



- 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*

- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on February 17, 2009

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**A motion was made by Councilmember De La Fuente, seconded by Councilmember Kaplan, to \*Approve the Minutes. The motion carried by the following vote:**

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

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

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- 8.1 Subject: Morcom Rose Garden  
From: Councilmember Patricia Kernighan  
Recommendation: Adopt A Resolution Commending The City Of Oakland Staff And Volunteers On The Morcom Rose Garden's Acceptance Into The All-America Rose Selection's Public Gardens Program

09-0131

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

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

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

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

**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  
[09-0124](#)

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

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

*The following individual spoke on this item:*

- Paulette Hogan

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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  
[09-0125](#)

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

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

*The following individual spoke on this item:*

- Paulette Hogan

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10.3-CC Subject: ZML Company - 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 ZML Company, In The Amount Of Six Thousand Six Hundred Ninety Nine Dollars (\$6,699.00), As A Result Of Property Damage Sustained As A Result The Failure Of The City's Sewer Main On April 25, 2008. (Public Works Agency)  
[09-0126](#)

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

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

*The following individual spoke on this item:*

- Paulette Hogan

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10.4-CC Subject: Siu - 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 Judy, Or Wendy Or Ming-Ng Siu, In The Amount Of \$29,900.00, As A Result Of Property Damage Sustained As A Result Of A Failed City Sewer Main On November 30, 2008 (Public Works Agency)  
[09-0127](#)

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

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

*The following individual spoke on this item:*

- Paulette Hogan

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10.5-CC Subject: Frank And Myrtis Davis - 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 Frank And Myrtis Davis, In The Amount Of \$36,237.00,  
As A Result Of Property Damage Sustained As A Result Of A Failed City Sewer Main On  
December 07, 2008 (Public Works Agency)  
[09-0128](#)

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

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

*The following individual spoke on this item:*

- Paulette Hogan

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10.6-CC Subject: Jules Masalunga - 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 Jules Masalunga V. City Of Oakland; Et Al., Alameda  
County Superior Court Case No. RG08-367928, In The Amount Of \$13,000.00 As A Result Of  
An Automobile Accident At The Intersection Of Broadway And 27th Street. (Police Services)  
[09-0129](#)

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

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

*The following individual spoke on this item:*

- Paulette Hogan

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S-10.7-CC Subject: Revocable And Conditional Permit - 1755 Broadway LLC  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Granting 1755 Broadway LLC A Revocable And  
Conditional Permit To Allow An Existing Basement In A Building At 1755 Broadway To  
Enroach Under The Public Sidewalk Along Telegraph Avenue  
[09-0027](#)

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

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

*The following individual spoke on this item:*

- Paulette Hogan

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S-10.8-CC Subject: Rehabilitation Of Sanitary Sewers - Pacific Trenchless  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To  
Pacific Trenchless, Inc. For The Rehabilitation Of Sanitary Sewers Off Alvarado Road And  
Evergreen Lane (Project No. C282811) For The Amount Of Two Hundred Fifty-Four Thousand  
Nine Hundred Ten Dollars (\$254,910.00)  
[09-0085](#)

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

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

*The following individual spoke on this item:*

- Paulette Hogan

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S-10.9-CC Subject: Rehabilitation Of Sanitary Sewers - Mosto Construction  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To Mosto Construction, Inc. For The Rehabilitation Of Sanitary Sewers In Various Locations Off Redwood Road, Tartan Way, Crestmont Drive, Kimberlin Heights Drive, And Elinora Avenue (Project No. C262310) For The Amount Of Four Hundred Forty Thousand Five Hundred Twenty-Five Dollars (\$440,525.00)  
[09-0086](#)

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

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

*The following individual spoke on this item:*

- Paulette Hogan

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S-10.10-C Subject: Rehabilitation Of Sanitary Sewers - Andes Construction  
C From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers In An Area Bounded By Lakeside Drive, Alice Street, 20th Street And 11th Street (Project No. C59310) For The Amount Of Two Million Five Hundred Seventy Thousand And Forty-Two Dollars (\$2,570,042.00)  
[09-0087](#)

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

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

*The following individual spoke on this item:*

- Paulette Hogan

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S-10.11-C Subject: Purchase And Sell Agreement - Jefferson And 18th Streets  
C From: Community and Economic Development Agency  
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Negotiate And Execute A Purchase And Sale Agreement To Sell Approximately Sixty (60) Square Feet Of City-Owned Surplus Real Property Located At Jefferson And 18th Streets To Wendy Neft Sanda And Kenneth Neft, The Adjoining Property Owners, For The Total Fair Market Value Of Three Hundred (\$300.00) Dollars  
[09-0053](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner  
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S-10.12-C Subject: Local Agencies Investment Fund  
C From: Finance and Management Agency  
Recommendation: Adopt The Following Pieces Legislation:

1) A Resolution Of The Oakland Joint Powers Financing Authority Authorizing The Deposit Of Authority Monies In The Local Agencies Investment Fund As Authorized Under California Government Code Section 16429.1 For Purposes Of Investment By The State Treasurer And Designating The Officers Authorized To Order The Deposit And Withdrawal Of Monies In The Fund  
[09-0057](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner  
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2) A Resolution Of The Redevelopment Agency Of The City Of Oakland Authorizing The Deposit Of Agency Monies In The Local Agencies Investment Fund As Authorized Under California Government Code Section 16429.1 For Purposes Of Investment By The State Treasurer And Designating The Agency Officers Authorized To Order The Deposit And Withdrawal Of Monies In The Fund; And  
[09-0057-1](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner  
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3) A Resolution Of The City Council Of The City Of Oakland Authorizing The Deposit Of City Monies In The Local Agencies Investment Fund As Authorized Under California Government Code Section 16429.1 For Purposes Of Investment By The State Treasurer And Designating The City Officers Authorized To Order The Deposit And Withdrawal Of Monies In The Fund  
[09-0057-2](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner  
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[81813 CMS.pdf](#)

S-10.13-C Subject: Real Property Purchase - 905 66th Avenue  
C From: Community and Economic Development Agency  
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 905 66th Avenue, From The Alameda-Contra Costa Transit District For \$7,747,102 Less the Cost Of Any Environmental Site Remediation And Authorizing Up To \$12,000 For Real Estate Closing Costs, \$60,000 For Property Inspection Costs And \$1,000,000 For Demolition Costs  
[09-0039](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner  
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S-10.14-C Subject: Bay Area Identity Theft Strike Force  
C From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee, To  
1) Enter Into A Memorandum Of Understanding With The US Department Of Homeland  
Security, United States Secret Service (USSS) And The City Of Oakland Through The Oakland  
Police Department (OPD) To Participate In The Bay Area Identity Theft Strike Force (BAIT SF),  
For The Period Of October 1, 2008 Through September 30, 2009, Renewable Annually, And 2)  
Accept Reimbursement Funds In An Amount Not To Exceed Twenty Five Thousand Dollars  
(\$25,000) From The US Department Of The Treasury Asset Forfeiture Fund To The Oakland  
Police Department For Investigator Overtime And Other Asset Forfeiture Fund Authorized  
Reimbursements In Accordance With The Existing Federal Sharing Agreement  
[07-1906](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La  
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember  
Nadel, Councilmember Quan and President of the Council Brunner  
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[81814 CMS.pdf](#)

S-10.15-C Subject: Taxicabs Insurance Requirements  
C From: Office of the City Administrator  
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.64  
"Taxicabs" To A) Require The Same Insurance Limits Required By The Oakland Airport For  
Taxicabs That Work At The Airport; And B) Move 1) Authority For The Design Of The Fleet  
Management Permit Application, And 2) Discretion To Deny Fleet Management Permits On The  
Basis Of Criminal Convictions From The Oakland Police Department To The Office Of The City  
Administrator  
[09-0059](#)

**This Matter was Approved on Introduction for Final Passage to the  
Concurrent Meeting of the Oakland Redevelopment Agency / City Council,  
due back on March 17, 2009 on the Consent Agenda.**

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La  
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember  
Nadel, Councilmember Quan and President of the Council Brunner  
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**Passed The Consent Agenda**

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

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

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

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*There were no decisions made at Closed Session*

- 12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 2.20.130 of the Sunshine Ordinance

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

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

**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:**

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14.1      Subject:      Planning Code Amendments - Chapters 17.73 And 17.102  
                 From:            Community and Economic Development Agency  
                 Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The  
                 Following Pieces Of Legislation:

1) An Ordinance Amending The Oakland Planning Code To: (1) Amend Chapter 17.102 "General Regulations Applicable To All Or Several Zones" To Include Performance Standards For Primary Collection Center Recycling Uses In All Zones (2) Amend Chapter 17.73 "CIX-1, CIX-2, IG And IO Industrial Zones" To Include Regulations Concerning Primary Collection Center Recycling Uses In CIX-1, CIX-2 And IG Zones; (2) Amend Chapter 17.10 "Use Classifications" To Delete "Intermediate Processing Facility" As A Land Use Activity Type From O.M.C. 17.10.586 "Recycling And Waste-Related Industrial Activities"; Or [07-1774](#)

**Not Approved**

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2) A Revised Ordinance (Including Changes To The Extent Of The Area For Which Primary Collection Centers Are Responsible For Litter, Garbage And Shopping Cart Removal, And Allowed Parking Areas For Facility-Owned Vehicles) Amending The Oakland Planning Code To:

- (1) Amend Chapter 17.102 "General Regulations Applicable To All Or Several Zones" To Include Performance Standards For Primary Collection Center Recycling Uses In All Zones;
- (2) Amend Chapter 17.73 "CIX-1, CIX-2, IG And IO Industrial Zones" To Include Regulations Concerning Primary Collection Center Recycling Uses In CIX-1, CIX-2 And IG Zones;
- (3) Amend Chapter 17.10 "Use Classifications" To Delete "Intermediate Processing Facility" As A Land Use Activity Type From O.M.C. Section 17.10.586 "Recycling And Waste-Related Industrial Activities"

[07-1774-1](#)

**A motion was made by Councilmember Nadel, seconded by Councilmember De La Fuente, to Approved As Amended On Introduction to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on March 17, 2009. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner

*Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was opened at 7:06 p.m.*

*The following individuals spoke on this item:*

- Jay Anast
- Sam Bryson
- Jason Whitt
- Darlene Bradley
- Nara Dahlbacks
- Sheilah Patterson
- Valerie Jones
- Michael Williams
- Rev. R. Williams Pastor
- Wendy Georges
- Floyd Smith
- Mycah Anast
- Rena Rickles
- Vay Hoang

*Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember De La Fuente, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember:*

---

*Brooks, De La Fuente, Kaplan, Kernighan, Nadel, Quan, and President of the Council Brunner -7; Excused: Agency/Councilmember: Reid-1*

*Council approved the introduction of the Second Ordinance with the following amendments:*

*O.M.C. Section 17.73.35. is amended to read as follows:*

- 5. Litter, Debris, Graffiti and Cleanliness. For existing, new or expanded uses:*
- a. The site shall be maintained in a clean and orderly condition, free of vectors, and free of standing water and any odiferous waste;*
  - b. The public right-of-way shall not be used for storage or processing of materials;*
  - c. Graffiti shall be removed within seventy-two (72) hours of application;*
  - d. A cleanliness/litter management and control plan shall be developed, implemented and maintained, such that it is ready for inspection. The plan shall include provisions for the disposal of recycling-related litter and debris in the public right-of-way within the area comprised of all streets adjacent to the premises, and the one-block extension of those streets to the north and south, and east and west, respectively (See Attachment B). This would not include material illegally dumped that is not related to the recycling operation, including but not limited to hazardous material, containers of paint or unidentified liquids, tree trimmings, residential, commercial and/or industrial waste or dumping of materials not accepted by the Primary Collection Center. In addition, the Primary Collection Center shall produce a notice to distribute to customers that states that all illegal dumping shall be reported to City authorities.*
  - e. A site/immediate neighborhood shopping cart management plan shall be developed, implemented and maintained, such that it is ready for inspection. If the Primary Collection Center accepts materials from the public brought by means of a shopping cart, it shall be responsible for the retrieval of all shopping carts within the area comprised of all streets adjacent to the premises, and the one-block extension of those streets to the north and south, and east and west, respectively (See Attachment A). Additionally, a Primary Collection Center shall post signage that includes contact information to report abandoned shopping carts in the vicinity of the facility if called or notified by a member of the public about abandoned shopping carts located within a two-block radius of the premises, a Primary Collection Center shall retrieve said carts. A two-block radius of the premises shall comprise all street sides of the twenty-five- (25) square block area that includes the block on which the premises is located (as the center block of the twenty-five (25) square block area).*
- 7. Equipment and Facilities. For existing, new or expanded uses:*
- a. There shall be no exterior pay telephones located at the site;*

- b. All equipment shall be maintained and kept in good \*working order;*
- c. After business hours, all facility-owned vehicles shall be stored within the facility or at an appropriate alternative off-street location.*

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[12923 CMS.pdf](#)

14.2 Subject: Lion Creek Crossings - Phase IV  
From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A City Resolution Amending The General Plan Land Use Designation For Lion Creek Crossing Phase IV From "Mixed Housing Type Residential" And "Urban Residential" To "Neighborhood Center Mixed Use";

[09-0026](#)

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

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

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[81815 CMS.pdf](#)

Subject: Lion Creek Crossings - Phase IV  
From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Adopting The Seventh Amendment To The Coliseum Area Redevelopment Plan Amending The Land Use Designation For The Lion Creek Crossing Phase IV Project From "Mixed Housing Type Residential" And "Urban Residential" To "Neighborhood Center Mixed Use"; And

[09-0026-1](#)

**A motion was made by Councilmember Brooks, seconded by Councilmember Kaplan, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on March 17, 2009. The motion carried by the following vote:**

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

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3) An Agency Resolution Approving And Recommending Adoption Of The Seventh Amendment To The Coliseum Area Redevelopment Plan Amending The Land Use Designation For The Lion Creek Crossing Phase IV Project From "Mixed Housing Type Residential" And "Urban Residential" To "Neighborhood Center Mixed Use";

[09-0026-2](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner  
[2009-0015 CMS.pdf](#)

2) An Ordinance Rezoning The Lion Creek Crossings Phase IV Project Site, Located On Snell Street Between 69th And 70th Avenues, From The R-36 Small Lot Residential, R-50 Medium Density Residential And M-30 General Industrial Zoning Districts To The C-25 Office Commercial District; And

[09-0026-3](#)

**A motion was made by Councilmember Brooks, seconded by Councilmember Kaplan, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on March 17, 2009. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner  
[12922 CMS.pdf](#)

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5) A City Resolution Affirming And Sustaining The Planning Commission Decision To Approve The Development Permits (Design Review, Conditional Use Permit, And Variances) For The Lion Creek Crossing Phase IV Project Located On Snell Street Between 69th And 70th Avenues  
[09-0026-4](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner  
*Upon the reading of Item 14.2 by the City Clerk, the Public Hearing was opened at 7:39 p.m.*

*Agency/Councilmember Brooks made a motion, seconded by Agency/Councilmember Kaplan, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, De La Fuente, Kaplan, Kernighan, Nadel, Quan, and President of the Council Brunner -7; Excused: Agency/Councilmember: Reid-1*  
[81816 CMS.pdf](#)

**ACTION ON NON-CONSENT ITEMS:**

15            Subject:            Vacant Building Registration  
                 From:                Councilmember Desley Brooks  
                 Recommendation: Adopt The Following Pieces Of Legislation

1) An Ordinance Amending The Oakland Municipal Code To Add A New Chapter 8.54 Requiring The Registration Of Vacant Buildings; And  
[07-1717](#)

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**No Action Taken**

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2) An Ordinance Amending Ordinance No. 12880 C.M.S. (Master Fee Schedule) To Add New Fees For Registering Vacant Buildings  
[07-1717-1](#)

**No Action Taken**

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

- Alejandro Zavaleta
- Ruth Medellin
- Denise Smith
- Scott Peterson
- Shirley Burnell
- Steven Edrington
- Juan Merida
- Victoria Williams Turner
- David Kerr
- Maria Burgos
- Elisabeth Hopes
- Annie Jean McKinzie
- Matt Novak
- Greg McConnell
- Sanjiv Handa

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S-15.1 Subject: City's Hotel Tax (Transient Occupancy Tax) - Ballot Measure  
From: Councilmember Jean Quan  
Recommendation: Adopt A Resolution Submitting, On The Council's Own Motion, To The Electors At A June 2, 2009 Special Election, A Proposed Ordinance Amending The Oakland Municipal Code In Order To Provide For A Two Percent Surcharge To The City's Transient Occupancy Tax (Hotel Tax) To Support The Oakland Zoo, The Oakland Museum of California, Chabot Space And Science Center And The Cultural Arts Programs And Festivals  
[09-0102](#)  
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**A motion was made by Councilmember Quan, seconded by Councilmember De La Fuente, that this matter be Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on March 17, 2009. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Abstained: 2 - Councilmember Brooks and Councilmember Nadel  
ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 5 - Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Quan and President of the Council Brunner

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

- Greg McConnel
- Alexander Zwissler
- C.J. Hirschfield
- Lance Gyorfi
- Sheryl Wong
- Daniel Miller
- Shanina Shumate
- Manette Belliveau
- Elie Khoury
- Greg Mauldor
- Sanjiv Handa

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S-15.2      Subject:      Repeal Charter Section 1300 On Kids First - Ballot Measure  
From:          Councilmembers Jean Quan and Patricia Kernighan  
Recommendation: Adopt A Resolution Submitting, On The City Council's Own Motion, To The Electors At A June 2, 2009 Special Election, A Measure To Repeal Charter Section 1300 On Kids First! Oakland Fund For Children And Youth Adopted By The Voters On November 4, 2008 (Measure OO) And Readopt Charter Section 1300 On Oakland Fund For Children And Youth Adopted By The Voters On November 7, 1996 (Measure K) As Amended And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With A June 2, 2009 Special Election  
[09-0103](#)  
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**A motion was made by Councilmember Quan, seconded by Councilmember De La Fuente, that this matter be Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on March 17, 2009. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner  
*Council directed staff to come back to the March 17, 2009 Council meeting with proposed ballot ready legislation for Option A and Option D*

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

- Mirella Rangel
- Troy Banner
- Vincent Saephan
- Sunnarose Noun
- Susan Montauk
- Bo Yee
- Prentice Powell
- Taffera Samuels
- Vay Hoang
- Carina Lieu
- Howard Matis
- Xiao Li
- Sau Chin
- Nicholas James
- Garcia Christian
- Zhong Wang
- Yen Hsieh
- Kim Miyoshi
- Ade Mosley
- Maua Black
- Arneitra Robertson

- Terry Rohland-Anthony Javaree  
- Ralph Cooke III  
- Karla Galvez  
- Maria Martinez  
- An Nguyen  
- Gerard Kriester  
- Nhi Chan  
- Edward Hannemann  
- Kerry Farbord  
- Sanjiv Handa  
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16

Subject: Oakland Tourism Business Improvement District  
From: Office of the City Administrator  
Recommendation: Adopt A Resolution To Establish The Oakland Tourism Business Improvement District (OTBID) Proposed By The Oakland Convention & Visitors Bureau, Declare The Results Of The Majority Protest Proceedings, And Authorizing The City Administrator To Negotiate And Enter Into A Professional Services Agreement With The Oakland Convention & Visitors Bureau To Operate The OTBID  
[07-1393-1](#)  
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**A motion was made by Councilmember Kernighan, seconded by Councilmember Quan, that this matter be Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on July 21, 2009. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner  
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17 Subject: Council Approval Of Compensation  
From: City Council  
Recommendation: Adopt An Ordinance (1) Amending The Salary Ordinance To Provide That The City Council Must Approve Terms And Compensation In Hiring Agreements For Department And Agency Heads Other Than (a) Initial Salary Up To The Midpoint Of The Salary Range, (b) Severance Pay Authorized By Ordinance No. 12187 C.M.S., (c) Executive Leave And Bonus Vacation Authorized By Ordinance No. 12903 C.M.S., With Certain Amendments, And (d) Terms And Conditions Provided In The Memoranda Of Understanding Between The City And Its Recognized Miscellaneous Employee Organizations And (2) Supplementing And Amending Ordinance Nos. 12187 C.M.S. And 12903 C.M.S. (TITLE CHANGE)

[09-0108](#)

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**A motion was made by Councilmember Kernighan, seconded by Councilmember Quan, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on March 17, 2009. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner  
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18 Subject: Measure Y Oversight Committee Appointment  
From: Councilmember Nancy Nadel  
Recommendation: Adopt A Resolution Appointing Michael E. Brown, Jr. As A Member Of The Violence Prevention And Public Safety Oversight Committee

[09-0132](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner  
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19 Subject: Measure Y Oversight Committee Appointment  
From: Vice Mayor Ignacio De La Fuente  
Recommendation: Adopt A Resolution Appointing Pete Barnett As The District 5 Appointee To  
The Measure Y - The Violence Prevention And Public Safety Oversight Committee  
[09-0136](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La  
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember  
Nadel, Councilmember Quan and President of the Council Brunner  
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20 Subject: Budget Advisory Committee Appointment  
From: Office of the Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Kalie Moore,  
Tina Sims And Jay Ashford As Members Of The Budget Advisory Committee  
[09-0138](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La  
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember  
Nadel, Councilmember Quan and President of the Council Brunner  
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21 Subject: Community Policing Advisory Board Appointment  
From: Office of the Mayor  
Recommendation: Adopt A Resolution Appointing Frederick Remer As A Member Of The  
Community Policing Advisory Board  
[09-0139](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La  
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember  
Nadel, Councilmember Quan and President of the Council Brunner  
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22 Subject: Housing Residential Rent And Relocation Board Appointment  
From: Office of the Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Benjamin Scott  
As A Member Of The Housing, Residential Rent And Relocation Board  
[09-0140](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La  
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember  
Nadel, Councilmember Quan and President of the Council Brunner  
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23 Subject: Oakland Museum Of California Foundation Board Appointment  
From: Office of the Mayor  
Recommendation: Adopt A Resolution Confirming Dale Block, Susan Chamberlin, Rich  
Edwards, Sandra Wolfe, Sheryl Wong, Kelly Abreu, Winston Wilkinson, Robert Wilkins, John  
Wyro, And Jennifer Walker As Trustees Of The Oakland Museum Of California Foundation  
Board Of Trustees  
[09-0141](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La  
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember  
Nadel, Councilmember Quan and President of the Council Brunner  
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24 Subject: Police And Fire Retirement Board Appointment  
From: Office of the Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Jaime Godfrey  
As A Member Of The Police And Fire Retirement Board  
[09-0142](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La  
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember  
Nadel, Councilmember Quan and President of the Council Brunner  
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S-25 Subject: Fiscal Year 2008-2009 Second Quarter Reports  
From: Budget Office  
Recommendation: Receive A Report On Fiscal Year 2008-2009 Second Quarter Revenue And Expenditure Results And Year-End Projections For Four Selected Funds - General Purpose Fund (1010), Landscape & Lighting Assessment District Fund (2310), Equipment Fund (4100) And Facilities Fund (4400); Overtime Analysis For The General Purpose Fund (1010) And All Funds; And The Status Of Implementing The October 2008 Budget Revisions  
[09-0037](#)

**A motion was made by Councilmember De La Fuente, seconded by President of the Council Brunner, that this matter be Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on March 17, 2009. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner  
*Council directed staff to come back to the March 17, 2009 Council meeting with "real" options and information detailing what is currently in process*  
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S-26 Subject: Capital Improvements Grants Changes  
From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Amending Resolution No. 2008-0051 C.M.S. To Change The Recipient Of A Grant For Capital Improvements To The Oaks Hotel At 587 15th Street From The John Stewart Company To Oaks Associates And To Increase The Amount Of The Grant By \$18,000 For A Total Not To Exceed \$83,000 To Cover Increased Costs Associated With Payment Of Prevailing Wages; And

[09-0052](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Absent: 1 - Councilmember Quan  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel and President of the Council Brunner  
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2) An Agency Resolution Amending Resolution No. 2008-0052 C.M.S. To Change The Recipient Of A Grant For Capital Improvements To Kenneth Henry Court At 6455 Foothill Boulevard From The John Stewart Company To 6455 Foothill Associates And To Increase The Amount Of The Grant By \$37,000 For A Total Not To Exceed \$187,000 To Cover Increased Costs Associated With Payment Of Prevailing Wages  
[09-0052-1](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Councilmember Reid  
ORA\Councilmember Absent: 1 - Councilmember Quan  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel and President of the Council Brunner  
[2009-0017 CMS.pdf](#)

**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 Josephine Dukes at 11:29 PM*

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*City Clerk and Clerk of the Council*