



City of Oakland Meeting Minutes

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

Concurrent Meeting of the Oakland Redevelopment Agency/City Council 1 Frank H. Ogawa Plaza, Council Chambers, 3rd Floor

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

Tuesday, February 06, 2007

6:00 PM

Oakland City Hall, 3rd Floor

1 Pledge of Allegiance

A meeting of the Joint Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 6:05 PM.

2 Roll Call / ORA & Council

ORA\Councilmember Excused: 1 - Councilmember Reid
ORA\Councilmember Present: 7 - Councilmember Chang, Councilmember Nadel, Councilmember Kernighan, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Brooks

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

The following individual(s) spoke under Open Forum:
- Deloris Allen
- Oscar Wright

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.

There were no modifications to the Consent Calendar; however Councilmember Brooks registered a no vote on item 10.5 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.

- 7 Approval of the Draft Minutes from the Concurrent and Special Meetings of the Oakland Redevelopment Agency/City Council held on January 8, 2007, January 9, 2007, January 16, 2007, and January 23, 2007

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

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

8. PRESENTATION OF CEREMONIAL MATTERS

- 8.1 Subject: Oakland Youth Orchestra Recognition
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution Commending Oakland Youth Orchestra On Its 43rd Season Of Outstanding Musical Performances
[06-1081](#)

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

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Agency/Councilmember Nadel took a point of personal privilege and requested that the meeting be adjourned in memory of Palmer Lee Clark, Demetrio Baltazar; Susan Duncan, Norman Frank Beville and Molly Ivins

Agency/Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Michael Scott, Deloria Young, Clotilde Coburn, Walter Nielson, Angelo Primas and Kevin Reed

Agency/Council President De La Fuente took a point of personal privilege and requested that the meeting be adjourned in memory of Geraldine Elliot and Mailah Arkansas

10. CONSENT CALENDAR (CC) ITEMS:

10.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's
Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis
With Regard To The AIDS Epidemic
[06-1101](#)

This Matter was Adopted on the Consent Agenda.

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

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
[06-1102](#)

This Matter was Adopted on the Consent Agenda.

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

10.3 Subject: James Goodrum - 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 James Goodrum v. City of Oakland, et al., Superior
Court, County Of Alameda, Case No. RG05248882, In The Amount of \$23,500.00 As A Result
Of A Trip And Fall Accident On Bergedo Drive, Oakland, October 20, 2004 (Public Works
Agency – Trip and Fall Accident)
[06-1103](#)

10.4-CC Subject: Jane Doe and Mary Roe - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Settle
The Case Of Jane Doe And Mary Roe V. City Of Oakland And Richard Valerga, U.S. Northern
District Court Action No. C06-02424 MHP (JCS), Our File No. X02828, In The Amount Of
\$190,000.00. This Case Involves Unwarranted Stops And Improper Conduct On The Basis Of
Race/Ethnicity And Gender (Oakland Police Department-Alleged Civil Rights Violation)
[06-1104](#)

This Matter was Adopted on the Consent Agenda.

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

10.5-CC Subject: Steve Frasier - Settlement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Steve Frasier V. City Of Oakland, Alameda County Superior Court Case No. RG03-080150, Our File No. 21814 In The Amount Of \$30,000.00. This Case Involves Allegations That The City Failed To Amend Its Parking Meter Ordinance (Public Works Agency)
[06-0889](#)

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

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

10.6-CC Subject: Linda Yin Wong and Marie C. Tran - 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 Linda Yin Wong And Marie C. Tran In The Amount Of \$6,000 As A Result Of A Trip And Fall On The Sidewalk (PWA)
[06-1105](#)

This Matter was Adopted on the Consent Agenda.

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

10.7-CC Subject: Joyce Denyven - 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 Joyce Denyven In The Amount Of Ten Thousand Dollars And No Cents (\$10,000.00), As A Result Of Bodily Injury Damages Sustained In A Trip And Fall Incident On A City Sidewalk Damages By A City Tree On June 28, 2006. (PUBLIC WORKS AGENCY)
[06-1106](#)

This Matter was Adopted on the Consent Agenda.

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

10.8-CC Subject: RP Bayrock I LLC - Conditional Encroachment Permit
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting RP Bayrock I LLC A Revocable And
Conditional Permit To Allow Vaults And Electrical Transformers For A New Building At 620
Broadway To Encroach Under The Public Sidewalk Along 6th Street For The 8 Orchids Project
[06-1026](#)

This Matter was Adopted on the Consent Agenda.

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

10.9-CC Subject: Police Administration Building Seismic Retrofit
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing Acceptance And Appropriation Of A Grant
From The Earthquake Safety And Public Building Rehabilitation Bond Act Of 1990 In The
Amount Of Five Hundred Thousand Dollars (\$500,000.00) For The Police Administration
Building Weak Story Seismic Retrofit Project
[06-1058](#)

This Matter was Adopted on the Consent Agenda.

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

10.10-CC Subject: Equipment Lease-Purchase Agreements
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Appropriate
Two Million Three Hundred Seventy-Seven Thousand Fifty Dollars (\$2,377,050.00) In Interest
Earnings From The 2000 And 2002 Equipment Master Lease-Purchase Agreements To Fund
The Purchase Of Sixty-Nine Replacement Marked Police Patrol Vehicles
[06-1055](#)

This Matter was Adopted on the Consent Agenda.

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

10.11-CC Subject: Public Service Easements - Asiameriland Corporation
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Summarily Vacating Two Public Service Easements To
Asiameriland Corporation For Parcel Map 8290 On 73rd Avenue
[06-1007](#)

This Matter was Adopted on the Consent Agenda.

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

10.12-CC Subject: Peralta Hacienda Park - Round Three
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For,
Accept, And Appropriate Grant Funds From The California Cultural And Historical
Endowment (CCHE) For Round Three Under State Of California Proposition 40 (Clean Water,
Clean Air, Safe Parks, And Coastal Protection Act Of 2002), For Peralta Hacienda Historical
Park In An Amount Up To One Million Eight Hundred And Fifty Thousand Dollars
(\$1,850,000.00)
[06-1057](#)

This Matter was Adopted on the Consent Agenda.

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

10.13-CC Subject: Project Choice Model Case Management Service Agreement
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute An
Agreement Between The City Of Oakland And Volunteers of America, Bay Area, Inc. For An
Amount Not To Exceed \$81,869 To Provide Project Choice Model Case Management In
Accordance With The Violence Prevention And Public Safety Act Of 2004 For The Period Of
January 1, 2007 To June 30, 2007 With Two One-Year Options To Renew For Amounts Not
To Exceed \$163,738 Per Year
[06-1020](#)

This Matter was Adopted on the Consent Agenda.

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

10.14-CC Subject: A Community Response and Support Network - Contract
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute Agreements Between The City Of Oakland And Catholic Charities Of The East Bay For An Amount Not To Exceed \$300,000 To Provide A Community Response And Support Network (CRSN) To Respond To Oakland Homicides, \$100,000 To The Alameda County Health Care Services Agency To Provide Coordination And Mental Health Services To CRSN Participants And \$65,000 To Youth Alive! To Provide The Caught In The Crossfire Program At Highland Hospital In Accordance With The Violence Prevention And Public Safety Act Of 2004 For The Period Of February 1, 2007 To January 31, 2008 With A One-Year Option To Renew
[06-1021](#)

This Matter was Adopted on the Consent Agenda.

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

10.15-CC Subject: Urban Area Security Initiative Grant - MOU
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Enter Into A Memorandum Of Understanding With Alameda County, City And County Of San Francisco, City Of San Jose And Santa Clara County To Establish An Approval Authority Responsible For The Distribution Of The Fiscal Year 2006 Urban Area Security Initiative Grant Funds
[06-1042](#)

This Matter was Adopted on the Consent Agenda.

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

10.16-CC Subject: Various Emergency Services Grants
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: Accept And Appropriate A Grant For Thirty Five Thousand Dollars (\$35,000.00) For The Period January 1, 2006 To October 31, 2007 Federal Fiscal Year 2005 And Fiscal Year 2006, From The State Of California's Homeland Security Grant Program For Community Emergency Response Team (CERT) Enhancement And Citizen Corps Council Projects, Awarded And Administered By The Alameda County Operational Area To The City Of Oakland Office Of Emergency Services (OES) For The Citizens Of Oakland Respond To Emergencies (CORE) Program, And, If CERT Grant Funding Is Increased, Accept And Appropriate Additional CERT Grant Funds As Described Above Without Return To Council
[06-1043](#)

This Matter was Adopted on the Consent Agenda.

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

10.17-CC Subject: Amendment To The Conflict of Interest Code
From: Office Of The City Attorney
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending The City Of Oakland's Conflict Of Interest Code (Ordinance Number 11562 C.M.S. Adopted March 23, 1993, As Amended, Oakland Municipal Code Chapter 3.16) Enacting A Conflict Of Interest Code For City Of Oakland Employees, Members Of Boards And Commissions, And Consultant Positions To Update The Designation Of Positions Covered By The Code
[06-1039](#)

This Matter was Adopted on the Consent Agenda.

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

10.18-CC Subject: Mills Act Property Tax Abatement Program - Historic Preservation
From: Community and Economic Development Agency
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Adopting A Two-Year Pilot Mills Act Property Tax Abatement Program For Qualified Historic Properties, And Making Related Amendments To The City's Master Fee Schedule; And
[06-0876](#)

This Matter was Adopted on the Consent Agenda.

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

10.19-CC Subject: Final Tract Map 7396 - Approvals
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Conditionally Approving The Final Map For Tract 7396 For The Siena Hill Residential Subdivision At 4301 Keller Avenue And Conditionally Accepting Irrevocable Offers Of Dedication For Public Access And Public Utility Easements; And
[06-1025](#)

This Matter was Adopted on the Consent Agenda.

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

2) A Resolution Conditionally Approving A Subdivision Improvement Agreement With Siena Homes LLC For The Final Map For Tract 7396 For The Siena Hill Subdivision For Construction Of Public Infrastructure Improvements At 4301 Keller Avenue
[06-1025-1](#)

This Matter was Adopted on the Consent Agenda.

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

10.20 Subject: Priority Project Funds - District 7
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution Authorizing Immediate Allocation Of \$10,000 From Councilmember Larry E. Reid's Priority Project Funds To East Oakland Senior Citizens, Inc.
[06-1089](#)

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland
Redevelopment Agency / City Council on 2/20/2007**

10.21-CC Subject: Councilmembers Larry Reid And Jean Quan - Travel Authorization
From: Councilmembers Larry Reid and Jean Quan
Recommendation: Adopt A Resolution Authorizing Councilmember Larry Reid And Councilmember Jean Quan To Travel To Washington, DC To Attend The National League Of Cities 2007 Annual Conference From March 10-14, 2007
[06-1100](#)

This Matter was Adopted on the Consent Agenda.

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

Passed The Consent Agenda

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

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

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

A motion was made by Councilmember Kernighan, 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 Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Brooks
There were two final decisions reported out of Closed Session. Please refer to Attachment A.

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

A motion was made by Councilmember Kernighan, 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 Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Brooks
Agency/Councilmember Kernighan made a motion seconded by Agency/Councilmember Quan confirming that there were no discussions pursuant to Section 15 of the Sunshine Ordinance, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Quan, Kernighan and President of the Council De La Fuente - 7, 1 Excused Reid

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

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

14. Consideration of items with statutory Public Hearing Requirements:

14.1 Subject: Traffic Impact Program
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following
Pieces Of Legislation:

1) Approve The Introduction (First Reading) Of An Ordinance Amending The Oakland
Municipal Code Title 10, Adding Chapter 70, Establishing A Traffic Impact Program (TIP)
Pursuant To California Government Code Sections 66000 Through 66025 (Mitigation Fee Act)
For The Southeast Portion Of The City Of Oakland, Including Procedural Requirements For
The Adoption, Imposition, And Adjustment Of Traffic Impact Fees (TIF); And
[06-0807](#)

**A motion was made by Councilmember Brooks, seconded by
Councilmember Chang, that this matter be Approved for Final Passage.
The motion carried by the following vote:**

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

2) A Resolution Establishing A Traffic Impact Fee (TIF) Pursuant To Adoption And
Implementation Of The Traffic Impact Program (TIP) For The Southeastern Portion Of The
City Of Oakland, Including The Adoption And Imposition Of Traffic Impact Fees (TIF) And
Designated Projects For Fiscal Year 2007-2009
[06-0807-1](#)

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

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

*Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was opened
at 7:03 PM.*

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

ACTION ON NON-CONSENT ITEMS:

15 ~~Subject: Oakland Garden Hotel, LLC—Agreement
From: Community and Economic Development Agency
Recommendation: Adopt the Following Pieces Of Legislation:~~

~~1) An Agency Resolution Pursuant To Section 4.9.2 And 11.2 Of The Disposition And
Development Agreement Between The Oakland Redevelopment Agency And Oakland Garden
Hotel LLC, Authorizing The Agency Administrator To Approve The Transfer Of Ownership Of
The Oakland Garden Hotel To The CIM Group; And
[06-0961](#)~~

~~2) A Resolution Pursuant To Section 10. Of The Hyatt Regency Oakland Hotel Ground Lease
Between The City Of Oakland And Oakland Renaissance Associates Authorizing The City
Administrator To Approve The Assignment Of The Ground Lease And The Sale Of The
Marriott Hotel To The CIM Group, And To Accept All Payments Due The City
[06-0961-1](#)~~

*This item was withdrawn by the February 1, 2007 Rules and Legislation
Committee*

16 Subject: Universal Waste Initiatives
From: Councilmember Nancy Nadel
Recommendation: Adopt A Resolution Authorizing The City Of Oakland To Pursue And
Support Statewide And Local Legislative And Other Initiatives To Hold Producers Responsible
For Product Waste, Starting With Products Defined As Universal Waste
[06-1015](#)

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

Votes: ORA\Councilmember Excused: 1 - Councilmember Reid
ORA\Councilmember Absent: 1 - Councilmember Brunner
ORA\Councilmember Ayes: 6 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Quan, President of the Council
De La Fuente and Councilmember Brooks

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

17 Subject: Main Library Teen Zone Improvements
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Main Library Teen Zone Improvements Project In Accord With Specification No. P241410 To Harding Construction Inc. In The Amount Of Two Hundred Seventy-Four Thousand Dollars (\$274,000.00) And To Appropriate Three Hundred Thirty Three Thousand Ten Dollars (\$333,010.00) To The Main Library Teen Zone Improvements Project From The Oakland Public Library Trust Fund
[06-1054](#)

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

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

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

18 Subject: Cale Parking Systems Contract
From: Finance and Management Agency
Recommendation: Adopt A Resolution Awarding A Contract To Cale Parking Systems USA, Inc., To Purchase And Install Approximately Five Hundred (500) Multi-Space Pay And Display Parking Meters In Accordance With Specification No. 06-550-38-1 In An Amount Not-To-Exceed Four Million, Five Hundred Thousand Dollars (\$4,500,000.00), And Authorizing The City Administrator To Proceed With A Competitive Process For A Finance Lease Company To Finance The Multi-Space Pay And Display Parking Meters (TITLE CHANGE)
[06-1033](#)

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

*The following individual(s) spoke in favor of this item:
- Larry Hendel*

*The following individual(s) spoke aagainst this item:
- John K. Lee*

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

19 Subject: Conley Consulting - Agreement
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing A Professional Services
Agreement With Conley Consulting Group To Develop A Citywide Retail Recruitment
Strategy And Implementation Plan In An Amount Not To Exceed \$436,720
[06-0787](#)

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

Votes: ORA\Councilmember Excused: 1 - Councilmember Reid
ORA\Councilmember Absent: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 6 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan and President of the Council De La Fuente

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

20 Subject: Oakland Ice Center Contract
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing A Three-Year Operations And
Management Agreement With San Jose Arena Management, LLC For The Oakland Ice Center
For A Negotiated Annual Fee Based On A Percentage Of Net Revenue, Pursuant To Specific
Criteria (TITLE CHANGE)
[06-0753](#)

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland
Redevelopment Agency / City Council on 2/20/2007**

There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Palmer Lee Clark, Demetrio Baltazar, Susan Duncan, Norman Frank Beville, Molly Ivins, Michael Scott, Deloria Young, Clotilde Coburn, Geraldine Elliot, Walter Nielson, Angelo Primas, Kevin Reed, Mailah Arkansas, and Roosevelt Scates at 8:45 PM

21 Subject: Tobacco Shop - Moratorium
From: Councilmember Larry Reid
Recommendation: Adopt An Interim Ordinance Of The City Of Oakland Adopted As An
Urgency Measure Pursuant To California Government Code Section 65858 Making Findings
And Establishing A Temporary Moratorium On The Establishment Of Any New Activity Or
Facility Selling Tobacco Or Tobacco Related Products Or Paraphernalia
[06-1110](#)

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

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

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

- *Serena Chen*
- *Paul Cummings*

22 Subject: Mayor's Salary
From: Office of the City Administrator
Recommendation: Adopt A Resolution Establishing The Salary And Salary Range For The
Mayor Of The City Of Oakland, Pursuant To The Oakland City Charter, Article III, Section 300
[06-1041-2](#)

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

Votes: ORA\Councilmember Excused: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember
Quan, President of the Council De La Fuente and Councilmember Brooks
*Agency/Councilmember Kernighan made a motion, seconded by
Agency/Councilmember Chang, to adopt the resolution on Item 22 as amended
to set the Mayor's salary at \$183,395.00, and hearing no objections, the motion
passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Kernighan,
Nadel, Quan, and President of the Council De La Fuente -7; Excused: Reid -1*

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

- *Sanjiv Handa*
- *William Mayo*

22.1 Subject: Mayor's Salary
From: Office Of The City Administrator
Recommendation: Action On A Report Calculating The Salary Of The Mayor Of The City Of
Oakland, In Conformance With The Procedures Set Forth In Article III, Section 300 Of The
Oakland City Charter
[06-1041](#)

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

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

Recommendation: Receive The City Auditor's Report Regarding The Report Calculating The
Oakland City Mayor's Salary In Conformity With The Oakland City Charter
[06-1041-1](#)

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

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

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

- Sanjiv Handa
- William Mayo

23 Subject: Coliseum Authority Board Appointment
From: Council President Ignacio De La Fuente
Recommendation: Adopt A Resolution Appointing Yui Hay Lee As A Member Of The
Oakland-Alameda County Coliseum Authority Board Of Commissioners
[06-1082](#)

**A motion was made by Councilmember Quan, 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 Ayes: 7 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember
Quan, President of the Council De La Fuente and Councilmember Brooks

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

- Sanjiv Handa

24 Subject: Coliseum Authority Board Appointment
From: Council President Ignacio De La Fuente
Recommendation: Adopt A Resolution Appointing Gerorgia W. Richardson As A Member Of
The Oakland-Alameda County Coliseum Authority Board Of Commissioners
[06-1083](#)

A motion was made by Councilmember Quan, 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 Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Brooks

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

25 Subject: City-Port Liaison Committee Appointments
From: Council President De La Fuente
Recommendation: Action On A Report Pursuant To The Council's Rules Of Procedure
(Resolution No. 79006 C.M.S.) To Confirm The City Council President's Appointments Of The
Members Of The City-Port Liaison Committee
[06-1084](#)

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

Votes: ORA\Councilmember Excused: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Brooks
Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Chang, to approve the City-Port Liaison Committee membership proposed by Council President De La Fuente with the members being Councilmembers Nadel, Reid, Kernighan, and Vice Mayor Chang, and hearing no objections the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Kernighan, Nadel, Quan, and President of the Council De La Fuente -7 Excused: Reid - 1

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

26 Subject: McKillop Roadway - Landslide Damage
From: Public Works Agency
Recommendation: Adopt A Resolution Renewing And Continuing The Local Emergency Due
To Landslide Damage To McKillop Roadway First Proclaimed By the City Of Oakland On
October 17, 2006
[06-1111](#)

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

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

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

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

*There being no further business, and upon the motion duly made, the
Agency/Council adjourned the meeting at 8:43 p.m.*

Note: Americans With Disabilities Act
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please contact the Office of the City Clerk. When possible, please notify the City Clerk 48
hours prior to the meeting so we can make reasonable arrangements to ensure accessibility.
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...

City Clerk and Clerk of the Council