



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>

Tuesday, November 06, 2007

6:00 PM

City Council Chambers - 3rd Floor

1 Pledge of Allegiance

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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 6:24 pm.

2 Roll Call / ORA & Council

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ORA\Councilmember Present: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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.

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There was no action necessary for this 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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There was no action necessary for this item.

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.

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There was no action necessary for this item.

The Roll Call was modified to note Councilmembers Brooks, Brunner and Reid absent at 6:34 PM

- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on October 16, 2007
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A motion was made by Councilmember Nadel, seconded by Councilmember Kernighan, to *Approve as Submitted. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 3 - Councilmember Brooks, Councilmember Brunner and Councilmember Reid
ORA\Councilmember Ayes: 5 - Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council De La Fuente

The Roll Call was modified to note Councilmembers Brooks, Brunner and Reid present at 6:40 PM

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](#)

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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 Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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- 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~~
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**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland
Redevelopment Agency / City Council on 12/4/2007**

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan, Councilmember Reid and President of the
Council De La Fuente
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9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

*Agency/Councilmember Nadel took a point of personal privilege and requested
that the meeting be adjourned in memory of Billy Ray Taylor, Jr.*

*Agency/Councilmember Brooks took a point of personal privilege and
requested that the meeting be adjourned in memory of Maryam Rashada and
Pamela Romez*

*Agency/Councilmembers Brooks, Reid and De La Fuente took a point of
personal privilege and requested that the meeting be adjourned in memory of
Frank Thomas*

*Agency/Councilmember Brunner took a point of personal privilege and
requested that the meeting be adjourned in memory of Mary Gregan*

10. CONSENT CALENDAR (CC) ITEMS:

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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan, Councilmember Reid and President of the
Council De La Fuente
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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
[07-0718](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan, Councilmember Reid and President of the
Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan, Councilmember Reid and President of the
Council De La Fuente
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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](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

The following individuals spoke on this item:

- Sanaz Meshkinpour
- Ali Sheikholeslami
- Jacqueline Cabasso
- Eleanor Levine
- Frank Barzin
- James Harris
- Kazem Jabbari
- Mino Hamzani
- Schauleh Sahba
- Stella Goodpasture
- Afra Shekarloo
- Charles Porter
- Pamela Drake
- Susan Harman
- Shahram Aghamir
- Enayat Katouli

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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](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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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 Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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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 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](#)

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland
Redevelopment Agency / City Council on 12/4/2007**

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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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 Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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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 Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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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 Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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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 Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan, Councilmember Reid and President of the
Council De La Fuente

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

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan, Councilmember Reid and President of the
Council De La Fuente

The following individuals spoke on this item:

- *Teresita Cruz*
- *Aaron Taylor*
- *Lucille Landoner*
- *Pinkie Lee*

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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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~~10.22~~ ~~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 Taxi Medallions, To Allow The Firm To Provide Specialized Legal Assistance To The City Of Oakland Regarding Union Pacific Railroad's Interest In Using A Rail Spur Track In Oakland's Fruitvale District~~
~~[07-0766](#)~~

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland
Redevelopment Agency / City Council on 12/4/2007**

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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 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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan, Councilmember Reid and President of the
Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan, Councilmember Reid and President of the
Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan, Councilmember Reid and President of the
Council De La Fuente
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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 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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan, Councilmember Reid and President of the
Council De La Fuente

The following individual spoke on this item:

- Ora Knowell

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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan, Councilmember Reid and President of the
Council De La Fuente

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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan, Councilmember Reid and President of the
Council De La Fuente

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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](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan, Councilmember Reid and President of the
Council De La Fuente

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10.31-CC Subject: Public Safety And Police Services Program
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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

The following individuals spoke on this item:

- Ora Knowell
- Josphine Lee
- Collen Brown
- Larry Benson

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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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Passed The Consent Agenda

A motion was made by Councilmember Brooks, 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 Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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

A motion was made by Councilmember Nadel, seconded by Vice Mayor Chang, to *Approve as Submitted to accept the oral report from the City Attorney on final decisions made during Closed Session (See Attachment A) The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

- 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 Councilmember Nadel, to *Approve as Submitted the report from the Office of the City Attorney confirming that there were no discussions of non-confidential items pursuant to Section 15 of the Sunshine Ordinance The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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

- 13 Reconsideration of Ordinances pursuant to Charter Section 216
There was no action necessary for this item

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

[07-0713](#)

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A motion was made by Vice Mayor Chang, seconded by Councilmember Reid, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on December 4, 2007 and directing staff to return to the December 11, 2007 Community and Economic Development Committee with a 2 year work plan including key milestones, budgetary implications and project deadlines The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was opened at 7:58 PM

The following individuals spoke on this item:

- Thomas Dolan
- Christopher Waters
- Joan Lichterman
- Yui Hay
- Jane Yoon
- Reuel Smith
- Fred Perkins
- Anne Bruff
- Joyce Roy
- Sanjiv Handa

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

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[12839 CMS.pdf](#)

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](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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[80929 CMS.pdf](#)

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](#)
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A motion was made by Councilmember Reid, seconded by Councilmember Brooks, that this matter be *Received and Filed. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Vice Mayor Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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

- Sanjiv Handa
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The Roll Call was modified to note Council President De La Fuente excused at 9:10 PM

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](#)

A motion was made by Councilmember Brunner, seconded by Councilmember Brooks, 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
Staff was directed to return ASAP with immediate steps the city can take to really help the families in Oakland, (i.e. renter's rights education classes, convene with banking institutions, be proactive in reviewing loans and identifying people that may come to the city for help). Staff was also directed to: look at other cities that have taken similar actions (i.e. Chicago and Boston); improve code enforcement at blighted foreclosed properties; incorporate solutions for subprime lending in the overall affordable housing strategy; and come to the Rules Committee on Thursday to schedule the follow-up report.

The following individuals spoke on this item:

- Willam Pegg
- Jose Vizcaino
- Maria Lopez
- Sebastian Reulas
- Larry Hynson
- Billy Trice, Jr.
- Marilyn Reynolds
- Leslie Marks
- Eesuu Orundide

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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](#)

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 December 4, 2007. 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
Staff was directed to come back in one year with a report on the parking revenue generated by the program and to review in two years the true amortization for equipment and worker benefits to ensure the program is self sustaining.

The following individuals spoke on this item:

- Barry Pilger
 - Steve Lowe
 - Sanjiv Handa
- [View Report.pdf](#)
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[12847 CMS.pdf](#)

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](#)
 [Play Video](#)

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
Staff was directed to return to the first committee meeting in January with a report on the comprehensive (general and Measure Y) recruitment strategy. Staff was also directed to perform an analysis of ways to motivate/encourage people to stay in the academy; look at the civilianization of some duties and retention strategies.

The following individual spoke on this item:

- Sanjiv Handa
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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](#)
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Not Approved

Councilmember Reid made a substitute motion seconded by Vice Mayor Chang to re-introduce the ordinance as amended by adding the following language to the definition of "Recreational Area" - For the purposes of this ordinance recreational area does not include outdoor areas of city-owned golf courses.

And upon call of the roll to approve the Ordinance for re-introduction as amended the motion failed by Ayes: Brooks, Chang, Kernighan, Reid - 4; Noes: Brunner, Nadel, Quan -3; Excused: De La Fuente -1

Councilmember Brunner made a motion seconded by Councilmember Nadel to adopt the ordinance as submitted in the packet for final passage.

And upon call of the roll to approve the Ordinance for final passage the motion failed by Ayes: Brunner, Kernighan, Nadel, Quan - 4; Noes: Chang, Reid -2; Abstained: Brooks -1; Excused: De La Fuente -1

A motion was made by Councilmember Nadel seconded by Councilmember Reid to re-consider the substitute motion. The motion passed by Ayes: Brooks, Brunner, Chang, Kernighan, Nadel, Quan, Reid - 7; Excused: De La Fuente -1

And upon call of the roll to approve the Ordinance for re-introduction as amended the motion passed by Ayes: Brooks, Brunner, Chang, Kernighan, Nadel, Reid - 6; Noes: Quan -1; Excused: De La Fuente -1

The following individuals spoke on this item:

- Serena Chen*
- Pamela Drake*
- Carol McGruder*
- Jacie Jones*
- Ralph Mjorales*
- Keisha Nzewi*
- Darryl Davis*
- Sanjiv Handa*

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The Roll Call was modified to note Councilmembers Brunner and Kernighan absent at 10:56 PM.

- 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](#)

A motion was made by Councilmember Nadel, seconded by Vice Mayor Chang, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on December 4, 2007. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - President of the Council De La Fuente
ORA\Councilmember Absent: 2 - Councilmember Brunner and Councilmember Kernighan
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Vice Mayor Chang, Councilmember Nadel, Councilmember Quan and Councilmember Reid

The following individuals spoke on this item:

- Kate McKean
- Mary Lucero-Dorst
- Sanjiv Handa

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[12838 CMS.pdf](#)

The Roll Call was modified to note Councilmembers Brunner and Kernighan present at 11:00 PM.

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](#)

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A motion was made by Councilmember Brunner, seconded by Councilmember Nadel, that this matter be Approved 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

Staff was directed to come back with the RFQ process and to include in the RFQ the following language: "bidders must express their willingness to comply with the local jobs and equity participation requirements of the city". The RFQ should also include a vision for developers because we want the gateway to be "spectacular". Staff was also directed to bring the RFQ with an RFP option back ASAP for review by the Council.

The following individuals spoke on this item:

- Bill Aboudi*
- Virian Bouze*
- Dexter Vizinau*
- Steve Lowe*
- Margaret Gordon*
- Nicholas Peraino*
- Phil Tagami*
- Sanjiv Handa*

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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](#)

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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

The following individual spoke on this item:

- Sanjiv Handa

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[2007-0076 CMS.pdf](#)

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](#)

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

[2007-0077 CMS.pdf](#)

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](#)
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A motion was made by Councilmember Nadel, seconded by Councilmember Brunner, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on December 4, 2007. 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 individuals spoke on this item:

- Terry L. Thompson
- Dolores Mehan
- Destiny Lopez
- Terry Sandoval
- Janet Wallace
- Mary Dunn
- Jackie Barbic
- Earl Stuckey
- Lila Martinez
- Lillian Jimenez
- Michael Brannon
- Philip Hayes
- Walter Hoye
- Edith Black
- Ginny Murphy
- Eric Hardy
- Cyrus Johnson
- Colleen Knutsen
- Chris Rollins
- Mary Massell
- Michael Marcheschi
- Lauren Quan
- Linci Comy
- Amy Moy
- Helen Hutchison

- Patricia Savitsky

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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](#)

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Not Adopted

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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](#)

A motion was made by Vice Mayor Chang, seconded by Councilmember Nadel, that this matter be Approved as Amended for Re-Introduction to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on December 4, 2007. 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

The following individuals spoke on this item:

- Matthew Webb

- Sanjiv Handa

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Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

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

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There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Billy Ray Taylor, Jr, Maryam Rashada, Frank Thomas, Pamela Romez, Mary Gregan at 12:50 AM.

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