



# City of Oakland Meeting Minutes

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

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

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

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Tuesday, March 04, 2008

6:00 PM

Oakland City Hall, 3rd Floor

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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 6:30 PM*

2 Roll Call / ORA & Council

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ORA\Councilmember Present: 8 - Councilmember Brooks, Councilmember Brunner, Member 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)

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*The following individual(s) spoke during Open Forum:*

- Darnell Levingston
- Sharon Cornu
- Ly Nguyen
- Jason Victor Serinue
- Mike Ziemann
- Mayra Lopez
- James Vann
- Steven Blaine Douglas
- Lawrence E. Rice
- Andt Nelsen
- Nick Paraino
- Dung Tran

- 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.  
*A motion was made by Councilmember Brooks, seconded by councilmember Reid to pull item 10.19 CC*  
  
*Councilmember Kernighan recused herself on item 10.9 CC and requested to speak on item 10.25 CC*
- 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)  
*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.  
*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 19, 2008  
**A motion was made by Councilmember Reid, seconded by Member Chang, to \*Approve the Minutes. The motion carried by the following vote:**  
**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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

- 8.1 Subject: Family Justice Center Award  
From: Department of Human Services  
Recommendation: To Accept And Acknowledge An Award From The Family Justice Center Honoring The City Of Oakland For It's Support and Partnership  
[07-1007](#)  
  
**A motion was made by Councilmember Nadel, seconded by Councilmember Nadel, that this matter be \*Received and Filed. The motion carried by the following vote:**  
**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
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8.2 Subject: Protection & Advocacy, Inc. - Recognition  
From: Councilmember Patricia Kernighan  
Recommendation: Adopt A Resolution Commending Protection & Advocacy, Inc. On Its Thirtieth Anniversary Of Providing Services To People With Disabilities And On The Organization's Name Change To Disability Rights California To Better Reflect The Agency's Mission and Provide Greater Recognition To People Who May Benefit From Their Services  
[07-1015](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member 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/Councilmembers Brooks and Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Inez Doans*

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

## **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  
[07-1061](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member 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  
[07-1062](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member 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: Anselm Nkwuo - Settlement Agreement  
From: City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Anselm Nkwuo V. City Of Oakland; Et Al., United States District Court Case No. C07-00238 TEH, In The Amount Of \$7,500.00. (Police Department - Civil Rights Violation, Excess Force)  
[07-1076](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member 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: Charles Lewis - Settlement Agreement  
From: City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Charles Lewis V. City Of Oakland; Et Al., Alameda County Superior Court Case No. RG06280523, In The Amount Of \$15,000.00 As A Result Of A Trip And Fall Accident At Or Near 1308 International Blvd. (Public Works Agency)  
[07-1077](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
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10.5-CC Subject: Michael Pickering - Settlement Agreement  
From: City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Michael Pickering V. City Of Oakland, Superior Court, County Of Alameda, Case No. VG07313288, In The Amount Of \$20,000.00 As A Result Of Trip And Fall On The Sidewalk At 280 W. MacArthur Boulevard (Public Works Agency - Premises Liability)  
[07-1078](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member 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: Patricia Ternahan - Settlement Agreement  
From: City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Patricia Ternahan V. City Of Oakland, Et Al., Alameda County Superior Court No. RG07305035, Our File No. 25346, In The Amount Of \$20,700.00 (Public Works Agency - Trip And Fall)  
[07-1079](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member 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: Jack London District - Three Year Parking Permit Program  
From: Councilmember Nancy Nadel  
Recommendation: Adopt The Following Pieces Of Legislation:

- 1) An Ordinance Amending Oakland Municipal Code 10.45 Establishing Boundaries Of The Jack London District Interim Mixed-Use Permit Parking Program Through The Location Of Parking Limitation Signs And The Inclusion Of A Map With Boundaries OF the Program; And  
[07-0982](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
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2) An Ordinance Amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), As Amended, To Establish Permit Fees Assessed By The Parking Division For The "Interim Mixed-Use Parking Permit Program For The Jack London District," At The Amount Of \$150 For The First Year Of The Temporary Three-Year Program  
[07-0982-1](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
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10.8-CC Subject: R. Clark Gertner - Recognition  
From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Honoring R. Clark Gertner For His 24 Years Of Distinguished Service To The Citizens Of Oakland  
[07-1048](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
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10.9-CC Subject: Comcast 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. Comcast Of California/Colorado LLC, Comcast Corporation, Does 1-10, Case No. C065380 CW - U.S. District Ct., Northern District Of California  
[07-1058](#)

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

**Votes:** ORA\Councilmember Recused: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
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10.10-CC Subject: Project Priority Funds - District Seven  
From: Councilmember Larry Reid  
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$5,408.01 From Councilmember Larry E. Reid's Priority Project Funds To Oakland Coliseum Joint Venture For Expenses For The Ninth Annual Oakland/San Leandro Job Fair  
[07-1060](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member 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: Travel Authorization - Councilmember Brooks  
From: Councilmember Desley Brooks  
Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To Travel To Washington D.C. To Attend The National League Of Cities Congressional City Conference, March 8-12, 2008  
[07-1075](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
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S-10.12-C Subject: Establishment Of A "Four-Hour Parking" Zone  
C From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Approving: 1) The Establishment Of A Four-Hour Parking Zone On Both Sides Of 4th Street Between Oak Street And Fallon Street, 2) The Installation Of A Stop Sign On Idaho Street At 59th Street, 3) The Installation Of Stop Signs On Poplar Street At 10th Street And On 10th Street At Poplar Street, 4) The Installation Of A Stop Sign On Lakeshore Avenue (Western Leg) At Prince Street, 5) The Installation Of A Stop Sign On Valle Vista Avenue At Mira Vista Avenue, And 6) The Installation Of A Stop Sign On Poplar Street At 16th Street  
[07-0949](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
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S-10.13-C Subject: Library Teen Zone Improvements Project  
C From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Reject All Bids For The Main Library Teen Zone Improvements Project, Waive The Competitive Bidding Requirements, Negotiate, And Award A Construction Contract With Rockridge Builders In An Amount Not To Exceed Three Hundred Ninety Thousand Dollars (\$390,000.00), And To Appropriate Two Hundred Fifty Thousand Dollars (\$250,000.00) To The Main Library Teen Zone Improvements Project From The Public Library Fund (2993)  
[07-0962](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
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S-10.14-C Subject: Revocable And Conditional Permit - 2335 Market Street  
C From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Granting Dale Wirthman And Muad Alarbes A Revocable And Conditional Permit For An Existing Building At 2335 Market Street To Encroach Over The Public Sidewalk  
[07-0960](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
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S-10.15-C Subject: Real Property Purchase - 2777 Foothill Boulevard  
C From: Community and Economic Development Agency  
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 2777 Foothill Boulevard, Oakland From Hooi H. Yeap For \$1,050,000, Plus Approximately \$30,000 For Real Estate Closing Costs  
[07-0976](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
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S-10.16-C Subject: Real Property Purchase - Sunshine Court  
C From: Community and Economic Development Agency  
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property  
At Sunshine Court, Oakland From Laren Hirst, For \$9,000, Plus Real Estate Closing Costs  
[07-0977](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,  
Councilmember Quan, Councilmember Reid and President of the Council De  
La Fuente  
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S-10.17-C Subject: 2007-2009 Projects And Programs Status Report  
C From: The Budget Office  
Recommendation: Action On A Report Regarding The Status Of The City Council  
Modifications To The Fiscal Year 2007-2009 Policy Budget (Exhibit A To Resolution No.  
80674 C.M.S.) And Fiscal Year 2007-2009 Oakland Redevelopment Agency Budget (Exhibit  
A To Resolution No. 2007-0054 C.M.S.) To Fund The Following Projects and Programs: (1)  
nuisance Enforcement Position; (2) Museum Roof; (3) Park Improvements; (4) Sidewalk  
Repairs; (5) Tree Trimming; (6) Teen Centers; (7) Instant Run-Off Voter Education; (8)  
Pay-Go Funding; (9) Reuse Of California Hotel For Transitional Housing; (10) Additional  
Funding For City-County Collaboration For Re-Entry; (11) Create 311 Non-Emergency Help  
Line; (12) Expand 211 Help Line For Health And Human Services; (13) Seismic Retrofit  
Incentive Program; (14) Various Operating Grants To Outside Agencies; (15) Ten Police  
Service Technician II Positions; (16) Replace Fire Station #18; (17) Ambassador Security  
Program; and (18) Grade 10-14 Job Training &Recruitment  
[07-0981](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,  
Councilmember Quan, Councilmember Reid and President of the Council De  
La Fuente  
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S-10.18-C Subject: Lagan Company - Contract  
C From: Department of Information Technology  
Recommendation: Adopt A Resolution (1) Waiving The Competitive Bidding And (2) The Competitive RFP/RFQ Selection Requirements Of The Oakland Purchasing Ordinance And Authorizing The City Administrator To Award A Contract To Lagan Company For A Citizen Relationship Management (CRM) Services Information Technology System In An Amount Not To Exceed \$150,000.00 For Software, Hardware, And Installation Costs And A Two-Year Maintenance Agreement In An Amount Not To Exceed \$30,000 Per Year For A Total Contract Not To Exceed Two Hundred And Ten Thousand Dollars (\$210,000.00)  
[07-1023](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
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S-10.19 Subject: Macias, Gini & O'Connell, LLP - Professional Services Contract  
From: Finance and Management Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Execute A Two (2) Year Professional Service Contract Between The City Of Oakland And Macias, Gini & O'Connell, LLP To Provide Audit Services For The Fiscal Year Ending June 30, 2008 In The Amount Not To Exceed \$694,275, And Fiscal Year Ending June 30, 2009 In The Amount Not To Exceed \$728,989; And  
[07-1039](#)

**\*Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/18/2008**  
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2) An Agency Resolution Authorizing The Agency Administrator To Execute A Two (2) Year Professional Service Contract Between The Redevelopment Agency Of The City Of Oakland And Macias, Gini & O'Connell, LLP To Provide Audit Services For The Fiscal Year Ending June 30, 2008 In The Amount Not To Exceed \$89,880, And Fiscal Year Ending June 30, 2009 In The Amount Not To Exceed \$94,374  
[07-1039-1](#)

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

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

S-10.20-C Subject: CALPERS Agreement - Port Of Oakland  
C From: Finance and Management Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To  
Execute An Agreement With California Public Employees' Retirement System (CALPERS) To  
Establish A Trust To Enable The Port Of Oakland To Prefund Other Post Employment Benefits  
(OPEB)  
[07-1040](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,  
Councilmember Quan, Councilmember Reid and President of the Council De  
La Fuente  
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S-10.21-C Subject: Actuarial Valuation Report  
C From: Finance and Management Agency  
Recommendation: Receive An Informational Report On The City Of Oakland's Actuarial  
Valuation Of Other Post Employment Benefits (OPEB)  
[07-1041](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,  
Councilmember Quan, Councilmember Reid and President of the Council De  
La Fuente  
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S-10.22-C Subject: West Oakland Façade And Tenant Improvement Programs  
C From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Allocating Seventy-Five Thousand Dollars (\$75,000) To The West  
Oakland Façade Improvement Program And Tenant Improvement Program For Design  
Services For Projects, And Authorizing Amendments To Design Contracts Under The  
Programs For The Increased Funding  
[07-0942](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,  
Councilmember Quan, Councilmember Reid and President of the Council De  
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2) An Agency Resolution Adopting The West Oakland Neighborhood Project Initiative  
Program And Allocating Two Hundred Thousand Dollars (\$200,000) For The Program From  
West Oakland Redevelopment Project Funds  
[07-0942-1](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,  
Councilmember Quan, Councilmember Reid and President of the Council De  
La Fuente  
[2008-0011 CMS.pdf](#)

S-10.23-C Subject: Metropolitan Transportation Commission Grants  
C From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing The Application For, Acceptance And Appropriation Of Up To \$750,000 From The Metropolitan Transportation Commission's Station Area And Focus Planning Grant Program For The Lake Merritt BART Station Project, And Up To \$750,000 For The Upper Broadway Corridor Retail Project (TITLE CHANGE)  
[07-0943](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
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S-10.24-C Subject: 66th Avenue Streetscape Project  
C From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Up To \$387,115 In Fiscal Year 2007-2008 Transportation Fund For Clean Air Regional Funds From The Bay Area Quality Management District For The 66th Avenue Streetscape Project  
[07-0963](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
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S-10.25-C Subject: Opposition To The Aerial Spray Program - Brown Apple Moth  
C From: Councilmembers Jane Brunner and Larry Reid  
Recommendation: Adopt A Resolution Opposing The California Department Of Food And  
Agriculture Aerial Spray Program To Eradicate The Light Brown Apple Moth And Requesting  
Additional Information On The Possible Health Effects  
[07-1032](#)

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

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

*The following individual(s) spoke on this item:*

- Suzanne M. L'Heureux
- Tara Levy
- Bily Ray Trice Jr.
- Simi Kavita Sikka
- Lynn Elliott-Harding
- Lisa Cousins Tracy

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S-10.26-C Subject: Measure Y Evaluation Report  
C From: Office of the City Administrator  
Recommendation: Receive The Measure Y (Violence Prevention And Public Safety Act Of  
2004) Evaluation Report For Fiscal Year 2006-2007  
[07-0707](#)

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

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

*The following individual(s) spoke on this item:*

- Jim Dexter

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S-10.27-C Subject: Measure Y Oversight Committee - Report  
C From: Office of the City Administrator  
Recommendation: Receive The Measure Y (Violence Prevent And Public Safety Act Of 2004)  
Oversight Committee Annual Report  
[07-0754](#)

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

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

*The following individual(s) spoke on this item:*

- *Jim Dexter*

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S-10.28-C Subject: Berkeley Policy Associates Contract - Measure Y  
C From: Office of the City Administrator  
Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Waive The Competitive Bid Requirement And Negotiate And Execute A Contract Between The City Of Oakland And Berkeley Policy Associates In An Amount Not To Exceed One Hundred Seventy Three Thousand Dollars (\$173,000) For The Period Of February 1, 2008 To September 30, 2008 To Provide An Outcome Evaluation Of The Measure Y Violence Prevention Program From January 2005 To December 2007 And To Provide A Fiscal Year 2007-2008 Report On The Measure Y Community Policing And Violence Prevention Programs; And (2) Appropriate Seventy-Five Thousand Dollars (\$75,000) Within The Measure Y Evaluation Services Funds To The Department Of Human Services To Provide Supplemental Data Analysis And Survey Services Pertaining To The April 2008 Measure Y Outcome Evaluation  
[07-1034](#)

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

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

*The following individual(s) spoke on this item:*

- *Jim Dexter*

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S-10.29-C Subject: Support Of Assembly Bill 499 - Standardize Training Curriculum  
C From: Council President De La Fuente  
Recommendation: Adopt A Resolution In Support Of Assembly Bill #499 (Swanson), To  
Establish A Pilot Project In The County Of Alameda To Standardize A Training Curriculum To  
Provide Selected County Personnel And Other Designated Professionals With Training To  
Respond/Address Sexually Exploited Minors  
[07-1055](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Brunner, Member 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 Brunner, seconded by  
Councilmember Quan, 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, Member 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 Member Chang, seconded by Councilmember  
Kernighan, to \*Approve as Submitted the report from the Office of the  
City Attorney of two final decisions made during Closed Session.**

**Please refer to Attachment "A" for the details of the two final decisions.  
The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Brunner, Member 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 Quan, to \*Approve as Submitted. The motion carried by the following vote:**

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

*The motion that there were no non-confidential closed session discussions during Closed Session pursuant to Section 15 of the Sunshine Ordinance.*

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

- 13 Reconsideration of Ordinances pursuant to Charter Section 216  
*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 Commission Appeal - 10031 MacArthur Boulevard  
From: Community and Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal (Case No. 07-461) And Upholding The Decision Of The Planning Commission To Approve The Major Rehabilitation Of A Former Motel As 17 Condominium Dwelling Units Rather Than 19 Condominium Units As Requested, At 10031 MacArthur Blvd [07-0965](#)  
[Play Video](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member 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 7:30 p.m.*

*The following individual spoke on this item:  
- Terry Murphy*

*Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Reid, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Chang, Kernighan, Nadel, Reid, Quan, and President of the Council De La Fuente -7, Absent: Brunner -1*

*Councilmember Quan made a motion, seconded by Councilmember Reid to approve the rehabilitation of the motel to create 18 condominium dwelling units and to convert the current space known as the rental office to a community room for the units and directing to come back with findings in two meetings regarding the 18 units. This action must return to Council at a future meeting in the form of a resolution.*

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**ACTION ON NON-CONSENT ITEMS:**

15           Subject:     Winter Storms - Local Emergency  
              From:       Oakland Fire Department  
              Recommendation: Adopt A Resolution Renewing And Continuing The City Council's  
              Declaration Of A Local Emergency Due To The Severe Impacts And Calamities Caused By  
              The Series Of Winter Storms That Commenced On Or About January 3, 2008  
              [07-1084](#)

**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 Absent: 1 - Councilmember Brunner  
          ORA\Councilmember Ayes: 7 - Councilmember Brooks, Member Chang,  
          Councilmember Kernighan, Councilmember Nadel, Councilmember Quan,  
          Councilmember Reid and President of the Council De La Fuente  
          [View Report.pdf](#)  
          [81100 CMS.pdf](#)

16           Subject:     Oil Spill - Local Emergency  
              From:       Office of Emergency Services  
              Recommendation: Adopt A Resolution Renewing And Continuing The City Council's  
              Declaration Of A Local Emergency Due To The November 7, 2007 Catastrophic Oil Spill In  
              The San Francisco Bay That Occurred When M/V Cosco Busan, A Container Ship, Side  
              Swiped One Of The Bay Bridge Western Anchorages  
              [07-1083](#)

**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 Absent: 1 - Councilmember Brunner  
          ORA\Councilmember Ayes: 7 - Councilmember Brooks, Member Chang,  
          Councilmember Kernighan, Councilmember Nadel, Councilmember Quan,  
          Councilmember Reid and President of the Council De La Fuente  
          [View Report.pdf](#)  
          [81101 CMS.pdf](#)

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17 Subject: Election Of Vice-Mayor  
From: Council President De La Fuente  
Recommendation: Consideration Of A Motion To Elect The Vice-Mayor For The City Of  
Oakland  
[07-1082](#)

**A motion was made by Councilmember Brooks, seconded by Councilmember Quan, A motion was made by Councilmember Brooks, seconded by Councilmember Quan to elect Councilmember Larry Reid as Vice Mayor. The motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Kernighan, Nadel, Reid, Quan and President De La Fuente -8 The motion carried by the following vote:**

**Votes:** ORA\Councilmember Absent: 1 - Councilmember Brunner  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Member Chang,  
Councilmember Kernighan, Councilmember Nadel, Councilmember Quan,  
Councilmember Reid and President of the Council De La Fuente  
*The following individual(s) spoke on this item:*  
*- Sanjiv Handa*

18 ~~Subject: (A Motion To Reconsider) Arcadia Park Subdivision—New Public Street  
From: Community and Economic Development Agency  
Recommendation: A Motion To Reconsider The Adoption On November 6, 2007, Of  
Resolution No. 80922 C.M.S. Conditionally Accepting The Dedication of Public Right Of Way  
To Extend Ellington Way To 92nd Avenue For The Arcadia Park Project~~

~~If Reconsidered, Either To~~

~~§ Reconfirm The Adoption Of Resolution No. 80922 C.M.S., Or~~

~~§ Not Adopt A Resolution Conditionally Accepting The Dedication, Or To~~

~~§ Continue The Item For A Future Meeting Of The City Council, Or To~~

~~§ Refer The Item To The Public Works Committee For Further Consideration~~

~~[07-0610](#)~~

*This item was withdrawn by the February 28, 2008 Rules and Legislation  
Committee*  
[80922 CMS.pdf](#)  
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19 Subject: Blighted Former Homeless Encampment Improvements  
From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) 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 \$75,000 To Abate Blight At Illegal Encampment And Dumping Sites In Redevelopment Project Areas And To Fund Work By The Public Works Agency To Make Improvements To Deter Illegal Uses Of The Sites (TITLE CHANGE)

[07-0773](#)

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**A motion was made by Councilmember Kernighan, 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, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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2) An Agency Resolution Authorizing The Redevelopment Agency To Contribute Redevelopment Agency Funds To The City Of Oakland Under The Cooperation Agreement In An Amount Not To Exceed \$75,000 To Abate Blight At Illegal Encampment And Dumping Sites In Redevelopment Project Areas And To Fund Work By The Public Works Agency To Make Improvements To Deter Illegal Uses Of The Sites (TITLE CHANGE)

[07-0773-1](#)

**A motion was made by Councilmember Kernighan, 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, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

[2008-0012 CMS.pdf](#)

3) A Resolution (1) Authorizing An Agreement With Goodwill Industries For The Homeless Employment Program In The Amount Of \$50,000 And Waiving The Requirement For A Competitive Selection Process, (2) Authorizing The City To Accept And Appropriate A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement In An Amount Not To Exceed \$25,000 To Partially Fund The Contract With Goodwill Industries To Employ Homeless Individuals To Assist With Blight Abatement At Illegal Encampment And Dumping Sites In Redevelopment Project Areas, And (3) Allocating A \$25,000 Match From The Department Of Human Services For The Contract

[07-0773-2](#)

**A motion was made by Councilmember Kernighan, 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, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

[81103 CMS.pdf](#)

4) An Agency Resolution Authorizing The Redevelopment Agency To Contribute Redevelopment Agency Funds To The City Of Oakland Under The Cooperation Agreement In An Amount Not To Exceed \$25,000 To Partially Fund A Contract With Goodwill Industries To Employ Homeless Individuals To Assist With Blight Abatement At Illegal Encampment Sites In Redevelopment Project Areas

[07-0773-3](#)

**A motion was made by Member Chang, 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, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

*Staff was directed to return on April 1, 2008 with a status report on whether or not the encampment program is working*

*The following individual(s) spoke on this item:*

- Max Allstadt
- Charlene Wedderburn
- John Engstrom
- Elaine de Colingny
- Tomika Perkins
- Alex McElree
- Sanjiv Handa

[2008-0013 CMS.pdf](#)

20

Subject: Limited Public Financing

From: Public Ethics Commission

Recommendation: Action On Required Transmission Of Adopted Regulations Administering  
And Interpreting Chapter 3.13 Of The Oakland Municipal Code (AKA "The Limited Public  
Financing Act")

[07-0938](#)

**A motion was made by Councilmember Brunner, 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, Member Chang, Councilmember Kernighan, Councilmember Nadel,  
Councilmember Quan, Councilmember Reid and President of the Council De  
La Fuente

*The following individual(s) spoke on this item:*

- Sanjiv Handa

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21 Subject: Measure Y: Police Recruitment Program  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing:  
1) A Transfer Of Existing Appropriations Of Measure Y Funds In An Amount Not To Exceed Seven Million Seven Hundred Twenty-Two Thousand Three Hundred And Thirty Nine Dollars (\$7,722,339) To Implement The 2008 Augmented Measure Y Police Recruitment Program,  
2) Waiving Advertising And Bidding For The Purchase Of Ammunition, Firearms, Advertising Services, And Travel Services Authorized Below,  
3) Waiving The Requests For Proposal/Qualifications Process For The Purchase Of Recruitment Services And Other Professional Services Needed To Expedite The Hiring And Training Of Police Recruits Authorized Below,  
4) Authorizing The City Administrator To Purchase: Ammunition In An Estimated Amount Of Three Hundred Fifty Thousand Dollars (\$350,000 \$127,000 Of This Amount Was Previously Allocated From Non-Measure Y Funds), Firearms In An Estimated Amount Of One Hundred And Fifty Six Thousand (\$156,000), Travel Services In An Estimated Amount Of One Hundred Thirty Eight Thousand Four Hundred Sixty Four Dollars (\$138,464), Recruitment Services In An Estimated Amount Of Sixty Two Thousand Three Hundred Thirteen Dollars (\$62,313), And Other Professional Services Needed To Expedite The Hiring And Training Of Police Recruits In An Estimated Amount Of Five Million Six Hundred Forty Two Thousand Five Hundred Sixty Two Dollars (\$5,642,562), Without Return To Council,  
5) Waiving Local And Small Local Business Enterprise Requirements For Advertising, Recruitment, Firearm And Ammunition Purchases,  
6) One Million Five Hundred Thousand Dollars (\$1,500,000) For (I)The Purchase Of Advertising Services For Recruitment Without Returning To Council And (Ii) For Hiring Bonuses (TITLE CHANGE)

[07-1009](#)

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

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

*Council adopted a motion to approve the Mayor's Augmented Police Recruitment Program with the following revisions: 1) That the \$1.5 million for Advertising/Marketing and bonuses be further broken down as follows: a. \$1,000,000 be allocated for marketing and advertising, b. \$500,000 be allocated to bonuses for lateral transfers - i \$25,000 bonuses for lateral transfers for up to 20 laterals = \$500,00 with a requirement that they stay with the department for a minimum of 5 years; 2) Incorporate the Original Proposed Budget attachment as part of the resolution, with these revisions incorporated; and 3) Provide monthly actionable reports to the public safety committee with specific implementation status of each aspect of the recruitment plan including a tracking mechanism of the budget and balances and whether they are used for*



*Measure Y or Non-Measure Y purposes.*

*The following individual(s) spoke on this item:*

- *Maya Dillard Smith*
- *Jim Dexter*
- *Colleen Brown*
- *Sylvester Hodges*
- *Oscar Wright*
- *Ayinde*
- *Yolanda Mendoza*
- *Jane Armbruster*
- *Mara Randle*
- *Max Allstadt*
- *Gene Hazzard*
- *Kathleen Solares*
- *Steve Lowe*
- *Josephine Lee*
- *Patrick McCullogh*
- *Eric Sisneros*
- *Don Link*
- *Charles Porter*
- *Scott Peterson*
- *Sanjiv Handa*

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22

Subject: Homeless Services And Contracts

From: Department of Human Services

Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Extend The End Date Of Existing Grant Agreements Under Fiscal Year 2006-2007 Emergency Shelter Grant (\$99,335) And Emergency Housing Program (\$36,962) From January 31, 2008 To June 30, 2008; And (2) Extend The End Date Of Existing Agreements Under Fiscal Year 2006-2007 Winter Relief Program (\$105,735) From January 31, 2008 To May 15, 2008  
[07-0967](#)

**A motion was made by Councilmember Kernighan, 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, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

*The following individual(s) spoke on this item:*

- Michael Robert Diehl

- Elaine de Coligny

- Sanjiv Handa

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[81105 CMS.pdf](#)

*The Roll Call was modified to note Councilmembers Brunner, Chang and Reid absent at 11:12 p.m.*

23

Subject: Community Action Partnership

From: Department of Human Services

Recommendation: Adopt A Resolution Authorizing The City Administrator 1) To Accept And Appropriate A Two-Year Renewal Grant In An Anticipated Amount Of \$667,175 Annually In Community Services Block Grant (CSBG) Funds For Calendar Years 2008 And 2009 From The State Of California Department Of Community Services And Development (CSD) And Any Additional CSBG Funding That May Become Available Without Returning To Council; And 2) Negotiate And Execute Two-Year Grant Agreements With Various Anti-Poverty Service Providers In Alignment With The City's State Approved Community Action Plan For Calendar Years 2008 And 2009 Without Returning To Council

[07-0968](#)

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

**Votes:** ORA\Councilmember Absent: 3 - Councilmember Brunner, Member Chang and Councilmember Reid

ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council De La Fuente

*The following individual(s) spoke on this item:*

- Sanjiv Handa

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[81106 CMS.pdf](#)

*The Roll Call was modified to note Councilmembers Brunner, Chang and Reid present at 11:15 p.m.*

*The Roll Call was modified to note Councilmember Kernighan absent at 11:20 p.m.*

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24 Subject: Telephone Utility Users Tax Ballot Measure  
From: Finance and Management Agency  
Recommendation: Adopt A Resolution Submitting To The Voters At The June 3, 2008 Special Election A Proposed Ordinance Amending Chapter 4.28 Of The Oakland Municipal Code In Order To Modernize The Provisions Of The Telephone Utility Users Tax Without Increasing The Tax rate; Requesting Consolidation Of The Election With The General Election To Be Held June 3, 2008; Requesting The Services Of The Registrar Of Voters; And Directing The City Clerk To Take Any And All Actions Necessary Under The Law To Prepare For And Conduct The Special Election

[07-1037](#)

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

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

*The following individual(s) spoke on this item:*

- Sanjiv Handa

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[81107 CMS.pdf](#)

*The Roll Call was modified to note Councilmember Quan absent at 11:24 p.m.*

25 Subject: Personnel Services Fund Transfer  
From: Office Of The City Auditor  
Recommendation: Adopt A Resolution Authorizing The City Auditor To Transfer Two Hundred And Twenty-Five Thousand (\$225,000.00) From Personnel Services To Operations And Maintenance For The Purpose Of Contracting Audit Services, Purchasing Audit Technology And Updating Website

[07-1081](#)

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

**Votes:** ORA\Councilmember Absent: 2 - Councilmember Kernighan and Councilmember Quan  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Nadel, Councilmember Reid and President of the Council De La Fuente

*The following individual(s) spoke on this item:*

- Sanjiv Handa

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[81108 CMS.pdf](#)

*The Roll Call was modified to note Councilmember Quan present at 11: 26 p.m.*

*The Roll Call was modified to note Councilmember Kernighan present at 11:42  
p.m.*

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26 Subject: Industrial Land Use Policy  
From: Community and Economic Development Agency  
Recommendation: Action On A Report And Recommendations Adopting A Motion  
Establishing A City-Wide Industrial Land Use Policy  
[07-0613](#)  
[Play Video](#)

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

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

*The following individuals spoke on this item:*

- Geoffrey Pete
- Sharon Cornu
- Rusty Snow
- Glenn Matsumara
- Nicholas Jellins
- Steve Lowe
- Scott Peterson
- George Burt
- Max Allstadt
- Ryan Parks
- Sanjiv Handa
- Carroll Moore

*Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember Quan, Item 26 to:*

*All industrial subareas to remain industrial with the following exceptions:  
Area 4: Keep industrial between the freeway and tidewater, take advantage of visibility to permit retail along the freeway. Create housing and business mix from tidewater to estuary.*

*Area 11a: Follow specific plan as codified*

*Recognizing that there might still be incompatible adjacencies between housing and industry, such as in subareas 1, 5 and 8, council requests that City Staff return to council in two months, after hold a public input process, with a comprehensive criteria to use for general plan amendment applications in the industrial area that would create appropriate buffers.*

*Agency/Councilmember Reid made a substitute motion, seconded by Agency/Councilmember Chang on Item 26 to:*

*All industrial subareas to remain industrial with the following exceptions:  
Area 4: Keep industrial between the freeway and tidewater, take advantage of visibility to permit retail along the freeway. Create housing and business mix from tidewater to estuary.*

*Area 11a: Follow specific plan as codified*

*Recognizing that there might still be incompatible adjacencies between housing and industry, such as in subareas 1, and 5 council requests that City Staff return to council in two months, after hold a public input process, with a comprehensive criteria to use for general plan amendment applications in the industrial area that would create appropriate buffers and amending the motion of Councilmember Nadel to designate Area 8 as Housing Business Mix. The motion failed with the following vote: Ayes - Chang, Reid - 2, Noes - Brooks, Brunner, Kernighan, Nadel, Quan, De La Fuente - 6*

*DUE TO THE FAILURE OF THE SUBSTITUTE MOTION COUNCIL  
RETURNED TO CONSIDERATION OF THE MOTION BY  
COUNCILMEMBER NADEL*

*Upon call of the roll on the original motion of Councilmember Nadel, the motion passed with the following vote: Ayes - Brunner, Chang, Nadel, Quan, De La Fuente - 5, Noes - Brooks, Kernighan, Reid - 3*

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S-27      Subject:    Affordable Housing Development Activities  
From:        Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Reallocating \$3,149,262 In Home Program Income Funds From The Housing Rehabilitation Program To The Housing Development Program And Amending The 2007 - 2008 Consolidated Plan Action Plan Accordingly; And

[07-0941](#)

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

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

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2) A Resolution Amending Resolutions No. 79782 And 80478 C.M.S. To Increase The Amount Of An Affordable Housing Development Loan To Citizens Housing Corporation For The Altenheim Senior Housing Phase 2 Rental Project Located At 1720 MacArthur Boulevard By \$2,230,000 For A Total City Loan Amount Of \$5,815,000, And To Extend For 12 Months The Time Funds Are Reserved For The Project; And

[07-0941-1](#)

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

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

[81110 CMS.pdf](#)



3) A Resolution Authorizing An Affordable Housing Development Loan In An Amount Not To Exceed \$3,499,453 To East Bay Asian Local Development Corporation And The Related Companies Of California Jointly For The Lion Creek Crossings Phase IV Rental Project Located At 69th Avenue And Snell Street; And  
[07-0941-2](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[81111 CMS.pdf](#)

4) A Resolution Authorizing An Affordable Housing Development Loan In An Amount Not To Exceed \$1,390,167 To Resources For Community Development For The 720 E. 11th Street Project; And  
[07-0941-3](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[81112 CMS.pdf](#)

5) A Resolution Adopting An Oakland Resident And Oakland Worker Preference Policy For Affordable Housing Developments Funded Through The City's Notice Of Funding Availability Process; And  
[07-0941-4](#)

**A motion was made by Councilmember Brooks, seconded by President of the Council De La Fuente, that this matter be Deferred to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on March 18, 2008. The motion carried by the following vote:**

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

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6) An Agency Resolution Appropriating \$8,985,650 From Fund Balance In Low And Moderate Income Housing Funds To The Housing Development Program; And  
[07-0941-5](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[2008-0014 CMS.pdf](#)

7) An Agency Resolution Appropriating \$533,429 Of Investment Earnings From The 2000 Subordinated Affordable Housing Bond Issue And \$2,955,991 Of Investment Earnings From The 2006 Housing Bond Proceeds Fund For Housing Development Activities, And Reallocating \$452,808 In 2000 Subordinated Affordable Housing Bond Funds From The Site Acquisition Program For Housing Development Activities; And  
[07-0941-6](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[2008-0015 CMS.pdf](#)

8) An Agency Resolution Amending Resolution No. 2007-0032 C.M.S. To Extend For Twelve Months The Time Funds Are Reserved For An Affordable Housing Development Loan In An Amount Not To Exceed \$1,753,000 To Citizens Housing Corporation For The Altenheim Senior Housing Phase 2 Rental Project Located At 1720 MacArthur Boulevard; And  
[07-0941-7](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[2008-0016 CMS.pdf](#)

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9) An Agency Resolution Amending Resolution No. 2006-0026 C.M.S. To Increase The Amount Of An Affordable Housing Development Loan To East Bay Habitat For Humanity By \$789,000 For The Edes B Homes Project Located At 10800 Edes Avenue For A Total Loan Amount Of \$3,601,000; And  
[07-0941-8](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[2008-0017 CMS.pdf](#)

10) An Agency Resolution Authorizing An Affordable Housing Development Loan In An Amount Not To Exceed \$1,652,000 To Alameda County Social Service Agency, Fred Finch Youth Center, And Affordable Housing Associates For The Emancipation Village Project Located At 3800 Coolidge Avenue, Oakland; And  
[07-0941-9](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[2008-0018 CMS.pdf](#)

11) An Agency Resolution Amending Resolutions No. 2006-0029 And 2007-0029 C.M.S. To Increase The Amount Of An Affordable Housing Development Loan To FHP Housing Associates For The Foothill Plaza Rental Project Located At 6311 Foothill Boulevard By \$1,300,000 For A Total Loan Amount Of \$2,910,000, And To Extend For 12 Months The Time Funds Are Reserved For The Project; And  
[07-0941-10](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[2008-0019 CMS.pdf](#)

12) An Agency Resolution Authorizing An Affordable Housing Development Loan In An Amount Not To Exceed \$3,400,000 To Affordable Housing Associates For The Fairmount Apartments Project Located At 401 Fairmount Avenue; And  
[07-0941-11](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[2008-0020 CMS.pdf](#)

13) An Agency Resolution Amending Resolution No. 2007-0021 C.M.S. To Extend By One Year The Time Funds Are Reserved For An Affordable Housing Development Loan In An Amount Not To Exceed \$5,133,000 To Oakland Housing Initiatives And Christian Church Homes Of Northern California Jointly For The Harrison Street Senior Housing Project Located At 1633 Harrison Street And 321 17th Street; And  
[07-0941-12](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[2008-0021 CMS.pdf](#)

14) An Agency Resolution Amending Resolution No. 2007-0025 C.M.S. To Extend By One Year The Time Funds Are Reserved For An Affordable Housing Development Loan In An Amount Not To Exceed \$6,032,000 To Christian Church Homes Of Northern California For The Hill-Elmhurst Senior Housing Project Located At 9415-9437 International Boulevard; And  
[07-0941-13](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[2008-0022 CMS.pdf](#)

15) An Agency Resolution Authorizing An Affordable Housing Development Loan In An Amount Not To Exceed \$2,980,547 To East Bay Asian Local Development Corporation And The Related Companies Of California Jointly For The Lion Creek Crossings-Phase IV Rental Project Located At 69th Avenue And Snell Street; And  
[07-0941-14](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[2008-0023 CMS.pdf](#)

16) An Agency Resolution Authorizing An Affordable Housing Development Loan In An Amount Not To Exceed \$3,584,000 To BRIDGE Housing, Inc., For The St. Joseph's Affordable Homeownership Phase IIa Project Located At 2647 International Boulevard  
[07-0941-15](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[2008-0024 CMS.pdf](#)

17) An Agency Resolution Amending Resolution No. 2006-0028 C.M.S. To Extend To March 20, 2009, The Time Funds Are Reserved For An Affordable Housing Development Loan In An Amount Not To Exceed \$3,000,000 To The Oakland Housing Authority For The Tassafaronga Village Project Located At 919 85th Avenue; And  
[07-0941-16](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[2008-0025 CMS.pdf](#)

18) An Agency Resolution Amending Resolution No. 2006-0023 C.M.S. To Extend The Time Funds Are Reserved For An Affordable Housing Development Loan In An Amount Not To Exceed \$1,868,000 To East Bay Habitat For Humanity For The Tassafaronga Village Homeownership Project Located At 949 85th Avenue; And  
[07-0941-17](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[2008-0026 CMS.pdf](#)

19) An Agency Resolution Authorizing An Affordable Housing Development Loan In An Amount Not To Exceed \$4,859,833 To Resources For Community Development For The 720 E. 11th Street Project; And  
[07-0941-18](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[2008-0027 CMS.pdf](#)

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20) An Agency Resolution Adopting An Oakland Resident And Oakland Worker Preference Policy For Affordable Housing Developments Funded Through The Agency's Notice Of Funding Availability Process  
[07-0941-19](#)

**A motion was made by Councilmember Brooks, seconded by President of the Council De La Fuente, that this matter be Deferred to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on March 18, 2008. The motion carried by the following vote:**

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

*Council bifurcated the motion by separating the two pieces of legislation that spoke to the Oakland Worker Preference Policy (#5 & #20) and directed staff to return with those two pieces to the March 18, 2008 City Council meeting*

*The following individuals spoke on this item:*

- Denisha DeLane
- Gene Hazzard
- Sanjiv Handa

S-28

Subject: Estuary Policy Plan Update  
From: Community And Economic Development Agency  
Recommendation: Action On A Report And Recommendation On Funding A Public Planning Process And Adoption Of A Specific Plan For The Area From 19th Avenue To 54th Avenue And Between Interstate 880 And The Estuary  
[07-0430-1](#)  
[Play Video](#)

**A motion was made by Councilmember Nadel, seconded by Member Chang, that this matter be Approved as Amended. The motion carried by the following vote:**

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

*Council approved the recommendation for funding of the public planning process and not the specific plan for the area*

*The following individual spoke on this item:*

- Sanjiv Hand
- [View Report.pdf](#)
- [View Report.pdf](#)
- [View Supplemental.pdf](#)
- [View Report.pdf](#)
- [View Supplemental Report.pdf](#)

S-29

Subject: Housing Program Grants  
From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Submittal Of Applications To The California Department Of Housing And Community Development For Funding Under The Transit Oriented Development Housing Program For The Coliseum BART Transit Village Project, The MacArthur Transit Village Project, And The West Oakland Transit Village Project, And Authorizing Acceptance And Appropriation Of Grant Funds From This Program And The Execution Of Standard Agreements And Any Related Documents Necessary, If Selected For Funding; And  
[07-0998](#)

**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, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[View Report.pdf](#)  
[2008-0028 CMS.pdf](#)

2) An Agency Resolution Authorizing The Submittal Of Applications To The California Department Of Housing And Community Development For Funding Under The Infill Housing Program For The MacArthur Transit Village Project, The Uptown Project, The West Oakland Transit Village Project, And The Hill-Elmhurst Plaza Project And Authorizing Acceptance And Appropriation Of Grant Funds From This Program And The Execution Of Standard Agreements And Any Related Documents Necessary, If Selected For Funding  
[07-0998-1](#)

**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, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

*The following individual spoke on this item:*  
- Sanjiv Handa  
[2008-0029 CMS.pdf](#)



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S-30 Subject: June 2008 - Eminent Domain Initiatives  
From: Councilmember Nancy Nadel  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution To Support Proposition 99, The Homeowners And Private Property Protection Act; And  
[07-0983](#)  
[Play Video](#)

**A motion was made by Councilmember Quan, 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, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente  
[View Report.pdf](#)  
[View Supplemental Report.pdf](#)  
[81113 CMS.pdf](#)

2) A Resolution To Oppose Proposition 98, The California Property Owners And Farmland Protection Act  
[07-0983-1](#)

**A motion was made by Councilmember Quan, 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, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

*The following individuals spoke on this item:*

- Bonnie Hamlin
  - Dave Kadlecek
  - Vivian Kahn
  - Kimberly Ota
  - Eric Figueroa
  - Sanjiv Handa
- [81114 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)**

[Play Video](#)

*There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Inez Doans and Steve Pontes at 1:25 AM*

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*City Clerk and Clerk of the Council*