

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, May 01, 2007

6:00 PM

Oakland City Hall, 3rd Floor

1 Pledge of Allegiance

A meeting of the Joint Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 6:23 PM.

2 Roll Call / ORA & Council

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

Open Forum / Citizens Comments (Time Available: 15 minutes)

The following individual(s) spoke under Open Forum:

- Mischon Martin
- Marion DeSousa
- Elena Hocking
- Hilary Alemanni
- Paula Pereira
- Tracy Timmer
- Kathy Park
- Samara Love
- Richard Aswad
- Dorothy Marshey
- Deloris Aiken
- Sanjiv Handa
- 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.

There was no action necessary for this item

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

There was no action necessary for this item

Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on April 17, 2007

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

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

8. PRESENTATION OF CEREMONIAL MATTERS

8.1 Subject: Bike To Work Month

From: Council President Ignacio De La Fuente

Recommendation: Adopt A Resolution Proclaiming Thursday, May 17, 2007, As City Of Oakland Bike To Work Day, And May 2007 As City Of Oakland Bike Month 07-0121

A motion was made by Councilmember Nadel, seconded by President of the Council De La Fuente, that this matter be Adopted. The motion carried by the following vote:

8.2 Subject: Golden State Warriors Recognition

From: Council President Ignacio De La Fuente

Recommendation: Adopt A Resolution Congratulating The Golden State Warriors On

Advancing To The 2007 NBA Playoffs

07-0191

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

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

Councilmember Reid

S-8.3 Subject: Municipal Clerk's Week 2007

From: Council President De La Fuente

Recommendation: Adopt A Resolution Declaring April 29, 2007 Through May 5, 2007 As Municipal Clerk's Week; On The May 1, 2007 City Council Agenda As A Ceremonial Item 07-0216

A motion was made by President of the Council De La Fuente, seconded by Councilmember Reid, that this matter be Adopted. The motion carried by the following vote:

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

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

- Sanjiv Handa

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Agency/Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Beatrice Gomez

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 07-0153

This Matter was Adopted on the Consent Agenda.

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

Councilmember Reid

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

07-0154

This Matter was Adopted on the Consent Agenda.

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

The following individual(s) spoke in favor of this item:

- Carrie Armstrong
- S.B. Well

10.3-CC Subject: Rebecca S. Quick - 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 Rebecca S. Quick V. Joseph West; Et Al., Alameda County Superior Court Case No. RG05223484, In The Amount Of \$10,000.00 As A Result Of A Trip And Fall Accident At Or Near 5232 Claremont Avenue In Oakland On June 17, 2004. (Public Works Services Agency)

07-0147

This Matter was Adopted on the Consent Agenda.

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

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

- Sanjiv Handa

10.4-CC Subject: Nicholas Counts - 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 Nicholas Counts In The Amount Of Six Thousand Five Hundred Dollars And No Cents (\$6,500.00), As A Result Of Bodily Injuries Sustained In An Automobile Collision With A City Vehicle On June 22, 2006. (Public Works Agency) 07-0148

This Matter was Adopted on the Consent Agenda.

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

10.5-CC Subject: Councilmember Larry Reid - Travel Authorization

From: Councilmember Larry Reid

Recommendation: Adopt A Resolution Authorizing Councilmember Larry E. Reid To Travel To Cleveland, Ohio To Attend "Partners For Success: The Changing Face Of Cities" Conference On May 4 - 5, 2007 07-0158

This Matter was *Withdrawn with No New Date on the Consent Agenda.

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

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

- Sanjiv Handa

10.6-CC Subject: Intertribal Friendship House

From: Councilmembers Pat Kernighan and Nancy Nadel

Recommendation: Adopt A Resolution Authorizing An Immediate Allocation To The Intertribal Friendship House For Its Operations In The Amount Of \$15,000 From Councilmember Kernighan's Priority Project Funds And \$5,000 From Councilmember Nadel's Priority Project Funds

07-0192

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

10.7-CC Subject: Assembly Bill 444
From: Public Works Agency

Recommendation: Adopt A Resolution Declaring The City Of Oakland's Support For Assembly

Bill 444 (Hancock) - Vehicle Registration Fee For Congestion Management And

Transportation Improvements

07-0113

This Matter was Adopted on the Consent Agenda.

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

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

- Sanjiv Handa

S-10.8-CC Subject: 229 Castro Street - Encroachment

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Revoking Approval For Demolished Encroachments In Second Street And Castro Street For A Vacant Lot At 229 Castro Street 07-0098

This Matter was Adopted on the Consent Agenda.

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

S-10.9-CC Subject: Oakland Ice Center Entry - Project

From: Community and Economic Development Agency

Recommendation: Adopt An Agency Resolution Rejecting Bids And Authorizing The Agency Administrator, Or Her Designee, To Award A Construction Contract For Modification Of The 17th Street Entry To The Oakland Ice Center In Accord With Specification No. G84040 To Rockridge Builders In An Amount Not-To-Exceed Of One Hundred Fifty-Nine Thousand Three Hundred And Ninety Dollars (\$159,390.00)

This Matter was Adopted on the Consent Agenda.

 \mathbf{C}

S-10.10-C Subject: Broadway/Macarthur/San Pablo Project Area Committee

C From: Community and Economic Development Agency Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing A One-Year Extension Of The Project Area Committee For The Broadway/MacArthur/San Pablo Redevelopment Project To July 25, 2008; And 07-0010

This Matter was Adopted on the Consent Agenda.

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

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

2) A Resolution Amending The Procedures Of Formation For The Broadway/MacArthur/San Pablo Redevelopment Project Area Committee To Allow Up To 8 Neighborhood Groups To Serve On The Project Area Committee, And Designating The Greater Mosswood Neighborhood Association As A Community Organization Represented On The Project Area Committee 07-0010-1

This Matter was Adopted on the Consent Agenda.

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

S-10.11-C Subject: MacArthur Boulevard Undergrounding

From: Community and Economic Development Agency Recommendation: Adopt The Following Pieces Of Legislation:

1) A Redevelopment Agency Resolution Authorizing The Contribution And Appropriation Of Redevelopment Agency Funds To The City Of Oakland Under The Cooperation Agreement In An Amount Not To Exceed \$300,000 For The MacArthur Boulevard Undergrounding Project On MacArthur Boulevard From 73rd Avenue To The San Leandro Border In The Central City East Project Area; And 07-0102

This Matter was Adopted on the Consent Agenda.

2) A Resolution Authorizing The City To Accept And Appropriate A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement In An Amount Not To Exceed \$300,000 For The MacArthur Boulevard Undergrounding Project On MacArthur Boulevard From 73rd Avenue To The San Leandro Border In The Central City East Project Area 07-0102-1

This Matter was Adopted on the Consent Agenda.

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

S-10.12-C Subject: Central City East Project Area Committee Extension C From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Authorizing A One-Year Extension Of The Project Area Committee For The Central City East Redevelopment Project To July 29, 2008 07-0104

This Matter was Adopted on the Consent Agenda.

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

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

S-10.13-C Subject: Golden Gate Bonsai Federation - Agreement

C From: Office of Parks and Recreation

Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A License Agreement Between The City Of Oakland And Golden State Bonsai Federation For Nonexclusive Use Of The Bonsai Garden And Adjacent Nursery Area Located Within The Demonstration Garden Area Of Lakeside Park, Oakland, California For One Dollar Per Year For A Ten Year Term With Two Consecutive Ten-Year Options To Renew 06-0921

This Matter was Adopted on the Consent Agenda.

S-10.14-C Subject: Allied Traffic Enforcement Operations

C From: Oakland Police Department

Recommendation: Adopt A Resolution Waiving The Competitive Request For Proposal/Qualifications Process And Authorizing The City Administrator To Enter Into Agreements With Law Enforcement Agencies For Allied Traffic Enforcement Operations And Other Law Enforcement Services In An Amount Within The City Administrator's Purchasing Authority On Behalf Of The Police Department 07-0096

This Matter was Adopted on the Consent Agenda.

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

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

- Sanjiv Handa

S-10.15-C Subject: Police Department Marine Unit C From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee, On Behalf Of The City Of Oakland To: 1) Accept And Appropriate Reimbursement Funds Of Up To Fifteen Thousand Dollars (\$15,000) Annually, From The Port Of Oakland To The Oakland Police Department Marine Unit For The Cost Of Fuel For Marine Vessels Used To Patrol The Waterways In And Around The City Of Oakland As Described In The Memorandum Of Understanding With The Port Of Oakland And, 2) Deposit All Funds Received From The Sale Of Two Older Police Boats, And Other Donated Monies In A Separate Project To Be Determined, To Off-Set The Maintenance And Equipment Costs Of New Police Marine Vessels 07-0108

This Matter was Adopted on the Consent Agenda.

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

Passed The Consent Agenda

A motion was made by Councilmember Kernighan, seconded by Councilmember Nadel, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

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

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

There were no final decisions made in Closed Session

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

A motion was made by Councilmember Quan, seconded by Councilmember Kernighan, to Adopt the Agenda with the following exceptions. The motion carried by the following vote:

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

Agency/Councilmember Quan made a motion seconded by
Agency/Councilmember Kernighan confirming that there were no discussions
pursuant to Section 15 of the Sunshine Ordinance, and hearing no objections,
the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang,
Nadel, Reid, Quan, Kernighan and President of the Council De La Fuente -8

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

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:

ACTION ON NON-CONSENT ITEMS:

15A

Subject: MacArthur Maze Collapse Emergency Resolution

From: Oakland Fire Department

Recommendation: Adopt A Resolution Proclaiming A Local Emergency Due To The Catastrophic Fire, Intense Heat And Collapse Of A Portion Of The Oakland Maze-East Bay 580 Freeway That Resulted From A Traffic Collision During The Early Morning Hours Of Sunday April 29, 2007

07-0281

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 Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

Agency/Councilmember Reid made a motion seconded by Agency/Councilmember Nadel to approve an urgency finding pursuant to Section 2.20.080 E(2) regarding Item 15A that there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting; 8 Ayes

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

07-0152

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

S-16 Subject: Slope Stabilization And Drain Improvements

From: Public Works Agency

Recommendation: Adopt A Resolution Rejecting The Single Bid and Authorizing The City Administrator To Award A Negotiated Construction Contract To Beliveau Engineering Contractors, Inc. For The Construction Of Slope Stabilization Piers And Drainage Improvements In Joaquin Miller Park (Project Nos. C282850, C244870 And C195610) For An Amount Not To Exceed Four Hundred Thirty-Eight Thousand Three Hundred Eighty-Two Dollars (\$438,382.00) 07-0129

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

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

S-17 Subject: Jack London Square - Mixed-Use District Parking Program

From: Community and Economic Development Agency

Recommendation: Action On A Report And Recommendation For Review And Consideration Of A New Jack London District Interim Mixed Use Permit Parking Program

Staff Recommendation:

Approve The Concept Of The Interim Mixed-Use District Permit Parking Program For The Jack London District And Direct Staff To Return To City Council With An Implementation Plan for the Jack London District As Well As A Recommended Process For Analyzing City-Wide On-Street Parking Issues By January 2007 06-0640-1

*Received and Filed

Votes:

Staff was directed to return at a future meeting with the exact number of permits and the price that would be charged. Staff will also return to Council for approval of any changes to the ordinance.

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

- Sanjiv Handa

The following individual(s) spoke in favor of this item:

- Barry Pilger

S-18 Subject: Newsracks And Newspaper Multi-Racks

From: Councilmember Jane Brunner

Recommendation: Action On A Report And Recommendation On The City's Current Regulations For The Placement And Maintenance Of Newsracks And Newspaper Multi-Racks In Public Rights Of Way, Enforcement Options Currently Available To Ensure Well-Maintained Newsracks And Newspaper Multi-Racks, And Recommendations To Improve Newsrack And Newspaper Multi-Rack Maintenance 07-0012

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

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

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

- Sanjiv Handa

S-19 Subject: Oakland Police Department Reorganization

From: Oakland Police Department

Recommendation: Receive A Report From The Chief Of Police On The Oakland Police
Department Assessment Project, Conducted By Harnett Associates, On Organizational And
Operational Recommendations To Improve The Department's Effectiveness In Reducing Crime
In The City
07-0060

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

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

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

Concurrent Meeting of the Oakland Redevelopment Agency/City

Meeting Minutes

May 1, 2007

Council

S-20 Subject: Measure Z Oversight Committee Report

From: Office Of The City Administrator

Recommendation: Receive An Annual Report Of The Measure Z Community Oversight

Committee For 2006

07-0137

Staff was directed to return with a report concerning the options suggested by the Measure Z committee as well as the tax implications and anticipated revenue

The following individuals spoke on this item:

- Christopher Capuano
- Jimmie Stringer
- Jacqueline Stuart
- Paula Beal
- Chris Mitchell
- Ricky Sims, II
- Armando Soto
- Chris Purdin
- Lydia Calb
- Reginold Harper, Sr.
- Jaime Galindo
- Richard Lee
- Sanjiv Handa

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)

There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Beatrice Gomez at 9:17 PM.

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TDD

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City Clerk and Clerk of the Council