



City of Oakland
Online Meeting Minutes - FINAL
Concurrent Meeting of the Oakland
Redevelopment Agency/ City Council

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

Tuesday, April 3, 2007

6:00 PM

Oakland City Hall, 3rd Floor

Daystar Notes for Elena 04/04/08

1 Pledge of Allegiance

2 Roll Call / ORA & Council

ORA\Councilmember Councilmember Nadel

Excused:

ORA\Councilmember Councilmember Chang, Councilmember Kernighan, Councilmember Brunner,

Present: Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

3 Open Forum / Citizens Comments

(Time Available: 15 minutes)

The following individual(s) spoke under Open Forum:

- Martha Cline
- Willow Liroff
- Mary Cochran
- Lynda Dann
- Rachel Medanic
- Tammy Freba
- Peter Hauer
- Lila Travis
- Frankie Pritchard
- Paula Pereira
- Kasey Brown
- Ellen Lynch

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.

The following individual(s) spoke on this item:

- Jonathan Bair

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 March 20, 2007

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

ORA\Councilmember 1 - Councilmember Nadel

Excused:

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

8. PRESENTATION OF CEREMONIAL MATTERS

- 8.1 Subject: Children's Book Project - Recognition
From: Councilmember Pat Kernighan
Recommendation: Adopt A Resolution Commending The Children's Book Project East Bay On The Occasion Of Giving Away 120,000 Books To Readers Pre-School To High School

Attachments: View Report.pdf, 80479 CMS.pdf

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

- Valeria Esparza

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

ORA\Councilmember 1 - Councilmember Nadel

Excused:

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

Enactment No: 80479

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Agency/Council President De La Fuente took a point of personal privilege and requested that the meeting be adjourned in memory of Cesar Diaz

Agency/Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Debra Green

10. CONSENT CALENDAR (CC) ITEMS:

- 10.1 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
Attachments: View Report.pdf, 80480 CMS.pdf
This Matter was Adopted on the Consent Agenda.
Enactment No: 80480
- 10.2 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
Attachments: View Report.pdf, 80481 CMS.pdf
This Matter was Adopted on the Consent Agenda.
Enactment No: 80481
- 10.3 Subject: Andrew R. Brown - 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 USAA Insurance As
 Subrogee Of Andrew R. Brown In The Amount Of Ten Thousand Dollars And
 No Cents (\$10,000.00), As A Result Of Property Damage Sustained Due To A
 Sewer Flood Caused By A Failed City Sewer Main On December 8, 2006.
 (Public Works Agency)
Attachments: View Report.pdf, 80482 CMS.pdf
This Matter was Adopted on the Consent Agenda.
Enactment No: 80482
- 10.4 Subject: Alex Hahn - Settlement Agreement
 From: Office of the City Attorney
 Recommendation: Adopt A Resolution Authorizing And Directing The City
 Attorney/Agency Counsel To Compromise And Settle The Following Litigation
 For A Total Principal Amount Of Two Million Seven Hundred And Forty Four
 Thousand One Hundred And Twenty Five Dollars (\$2,744,125): Redevelopment
 Agency Of The City Of Oakland V. Alex Hahn Et Al. (Santa Clara County
 Superior Court Case No. 1-05-CV-038886), An Eminent Domain Action Asking
 The Court To Determine The Appropriate Compensation For The Condemnation
 Of Approximately 20,225 Square Feet Of Land Located At The Intersection Of
 Telegraph Avenue And Thomas L. Berkley Way In Oakland
Attachments: View Report.pdf, 80483 CMS.pdf

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

This Matter was Adopted on the Consent Agenda.

Enactment No: 80483

10.5

Subject: Oakland City Center Project Amendment
From: Community and Economic Development Agency
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Authorizing The City To Enter Into A Twelfth Amendment To The Disposition And Development Agreement With Shorenstein Realty Investors Three, L.P., Regarding The City Center Project: (1) Extending The Option To Purchase Block T-12 By Eight Months Until December 31, 2007; (2) Revising Provisions Regarding When The Planned Unit Development And Grading Permits Are Required; (3) Deleting The Option To Develop A Residential Project On Block T-12; (4) Approving The Assignment By SRI, Three Of Its Rights And Obligations To Shorenstein Realty Investors Eight, LP; (5) Committing The Developer To Contribute Up To \$100,000 To Fund An Effort To Attract Retail To Downtown Oakland; And (6) Committing The Developer To Explore The Feasibility Of Including Retail In Its Block T-12 And T-5/6 Commercial Developments And A World Trade Center Showcase Center Project On Block T-5/6

Attachments: View Report.pdf, View Supplemental Report.pdf, View Supplemental Report.pdf, Attachment B__14.2 Motion.pdf, 12789 CMS.pdf

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

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

Enactment No: 12789

10.6

Subject: 2680 Beaconsfield Place - Purchase And Sale Agreement
From: Community and Economic Development Agency
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Authorizing The City Administrator To Negotiate And Execute A Purchase And Sale Agreement With Michael And Margaret Chu For The City's Purchase Of 2680 Beaconsfield Place (APN: 048D-7280-028) Consisting Of About 5,929 Square Feet Of Land Located In The Beaconsfield Canyon For The Fair Market Value Of Seventy Two Thousand Sixty Nine Dollars (\$72,069) Plus Closing Costs Not To Exceed Five Thousand Dollars (\$5,000) For The Measure DD Watershed Acquisition Project

Attachments: View Report.pdf, 12790 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 12790

10.7

Subject: Alameda Avenue, Oakland Waterfront Bay Trail Project

From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing the City Administrator, Or Her Designee, To Award A Construction Contract To McGuire & Hester For the Alameda Avenue, Oakland Waterfront Bay Trail Project (C243910) In The Amount Of Four Hundred Ninety One Thousand Eight Hundred Thirty-One Dollars (\$491,831.00)

Attachments: View Report.pdf, View Supplemental Report.pdf, 80484 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80484

10.8

Subject: Oakland Bay Trail Mandela Parkway Project
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, (1) To Accept And Appropriate A State Department Of Transportation Grant For The Oakland Bay Trail: Mandela Parkway Project (No. G199010) In The Amount Of Sixty Thousand Dollars (\$60,000.00); And (2) To Amend The Agreement With RHL Design Group For An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) For A Total Contract Amount Of Four Hundred Fifty-Four Thousand Dollars (\$454,000.00)

Attachments: View Report.pdf, 80485 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80485

10.9

Subject: Lakeside Park Central Control Irrigation Upgrade Project
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract To Green Acres Landscaping And Maintenance, Inc., For The Lakeside Park Central Control Irrigation Upgrade Project (No. C242114) In The Amount Of One Hundred Forty Five Thousand Dollars (\$145,000.00)

Attachments: View Report.pdf, View Supplemental Report.pdf, 80486 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80486

10.10

Subject: Architectural Design Services - Professional Services Agreements
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing A Professional Services Agreement With Noll & Tam Architects And Planners For As-Needed Architectural Design Services For An Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00); And

Attachments: View Report.pdf, 80487 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80487

2) A Resolution Authorizing A Professional Services Agreement With YHLA Architects For As-Needed Architectural Design Services For An Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00); And

Attachments: 80488 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80488

3) A Resolution Authorizing A Professional Services Agreement With The KPA Group For As-Needed Architectural Design Services For An Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00); And

Attachments: 80489 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80489

4) A Resolution Authorizing A Professional Services Agreement With Byrens Associates Architectural-Planning For As-Needed Architectural Design Services For An Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00); And

Attachments: 80490 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80490

5) A Resolution Authorizing A Professional Services Agreement With Shah Kawasaki Architects For As-Needed Architectural Design Services For An Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00); And

Attachments: 80491 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80491

6) A Resolution Authorizing A Professional Services Agreement With RPR Architects For As-Needed Architectural Design Services For An Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00); And

Attachments: 80492 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80492

7) A Resolution Authorizing A Professional Services Agreement With Muller & Caulfield Architects For As-Needed Architectural Design Services For An Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00); And

Attachments: 80493 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80493

8) A Resolution Authorizing A Professional Services Agreement With VBN Architects For As-Needed Architectural Design Services For An Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00); And

Attachments: 80494 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80494

9) A Resolution Authorizing A Professional Services Agreement With Murakami/Nelson Architectural Corporation For As-Needed Architectural Design Services For An Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00); And

Attachments: 80495 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80495

10) A Resolution Authorizing A Professional Services Agreement With Kormorous-Towey Architects For As-Needed Architectural Design Services For An Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00); And

Attachments: 80496 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80496

11) A Resolution Authorizing A Professional Services Agreement With Gerson/Overstreet Architects For As-Needed Architectural Design Services For An Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00)

Attachments: 80497 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80497

From: Public Works Agency
Recommendation: Adopt A Resolution Proclaiming April 27, 2007, To Be The City Of Oakland's Arbor Day 2007 And Authorizing An Official Tree Planting Ceremony At Golden Gate Recreation Center, 1075 - 62nd Street And The California College Preparatory Academy, 6200 San Pablo Avenue

Attachments: View Report.pdf, 80498 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80498

10.12

Subject: Sheffield Village Recreation Center - Construction Contract
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Sheffield Village Recreation Center ADA Improvements Project In Accord With Specification No. C259410 To Rockridge Builders In The Amount Of Four Hundred Ninety-Eight Thousand Three Hundred Fifty-One Dollars (\$498,351.00)

Attachments: View Report.pdf, 80499 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80499

10.13

Subject: Installation Of Stops Signs At Various Locations
From: Public Works Agency
Recommendation: Adopt A Resolution Approving Installation Of Stop Signs On: 1) North Street At Dana Street; 2) Cavour Street At Miles Avenue; 3) East 12th Street At 39th Avenue; And 4) 6th Street And Franklin Street

Attachments: View Report.pdf, 80500 CMS.pdf

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

This Matter was Adopted on the Consent Agenda.

Enactment No: 80500

10.14

Subject: Establishment Of Various Parking Zones
From: Public Works Agency
Recommendation: Adopt A Resolution Approving: 1) The Establishment Of A "No Parking Between 3:00 A.M. And 6:00 A.M." Zone On Embarcadero (South Side) Between 10th Avenue And 16th Avenue, And On Stanford Avenue (South Side) Between Los Angeles Street And Lowell Street; 2) The Removal Of A Two-Hour Parking Zone On Vicente Street Between Highway 24 And 57th Street; And 3) The Establishment Of A "Two-Hour Parking" Zone On The North Side Of 10th Street Between Jefferson Street And Martin Luther King, Jr. Way

Attachments: View Report.pdf, 80501 CMS.pdf

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

This Matter was Adopted on the Consent Agenda.

Enactment No: 80501

10.15

Subject: Bushrod Park Streetscape Improvements

From: Public Works Committee

Recommendation: Adopt A Resolution Rejecting All Bids And Authorizing The City Administrator To Award A Negotiated Construction Contract To Beliveau Engineering Contractors, Inc. For The Bushrod Park Streetscape Improvements (Project No. B00520) For An Amount Not To Exceed Three Hundred Thirty Thousand Dollars (\$330,000.00)

Attachments: View Report.pdf, View Supplemental Report.pdf, 80502 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80502

10.16

Subject: 2946 International Boulevard - Revocable And Conditional Permit

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Granting Seven Directions Housing, LP, A Revocable And Conditional Permit To Allow An Electrical Transformer And Vault For A New Building At 2946 International Boulevard To Encroach Under The Public Sidewalk

Attachments: View Report.pdf, 80503 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80503

10.17

Subject: Francisco & Associates - LLAD Engineering Services

From: Office of the City Administrator

Recommendation: Adopt A Resolution Authorizing The City Administrator To Renew And Execute The Contract With Francisco & Associates, Inc. For An Amount Not To Exceed \$153,340 To Perform Engineering Services For The Landscape And Lighting Assessment District, The Wildfire Prevention Assessment District, The Emergency Services Retention Act Of 1997 (Measure M), The Paramedic Services Act Of 1997 (Measure N), The Library Services Retention And Enhancement Act Of 1994 (Measure Q), The Violence Prevention And Public Safety Act Of 2004 (Measure Y) And The Rockridge Library Community Facilities District Of 1992 For Fiscal Years 2007-2008 And 2008-2009

Attachments: View Report.pdf, 80504 CMS.pdf

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

This Matter was Adopted on the Consent Agenda.

Enactment No: 80504

- 10.18** Subject: McKillop Roadway Restoration Project
 From: Public Works Agency
 Recommendation: Adopt A Resolution Amending Resolution No. 80186 C.M.S.
 Adopted On October 3, 2006 Which Appropriated \$1,693,550.00 Of City Funds
 For Emergency Response And Permanent Storm Mitigation Measures For The
 McKillop Roadway Restoration Project, To Appropriate An Additional
 \$1,906,450.00 (For A Total Project Appropriation Of \$3,600,000.00)
Attachments: View Report.pdf, View Supplemental Report.pdf, 80505 CMS.pdf
This Matter was Adopted on the Consent Agenda.

Enactment No: 80505

- 10.19** Subject: Salary Ordinance Amendment
 From: Finance and Management Agency
 Recommendation: Approve The Introduction (First Reading) Of An Ordinance
 Amending The Salary Schedule Of Ordinance No. 12187 (The Salary
 Ordinance) To: Add The Permanent Full Time Equivalent Classifications Of
 Latent Print Examiner I, Latent Print Examiner II, And Latent Print Examiner III;
 To Re-Title The Full Time Classification Assistant Criminalist To Criminalist I;
 And To Adjust The Salary Of The Full Time Classification Claims And Risk
 Manager
Attachments: View Report.pdf, 12791 CMS.pdf

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

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

Enactment No: 12791

- 10.20** Subject: Mixed Use Development Project At 5803-5833 Foothill Boulevard
 From: Community And Economic Development Agency
 Recommendation: Adopt An Agency Resolution Authorizing An Owner
 Participation Agreement With The First African Methodist Episcopal Church For
 Developing A Mixed Use Project At 5803-5833 Foothill Boulevard In The Central
 City East Redevelopment Project Area, And Authorizing A Predevelopment
 Loan In An Amount Not To Exceed \$175,000 To The Project
Attachments: View Report.pdf, 2007-0034 CMS.pdf

The following individual(s) spoke in favor of this item:
- Harold R. Mayberry

This Matter was Adopted on the Consent Agenda.

Enactment No: 2007-0034

10.21 Subject: South Coliseum Way / Edes Avenue Streetscapes Design Project - Contract
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Awarding A Professional Services Contract For An Amount Not To Exceed \$80,000 To Bruce Jett Associates To Prepare A Concept Design And Preliminary Construction Drawings For Streetscape Enhancements In The Coliseum Redevelopment Project Area

Attachments: View Report.pdf, 2007-0035 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 2007-0035

10.22 Subject: Oakland Human Relations Commission
From: Councilmembers Pat Kernighan and Nancy Nadel
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Re-Establishing The Human Relations Commission, Providing For The Appointment Of Members Thereof, And Defining The Duties Of Said Commission And Superseding Ordinances No. 11595, 11867, And 12191

Attachments: View Report.pdf

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

Withdrawn and Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Agency

10.23 Subject: Waterfront Trail Project At Cryer Site
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:
1) A Resolution Authorizing The City Administrator, Or Her Designee, To Apply For, Accept And Appropriate Grant Funds In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000.00) From The State Of California Department Of Parks And Recreation Land And Water Conservation Fund Program For The Waterfront Trail Project At Cryer Site; And

Attachments: View Report.pdf, 80506 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80506

2) A Resolution Authorizing The City Administrator, Or Her Designee, To Apply For, Accept And Appropriate Grant Funds In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000.00) From The Pacific Forest And Watershed Lands Stewardship Council Youth Investment Program Infrastructure Fund Grant For The Raimondi Park Renovation Project

Attachments: 80507 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80507

10.24

Subject: Risk Assessment And Hazardous Materials Area Plan
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate A Grant From The United States Department Of Transportation And The California Governor's Office Of Emergency Services For The Period January 1, 2007 To September 30, 2007 In The Amount Of Nineteen Thousand And Four Hundred Dollars (\$19,400.00) To Prepare A Hazardous Materials Area Plan For The City Of Oakland

Attachments: View Report.pdf, 80508 CMS.pdf

This Matter was Adopted on the Consent Agenda.

Enactment No: 80508

Passed The Consent Agenda

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

ORA\Councilmember 1 - Councilmember Nadel

Excused:

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

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

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Quan to accept the oral report from the City Attorney on final decisions made during Closed Session, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Kernighan, Reid, Quan, and President of the Council De La Fuente -7, Excused: Nadel-1

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

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

***Approve as Submitted**

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:

ACTION ON NON-CONSENT ITEMS:

- 15 Subject: McKillop Roadway - Landslide Damage
From: Public Works Agency
Recommendation: Adopt A Resolution Renewing And Continuing The Local
Emergency Due To Landslide Damage To McKillop Roadway First Proclaimed
By the City Of Oakland On October 17, 2006
Attachments: View Report.pdf, 80509 CMS.pdf

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

- Paul Bostwick

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

ORA\Councilmember 1 - Councilmember Nadel

Excused:

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

Enactment No: 80509

- 16 Subject: Landscaping And Lighting Assessment District Activities
From: Public Works Agency
Recommendation: Adopt A Resolution Adopting Policy Recommendations For
The City Of Oakland To Manage Landscaping And Lighting Assessment District
(LLAD) Funded Activities And New Improvements By Private Developers
Without A LLAD Increase, To Include Consideration Of A Five -Year Phased
Elimination Of Current Exemptions For Private Schools, Churches, Hospitals
And Agricultural Parcels (TITLE CHANGE)
Attachments: View Report.pdf, View Supplemental Report.pdf, View Supplemental
Report.pdf, View Supplemental Report.pdf, View Supplemental
Report.pdf, 80510 CMS.pdf

*Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember
Brunner, to approve the recommendation as amended:*

*In the fourth "Further Resolved" remove the words 'substantial and sustainable' and
replace with the word 'reasonable', and hearing no objections, the motion passed by
Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Kernighan, Quan, Reid and
President of the Council De La Fuente -7, Excused: Nadel - 1*

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

- Sanjiv Handa

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:

ORA\Councilmember 1 - Councilmember Nadel

Excused:

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

Enactment No: 80510

17

Subject: Public Art Advisory Commission Appointment
From: Cultural Arts and Marketing
Recommendation: Adopt A Resolution Appointing Andrew Woodd As A Member Of The Cultural Affairs Commission's Public Art Advisory Committee
Attachments: View Report.pdf, 80511 CMS.pdf

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

- Sanjiv Handa

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

ORA\Councilmember 1 - Councilmember Nadel

Excused:

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

Enactment No: 80511

18

Subject: Public Ethics Commission Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing John Ashford As A Member Of The Public Ethics Commission
Attachments: View Report.pdf, 80512 CMS.pdf

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

- Sanjiv Handa

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

ORA\Councilmember 1 - Councilmember Nadel

Excused:

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

Enactment No: 80512

19

Subject: Cox, Castle & Nicholson LLP - Conflict Of Interest Waiver
From: Office of the City Attorney
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing Waiver Of Any Potential Conflict Of Interest That The Law Firm Of Cox, Castle & Nicholson LLP, May Have As A Result Of : (1) Representing The Developer Of The Oak To Ninth Project; And (2) Representing Clients In Obtaining Land Use Entitlements Or Other Project Approvals From The Agency Or City; And

Attachments: View Report.pdf

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

ORA\Councilmember Abstained: 3 - Councilmember Brunner, Councilmember Quan and Councilmember Brooks

ORA\Councilmember Excused: 1 - Councilmember Nadel

ORA\Councilmember Ayes: 4 - Councilmember Kernighan, Councilmember Chang, President of the Council De La Fuente and Councilmember Reid

2) An Agency Resolution Authorizing Waiver Of Any Potential Conflict Of Interest That The Law Firm Of Cox, Castle & Nicholson LLP, May Have As A Result Of: (1) Representing The Developer Of The Oak To Ninth Project; And (2) Representing Clients In Obtaining Land Use Entitlements Or Other Project Approvals From The Agency Or City

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

ORA\Councilmember Abstained: 3 - Councilmember Brunner, Councilmember Quan and Councilmember Brooks

ORA\Councilmember Excused: 1 - Councilmember Nadel

ORA\Councilmember Ayes: 4 - Councilmember Kernighan, Councilmember Chang, President of the Council De La Fuente and Councilmember Reid

20

Subject: Calhome Program Grant
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate Grant Funds In An Amount Not To Exceed \$1 Million From The California Department Of Housing And Community Development For Funding From The Calhome Program For First-Time Homebuyer Mortgage Assistance Programs

Attachments: View Report.pdf, 80513 CMS.pdf

Staff was directed to return to committee within two months with information on giving preference to Oakland residents in any housing program. They were also directed to create a pamphlet that lists all the available housing programs.

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

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

ORA\Councilmember 1 - Councilmember Nadel

Excused:

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

Enactment No: 80513

21

Subject: Oakland Ice Center Management And Operation

From: Councilmember Larry Reid

Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Agency Administrator To Negotiate And Execute A Three-Year Agreement With Rink Management Services Corporation For Management And Operation Of The Oakland Ice Center For A Base Monthly Fee Not To Exceed \$4,900, Plus An Annual Incentive Fee Not To Exceed 20 Percent Of Net Revenue Adjusted For Any Deferred Expenses That May Be Earned During The Previous Year In Excess Of \$7,603, Pursuant To Specific Criteria; Or

Attachments: View Report.pdf, View Contract Addendum.pdf

The following individual(s) spoke on this item:

*- Sanjiv Handa
- Melinda Franklin
- Dino Konrai
- Lizzie Goetz
- Emmie LeRoy
- Mariah Kabick
- Casey Konrai
- Trevor Chapin
- Trevor Konrai
- Bob Burrows
- William Taylor
- Erin Stoker
- Rosalind Manoogian
- Marilyn Clark
- Marguerite Young
- Don Gralnek
- Candy Goodson
- Sharon Kirby-Cahil*

- Sharon Comstock
- Matias Sanchez
- Fred Brown
- Charlie Faas
- Laura Borges
- Dannika Borges
- John Poch
- Joseph Hong

Not Adopted

2) 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; Or

Attachments: 2007-0036 CMS.pdf

Agency/Councilmember Kernighan made a motion, seconded by Agency/Councilmember Quan, to approve the recommendations as amended below:

RESOLVED That the Agency Administrator is hereby authorized to negotiate a three year agreement Management Agreement with SJAM for the management and operation of the OIC consistent but not limited to the terms set forth below and then return to Council for approval of the contract

6. The Agency shall only be required to reimburse SJAM a maximum of \$30,000 for the cost of Initial Facility Clean up if the Agency's share of net revenue from the OIC after deduction of the Incentive Fee is sufficient to make such reimbursement during the initial 3-year term of the Management Agreement

7. The Management Agreement shall require that SJAM maintain a balanced and diverse schedule of programs of hockey figure skating public skating ice dancing and other ice related activities at the OIC with any significant changes in program scheduling and increases in fees to be brought back to the Agency Administrator for review and approval

8. During each year of the term of the Management Agreement SJAM shall offer a) free admission and skating equipment for no less than one thousand (1,000) Oakland Unified School District OUSD students during field trips to the OIC which shall take place on such dates and times to be determined in consultation with Agency and OUSD staff and b) in cooperation with OUSD SJAM shall arrange the physical transporting of these OUSD students to the OIC whether by contributions or other means without any expense cost to the City Agency or OUSD

9. At least four (4) times during each year of the term of the Management Agreement SJAM shall offer every OUSD student participating in OUSD's After School Program free skating dates and times and skating equipment

10. SJAM shall offer additional scholarship programs for OUSD students

11. SJAM shall endeavor to create a High School Hockey League competition and sponsor at least one OUSD team

12. SJAM shall contribute an additional \$100,000 in addition to the \$30,000 for Initial Facility Clean up to a capital improvement program Capital Improvements and the City Administrator shall coordinate with the proposed City Agency budget an equal match by the Agency or City of Oakland SJAM shall then implement such Capital Improvements at the OIC in consultation with Agency staff

13. SJAM shall ensure that Oakland residents receive a ten (10) percent discount on all fees, admissions and skating equipment rentals
14. In consultation with Agency staff SJAM will include up to \$80,000 for direct OIC marketing expenditures during each annual budget cycle for the OIC and offer another \$175,000 in-kind value at other San Jose Sharks or SJAM affiliated facilities such as HP Pavilion at San Jose Logitech Ice at San Jose and Fremont Ice Center
15. The Agency reserves all naming rights for the facility and any revenues that may be generated from such naming rights in the future The Agency shall consult with SJAM prior to any name changes of the facility during the period of this contract
16. The customers and patrons of the OIC are encouraged to form an advisory committee whose members shall represent a balance of ice activities SJAM shall meet with the OIC advisory committee at least three (3) times during each year of the term of the Management Agreement In those meetings the advisory committee and SJAM management will review and discuss issues relevant to the programs scheduling and standards at the OIC

Agency/Councilmember Brooks proposed adding the Comparison of Current and Proposed Ice Rink Usage chart as an addendum to the contract, (attached to the Main File ID for this item), Agency/Councilmember Kernighan accepted the friendly amendment and hearing no objections, the motion passed by Ayes:
Agency/Councilmember: Brooks, Brunner, Chang, Kernighan, Quan, Reid and President of the Council De La Fuente -7, Excused: Nadel -1

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

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Excused: 1 - Councilmember Nadel

ORA\Councilmember Noes: 1 - Councilmember Reid

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

Enactment No: 2007-0036

3) An Agency Resolution Rejecting All Bids Received In Response To The April 2006 Request For Proposals For Management Of The Oakland Ice Center, Closing The Request For Proposals Process, And Authorizing Negotiation Of Terms For A Two-Year Operations And Management Agreement With Either Rink Management Services Corporation Or San Jose Arena Management, LLC For The Oakland Ice Center Pursuant To Specific Criteria And Returning To Council For Approval Of The Final Contract; Or

Not Adopted

4) An Agency Resolution Rejecting All Bids Received In Response To The April 2006 Request For Proposals For Management Of The Oakland Ice Center, Closing The Request For Proposal Process, And Authorizing Issuance Of A

New Request For Proposals For A Two-Year Operations And Management Agreement For The Oakland Ice Center Pursuant To Specific Criteria; Or
Not Adopted

5) An Agency Resolution Rejecting All Bids Received In Response To The April 2006 Request For Proposals For Management Of The Oakland Ice Center, Closing The Request For Proposals Process, And Authorizing Negotiation And Execution Of A Six-Month Extension Of the Existing Management Agreement With Ice Speciality Entertainment, Inc. For The Oakland Ice Center

Not Adopted

22

Subject: Utilization Of Funds
From: Finance and Management Agency
Recommendation: Receive An Informational Report On The Utilization Of Funds Granted By Council Members To External Organizations

Attachments: View Report.pdf

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

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

ORA\Councilmember 1 - Councilmember Nadel

Excused:

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

23

Subject: Auditor's Office - Peer Review
From: Office of the City Auditor
Recommendation: Receive An Informational Report On The Results Of Peer Review Of The Office Of The City Auditor, Conducted By The Association Of Local Government Auditors For The Period January 1, 2004 - December 31, 2006

Attachments: View Report.pdf

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

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

ORA\Councilmember 1 - Councilmember Nadel

Excused:

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

24

Subject: Lake Chabot Golf Course
From: Office of Parks and Recreation
Recommendation: Adopt A Resolution To Reject All Submissions Received For The Operation And Management Of Lake Chabot Golf Course And Close The Current Request For Qualifications (RFQ) Process; To Issue A New Request For Proposals (RFP) In Nine Months; To Waive The RFP Requirements For A Temporary Management Agreement And To Authorize The City Administrator To Negotiate And Execute A Temporary Management Agreement With Touchstone Golf, LLC For Operation And Management Of Lake Chabot Golf Course For The Interim Period In An Amount Not To Exceed \$130,000 (TITLE CHANGE)

Attachments: View Report.pdf, View Supplemental Report.pdf, 80514 CMS.pdf

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Reid, to approve the recommendations as amended:

Remove the 1st Further Resolved that reads, "Further Resolved, that an RFP process to secure a long-term operator for Lake Chabot Golf Course...", and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Kernighan, Quan, Reid and President of the Council De La Fuente -7, Excused: Nadel -1

The following individual(s) spoke on this item:

*- Sanjiv Handa
- Laurie Rosen*

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

ORA\Councilmember 1 - Councilmember Nadel

Excused:

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

Enactment No: 80514

Continuation of Open Forum

The following individual(s) spoke under Open Forum:

*- Sanjiv Handa
- Mary Larkin*

ADJOURNMENT OF COUNCIL SESSION

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

There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Cesar Diaz and Debra Green at 10:05 PM.

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