: 15 minutes)
- 4 Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.
- 5 Motion for 'Members' Requests for Reconsideration' of an Action taken at the preceding Council Meeting, shall be scheduled for the next-succeeding City Council meeting as a non-consent item. (Motion Maker must have voted on prevailing side)

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- 6 Requests from Councilmember(s) to schedule an Action Item considered by Committee but not forwarded to Council, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.
- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on October 16, 2007

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

- 8.1 Subject: Joe Morgan - Recognition  
From: Councilmember Nancy Nadel  
Recommendation: Adopt A Resolution Honoring Joe Morgan For His Four Decades Of Service And Generosity To The Youth Of Oakland And Proclaiming November 15, 2007 As "Joe Morgan Day" In The City Of Oakland  
(07-0637)
- ~~8.2 Subject: Shonda Scott - Recognition  
From: Councilmember Larry Reid  
Recommendation: Adopt A Resolution Commending Shonda Yvette Scott On Her Work As Chairperson Of The Alameda County Human Relations Commission From The City Of Oakland  
(07-0722)~~

**This item has been rescheduled to the December 4, 2007 City Council  
Agenda**

- 8.3 Subject: Joyce Hicks - Recognition  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Commending Joyce M. Hicks For 30 Years Of Outstanding And Dedicated Service And Congratulating Her On Her Retirement  
(07-0747)

## **9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS**

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

- 10.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The AIDS Epidemic  
(07-0717)
- 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  
(07-0718)

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10.3-CC Subject: Travel Authorization - Councilmember Brooks  
From: Councilmember Desley Brooks  
Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To Attend The 2007 Congress Of Cities And Exposition Conference, In New Orleans, La., November 13 - 17, 2007  
[\(07-0700\)](#)

10.4-CC Subject: Opposition To The War In Iran  
From: Councilmembers Jane Brunner And Nancy Nadel  
Recommendation: Adopt A Resolution Opposing War With Iran  
[\(07-0715\)](#)

10.5-CC Subject: Chapter 1.20 Administrative Appeals - Amendment  
From: Finance and Management Agency  
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Amending Chapter 1.20 Of The Oakland Municipal Code To Establish And Codify Requirements For Claims For Money Or Damages Against The City Of Oakland That Are Not Otherwise Governed By The Claims Presentation Provisions Of The Government Claims Act, California Government Code Sections 900 Et Seq., Or Other State Law  
[\(07-0665\)](#)

**Final Passage (Second Reading) has been scheduled for December 4, 2007**

10.6-CC Subject: Priority Project Funds - District Seven  
From: Councilmember Larry Reid  
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$5,000.00 From Councilmember Larry E. Reid's Priority Project Funds For Operating Expenses To Civic Pride, A Youth-Centered Non-Profit Organization That Provides Increased Opportunities For Success, College Preparation, Career Readiness And Development Of Responsible Citizenship Skills  
[\(07-0688\)](#)

**This item was withdrawn and rescheduled to this agenda at the October 16, 2007 City Council meeting**

10.7-CC Subject: Pay-Go Funds - District Three  
From: Councilmember Nancy Nadel  
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$500 From Councilmember Nancy J. Nadel's Pay-Go Funds To The Oakland Black Cowboy Association To Offset Expenses Incurred For The 33rd Annual Black Cowboy Parade Held In Oakland On October 6, 2007  
[\(07-0726\)](#)

10.8 Subject: Southern Pacific Company - Revoking Permission  
From: Council President Ignacio De La Fuente  
Recommendation: Adopt A Resolution Rescinding Resolution No. 23515 C.M.S. Approved August 30, 1949, Which Granted A Revocable Permit To Southern Pacific

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Company To Maintain And Operate An Existing Spur Track Upon And Across 23rd Avenue, 29th Avenue, Derby Street, Lancaster Street And Ford Street And Upon And Along Glascock Street Between 29th Avenue And Lancaster Street In The City Of Oakland ("Fruitvale Track") And Directing The City Administrator To File An Action For "Adverse Abandonment" Of The Fruitvale Track With The Department Of Transportation Surface Transportation Board  
(07-0730)

10.9-CC Subject: East Bay Conservation Corps - Three Year Agreement  
From: Public Works Agency  
Recommendation: Adopt A Resolution Waiving The Competitive RFP/RFQ Selection Requirement And Authorizing The Award Of A Three-Year Agreement For A Total Amount Not To Exceed One Hundred Fifty Thousand Dollars (\$150,000) With The East Bay Conservation Corps To Provide Recycling Services  
(07-0731)

10.10-CC Subject: Marsha Peterson - Settlement Agreement  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Marsha Peterson V. City Of Oakland, Alameda County Superior Court Case No. RG07332548 In The Amount Of \$25,000 (Public Works Agency)  
(07-0737)

10.11-CC Subject: Dog Ordinance Amendment  
From: Councilmember Jean Quan  
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Changing Oakland Municipal Code Title 6, Chapter 6.04 Section 6.04.070 Dogs At Large Regarding Requirements To Dog Guardians Concerning Picking Up After Their Dogs, Tethering Of Dogs, Dogs In Vehicles And Specific Fines For Violations Of The Ordinance; And Oakland Municipal Code Section 1.28.020.B Allowing For An Exception For The Amount Of Fines For Violations Of Section 6.040.070  
(07-0619-2)

**Introduction (First Reading) was approved October 16, 2007; 6 Ayes, 1 Excused Brooks, 1 Absent Reid**

10.12-CC Subject: Sale Of Surplus Property At 73rd And Deerwood Avenues  
From: Community And Economic Development Agency  
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Authorizing The City Administrator To Negotiate And Execute A Purchase And Sale Agreement To Sell Approximately 1,400 Square Feet Of City-Owned Surplus Real Property Located At 73rd And Deerwood Avenues To Johnny R. Nicks And Pinkey R. Mitchell-Nicks, The Adjoining Property Owners, For The Total Fair Market Value Of Four Thousand Two Hundred And Fifty Dollars (\$4,250.00) Including All Fees And Costs  
(07-0584)

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**Introduction (First Reading) was approved October 16, 2007; 7 Ayes, 1  
Excused Brooks**

10.13-CC Subject: Laverne Harbor, Jr. - 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 Laverne Harbor Jr., In The Amount Of \$7,900. As A Result Of Property Damage Sustained Due To A Tree Failure That Caused Damage To Mr. Harbor's Vehicle On September 06, 2007 (Public Works Agency - Tree Division) [\(07-0741\)](#)

**This item was not heard in Closed Session**

10.14-CC Subject: Adrina Hill - 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 Esurance As Subrogee For Adrina Hill In The Amount Of Eleven Thousand Ninety Four Dollars And Seventy Five Cents (\$11,094.75), As A Result Of Property Damage Sustained In An Automobile Collision With A City Vehicle On May 19, 2007. (Public Works Agency) [\(07-0742\)](#)

**This item was not heard in Closed Session**

10.15-CC Subject: Robert Jones - Settlement Agreement  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Robert Jones V. City Of Oakland, Et Al., Alameda County Superior Court No. RG06281669, Our File No. 25058, In The Amount Of \$33,000.00 (Oakland Fire Department - Personal Injury) [\(07-0743\)](#)

**This item was not heard in Closed Session**

10.16-CC Subject: The Judicial Group, Inc., Mario R. Juarez - Settlement Agreement  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of City Of Oakland V. The Judicial Group, Inc., Mario R. Juarez, Et Al., Alameda County Superior Court Case No. RG06298582, Our File No. X02764 In The Amount Of \$31,942.00 (Finance Agency) As A Result Of Breach Of A Contract Relating To The Assignment Of Judgments [\(07-0746\)](#)

**This item was not heard in Closed Session**

10.17-CC Subject: Living Wage - Private Security Officers  
From: Councilmember Jean Quan  
Recommendation: Adopt A Resolution Supporting Private Security Officers In Their Efforts To Win Improved Training, A Living Wage And Full Family Health Benefits On

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Par With Janitors And Other Workers In Oakland's Commercial Real Estate Sector  
(07-0729)

10.18-CC Subject: Priority Project Funds - District Seven  
From: Councilmember Reid  
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$2,500.00  
From Councilmember Larry E. Reid's Priority Project Funds To The Lend A Hand  
Foundation For Operating Expenses  
(07-0744)

10.19-CC Subject: Priority Project Funds - District Seven  
From: Councilmember Larry Reid  
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$5,000.00  
From Councilmember Larry E. Reid's Priority Project Funds To Alameda County  
Superior Court's Drug Court For Operating Expenses For Day-Of-Court Testing Of  
Oakland Residents  
(07-0745)

10.20-CC Subject: Priority Project Funds - District Seven  
From: Councilmember Larry Reid  
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$13,745.29  
From Councilmember Larry E. Reid's Priority Project Funds To The Marriott Oakland  
City Center For Expenses For The Small Business Symposium For Public Workshops  
On The Start Up Of A Small Business, How To Operate The Business And Business  
Growth  
(07-0758)

10.21-CC Subject: Travel Authorization - Councilmembers Jean Quan And Larry Reid  
From: Councilmembers Jean Quan and Larry Reid  
Recommendation: Adopt A Resolution Authorizing Councilmembers Jean Quan And  
Larry Reid To Travel To New Orleans, Louisiana To Attend The National League Of  
California Cities Congress Of Cities & Exposition, November 13-17, 2007  
(07-0764)

~~10.22-CC Subject: Conflict Of Interest Waiver  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing Waiver Of Any Potential Conflict  
Of Interest That The Law Firm Of Hanson, Bridgett, Marcus, Vlahos, Rudy LLP May  
Have As A Result Of The Firm's Representation Of Yellow Cab In Its Appeal Of The  
City's Decision Revoking 10 Of Yellow Cab's Taxi Permits/Medallions  
(07-0766)~~

**This item has been rescheduled to the December 4, 2007 City Council  
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10.23-CC Subject: Revocable And Conditional Permit - 4302 West Street  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Granting Maryann Tucker And Richard Scott A

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Revocable And Conditional Permit To Allow Two Existing Buildings And A Retaining Wall At 4302 West Street To Encroach Into The Public Right-Of-Way Along West Street And 43rd Street  
(07-0608)

**The October 23, 2007 Public Works Committee approved recommendations; 4 Ayes**

10.24-CC Subject: Arcadia Park Subdivision - New Public Street  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Conditionally Accepting Irrevocable Dedications Of Public Right-Of-Way From Pulte Home Corporation And Mother Fish LLC For A New Public Street In The Arcadia Park Subdivision To Connect With 92nd Avenue  
(07-0610)

**The October 23, 2007 Public Works Committee approved recommendations; 4 Ayes**

10.25-CC Subject: Revocable And Conditional Permit - 1362 And 1370 East 27th Street  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Granting Bartley And Mary Faherty A Revocable And Conditional Permit For An Existing Garage And Front Stairs At 1362 And 1370 East 27th Street To Encroach Into The Public Right-Of-Way  
(07-0645)

**The October 23, 2007 Public Works committee approved recommendations and directed staff to work with the City Attorney to look into expanding the administrative process for encroachment permits and to determine whether or not the encroachment can be grand fathered in after so many years; 4 Ayes**

10.26-CC Subject: 40th Street MacArthur Transit Hub Improvements  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To Ray's Electric In The Amount Of One Million Eight Hundred Fifty-Six Thousand Eight Hundred Twenty Dollars (\$1,856,820.00) For The 40th Street, MacArthur Transit Hub Improvement (Project No. G283010)  
(07-0661)

**The October 23, 2007 Public Works Committee approved recommendations and directed staff to follow up with a future report to include: 1) an explanation regarding the low number of bids received; and 2) suggestions for developing techniques to administratively improve local business participation**

10.27-CC Subject: Mandela Parkway Project  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Oakland Bay Trail: Mandela

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Parkway Project In Accord With Specification No. G199010 To Mcguire And Hester In  
The Amount Of One Million Seventy-Four Thousand Four Hundred Twenty-Two  
Dollars (\$1,074,422.00)  
(07-0682)

**The October 23, 2007 Public Works Committee approved  
recommendations; 4 Ayes**

10.28-CC Subject: Oakland Convention And Visitors Bureau Report  
From: Cultural Arts And Marketing  
Recommendation: Adopt A Resolution Authorizing The City Administrator To  
Negotiate And Execute A Two-Year Professional Services Agreement With The  
Oakland Convention And Visitors Bureau To Provide Visitor Marketing Services In An  
Amount Not To Exceed \$650,000 For Fiscal Year 2007-2008 And \$650,000 For Fiscal  
Year 2008-2009 And Provide A Financial Incentive Should TOT Receipts Exceed  
Annual Budgeted Revenues And OCVB Exceed Its Annual Cumulative Economic Value  
Benchmark  
(07-0668)

**The October 23, 2007 Community and Economic Development Committee  
approved recommendations; 4 Ayes**

10.29-CC Subject: Rebuilding Together Oakland  
From: Community and Economic Development Agency  
Recommendation: Adopt An Agency Resolution Authorizing A \$50,000 Grant From  
Broadway/MacArthur/San Pablo Redevelopment Funds To Rebuilding Together  
Oakland To Rehabilitate Houses And/Or Facilities For Low-Income Seniors And/Or  
Disabled Persons Within The Project Area  
(07-0642)

**The October 23, 2007 Community and Economic Development Committee  
approved recommendations; 4 Ayes**

10.30-CC Subject: Emergency Management - Municipal Code Addition  
From: Oakland Fire Department  
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Adding  
Title 8, Chapter 8.50 To The Oakland Municipal Code To Establish The Emergency  
Management And Disaster Preparedness Council, Establish A Misdemeanor Penalty For  
Interference With Emergency Operations And Other Violations Of This Ordinance And  
Repeal Ordinances No. 11467 C.M.S. And No. 11865 C.M.S., Which Established The  
Original Emergency Management Board  
(07-0687)

**The October 23, 2007 Public Safety Committee approved  
recommendations; 4 Ayes**

**Final Passage (Second Reading) has been scheduled for December 4, 2007**

10.31-CC Subject: Public Safety And Police Services Program



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From: Community and Economic Development Agency  
Recommendation: Adopt An Agency Resolution Adopting A Redevelopment Agency Public Safety And Police Services Program For The Broadway /MacArthur/San Pablo, Central City East, Central District, Coliseum, And West Oakland Redevelopment Projects For An Amount Not-To-Exceed \$5,202,000 Of Previously-Allocated Redevelopment Funds For Fiscal Year 2007-2009 And An Additional Allocated Amount Not-To-Exceed \$327,250 For The Broadway /MacArthur/San Pablo Redevelopment Project  
(07-0662)

**The October 23, 2007 Community and Economic Development Committee approved recommendations; 4 Ayes**

**The October 23, 2007 Public Safety Committee approved recommendations and directed staff to provide a supplemental report on the break-down of the \$5,202,000; 4 Ayes**

10.32-CC Subject: Oakland Police Department - Internship Program Funding  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Use Her Discretion In Identifying Funds In The Amount Of Fifty-Six Thousand Dollars (\$56,000), With The Exception Of The Use Of Police Salary Savings, To Fund The Oakland Police Department's 2007-2008 School Year Internship Program  
(07-0769)

**The October 9, 2007 Finance And Management Committee approved the internship program and directed the City Administrator to find an alternative funding source not using salary saving funds. The Committee also directed staff to provide a written response regarding the use of Redevelopment funds for the Police internship program**

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

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

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

13 Reconsideration of Ordinances pursuant to Charter Section 216

### **14. Consideration of items with statutory Public Hearing Requirements:**

14.1 Subject: Interim Land Use Controls  
From: Council President Ignacio De La Fuente  
Recommendation: Conduct A Public Hearing And Upon Conclusion Approve The Introduction (First Reading) Of An Ordinance Extending The Interim Controls For The

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Implementation Of The Oakland General Plan (Oakland Planning Code Chapter 17.01  
And The General Plan Conformity Guidelines) To January 1, 2010  
(07-0713)

**Final Passage (Second Reading) has been scheduled for December 4, 2007**

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

- 15 Subject: McKillop Roadway - Landslide Damage  
From: Public Works Agency  
Recommendation: Adopt A Resolution Renewing And Continuing The Local Emergency  
Due To Landslide Damage To McKillop Roadway First Proclaimed By the City Of  
Oakland On October 17, 2006  
(07-0719)
- 16 Subject: Family And Friends Of Murder Victims - Report  
From: Councilmember Larry Reid  
Recommendation: Receive An Informational Report From "Family And Friends Of  
Murder Victims" Detailing The Groups Function, Providing Resource Information To  
Other Families Of Homicide Victims, And Discussing The State Of The Oakland Police  
Department's Investigative And Crime Laboratory Resources  
(07-0698)
- 17 Subject: Subprime Lending  
From: Councilmembers Jane Brunner And Desley Brooks  
Recommendation: Adopt A Resolution Regarding Subprime Lending And Foreclosures  
And Recommending Policies To Address Foreclosures In Oakland  
(07-0709)
- 18 Subject: Residential Permit Parking Program - Jack London Square  
From: Councilmember Nancy Nadel  
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Of The  
City Of Oakland Adding Chapter 10.45 Of The Oakland Municipal Code Entitled  
"Interim Mixed Use Parking Permit Program For The Jack London District" For A  
Period Not To Exceed Three Years From The Date Of Adoption  
(07-0640)

**Final Passage (Second Reading) has been scheduled for December 4, 2007**

- 19 Subject: Monthly Informational Report On Measure Y  
From: Office Of The City Administrator  
Recommendation: Receive An Informational Report On The Measure Y Accelerated  
Police Recruiting, Hiring, Training And Deployment Strategy  
(06-0241-13)

**The October 9, 2007 Public Safety Committee received and forwarded the report and directed staff to provide a supplemental report containing the following information: 1) the real numbers regarding hired officers, terminated officers, etc. (net figures), since Measure Y program began; 2)**

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**the possibility of having multiple academies to meet goal; 3) the road blocks and/or funding issues associated with running multiple academies; 4 Ayes**

20 NUMBER NOT USED

21 Subject: Smoking Ordinance

From: Office of the City Administrator

Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending Oakland Municipal Code Chapter 8.30, "Smoking" To (1) Prohibit Smoking At Bus Stops And Other Areas Where The Public Waits For Service, (2) At Outdoor Dining Areas, Public Trails, Parks And City-Owned Golf Courses, (3) Family Childcare Centers, (4) Common Outdoor Areas In Multi-Unit Housing; (5) Establish Policy For Smoking Outside Bars; (6) Require New Rental And Sale Agreements For Multi-Unit Housing To Disclose Nonsmoking Prohibitions (ATTACHMENT B) (07-0237-1)

**Introduction (First Reading) was approved October 16, 2007; 7 Ayes, 1 Excused Brooks**

**Vice-Mayor Chang made a motion to introduce the Ordinance of Attachment B on Item 19, with the proposed amendments:**

**1) Section 8.30.030 - "Recreational Area" (page 5) Add "Recreational Area does not include outdoor areas of City-owned golf courses;" and**

**2) Section 8.30.060.B (page 8) to read "Smoking outside of any enclosed place where smoking is prohibited shall occur at a minimum distance of 25 feet from any building entrance, exit, window and air intake vent of the building, provided the smoke does not enter adjacent areas in which smoking is prohibited by any law or by the owner, lessee or licensee of the adjacent property. Bars are exempted from this section."**

**Councilmember Kernighan seconded the Motion with the following friendly amendment accepted by Vice Mayor Chang:**

**1) "Section 8.30.060. Smoking Policy Requirement.**

**b. Smoking outside of any enclosed place where smoking is prohibited shall occur at a minimum distance of 25 feet from any building entrance, exit, window an air intake vent of the building, except that bars are exempted from the outside smoking requirements of this section, provided the smoke does not enter adjacent areas in which smoking is prohibited by any law or by the owner, lessee or licensee of the adjacent property."**

**At the request of Councilmember Quan, with agreement by Vice Mayor Chang, the Council bifurcated the motion for a separate vote on each of the**

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proposed amendments.

**And upon call of the roll to approve the Ordinance with the proposed friendly amendment to Section 8.30.060 (b), the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Kernighan, Nadel, Reid, Quan, and President of the Council De La Fuente -7; Excused - Brooks -1**

**And upon call of the roll to approve the Ordinance with the proposed amendment to Section 8.30.030 - Recreational Area, the motion failed by Ayes: Chang, Kernighan, Reid and President De La Fuente - 4; Noes: Brunner, Nadel, Quan - 3; Excused: Brooks - 1**

**And upon call of the roll to approve the Ordinance with the proposal to prohibit smoking at golf courses, the motion failed by Ayes: Brunner, Nadel, and Quan - 3; Noes: Chang; Kernighan; Reid, President De La Fuente - 4; Excused - Brooks -1**

**THE ORDINANCE WAS INTRODUCED WITH THE FRIENDLY AMENDMENT TO SECTION 8.30.060 SMOKING POLICY REQUIREMENTS, (B).**

22 Subject: Business Tax Ordinance Amendment  
From: Finance and Management Agency  
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Amending Chapter 5.04 Of The Oakland Municipal Code In Order To Correct And Clarify Various Provisions Of The Business Tax Ordinance, To Establish A Late Filing Fee, To Remove Provisions From The Business Tax Ordinance That Are Obsolete Or Repealed By Operation Of Law Or Court Action, To Exempt Owners Of Low Income Housing Tax-Credit Financed Affordable Housing Developments From The Business Tax, To Grant The Director Of Finance Exclusive Discretionary Authority To Waive Penalties, And To Codify Certain Previously Adopted Business Tax Regulations And Policies Relating To Business Reporting And Other Business Tax Procedural Matters (07-0664)

**The October 23, 2007 Finance and Management Committee approved approved recommendations and amended the ordinance at Section 5.04.630 (B) to state "...provided that the property is owned and operated by a partnership in which the managing partner is an eligible nonprofit corporation or limited liability company provided that the property qualifies for the property tax exemption pursuant to Section 214(g) of the California revenue and Taxation Code. To the extent that a portion of property is eligible for the Section 214(g) exemption, the property shall be exempt from the Business Tax in the same proportion as the Section 214(g) exemption. The owner must submit an application and statement to the Business Tax Section setting forth evidence establishing its qualifications for this exemption, including a copy of the Section 214(g) exemption..."; 4**

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## Ayes

- 23 Subject: Land Use Development Strategy - Oakland Army Base  
From: Community and Economic Development Agency  
Recommendation: Action On A Report On The Development Of A Land Use Strategy For The Gateway Development Area Of The Former Oakland Army Base And Request For Direction On The Development Of Ancillary Maritime Service Uses In The East Gateway  
(07-0587)

**The October 23, 2007 Community and Economic Development received and forwarded the report and directed staff to come back with a resolution for a RFQ (and provide as much information in the RFQ to make bidders aware of the City's challenges); 4 Ayes**

**The October 25, 2007 Rules and Legislation Committee scheduled this item for action to support the Committee's direction to move forward with the RFQ process; 4 Ayes**

- 24 Subject: Ancillary Maritime Support Uses  
From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) Adopt A Resolution Authorizing The Agency Administrator To Negotiate And Enter Into A 180-Day Exclusive Negotiating Agreement With Oakland Maritime Support Services (OMSS) To Develop 15 Acres Of Ancillary Maritime Support (AMS) Uses In The Former Oakland Army Base; And  
(07-0679)

2) Adopt An Agency Resolution Authorizing The Agency Administrator To Negotiate A Disposition And Development Agreement With Bay Area Kenworth To Develop A Truck Dealership On Four Acres In The Former Oakland Army Base  
(07-0679-1)

**The October 23, 2007 Community and Economic Development Committee approved recommendations: 4 Ayes**

- 25 Subject: Access To Reproductive Health Care Facilities  
From: Councilmembers Nancy Nadel, Jane Brunner and Jean Quan  
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 Under This Chapter  
(07-0638)

**The October 23, 2007 Public Safety Committee approved recommendations: 4 Ayes**

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**Final Passage (Second Reading) has been scheduled for December 4, 2007**

26 Subject: Children's Fairyland Disclosure Category  
From: Office Of The City Attorney  
Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) Approve The Introduction (First Reading) Of An Ordinance Amending The City Of Oakland's Conflict Of Interest Code (Ordinance Number 11562 C.M.S. Adopted March 23, 1993, As Amended, Oakland Municipal Code Chapter 3.16) To Change The Disclosure Of The Children Fairyland, Inc. Board Of Trustees (OPTION A)  
(07-0767)

**Final Passage (Second Reading) has been scheduled for December 4, 2007**

2) Approve The Introduction (First Reading) Of An Ordinance Amending The City Of Oakland's Conflict Of Interest Code (Ordinance Number 11562 C.M.S. Adopted March 23, 1993, As Amended, Oakland Municipal Code Chapter 3.16) To Change The Disclosure Of The Children Fairyland, Inc. Board Of Trustees (OPTION B)  
(07-0767-1)

**Final Passage (Second Reading) has been scheduled for December 4, 2007**

## Continuation of Open Forum

### ADJOURNMENT OF COUNCIL SESSION

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

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

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(TDD)

THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR OVER THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO ENSURE THE SAFETY OF THOSE ATTENDING MEETINGS.

(...)

# SUPPLEMENTAL

**Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council**

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**Tuesday, November 06, 2007**

**LATONDA SIMMONS  
Agency Secretary/City Clerk  
and Clerk of the Council**

ORA - Oakland Redevelopment Agency  
S - Supplemental Item