

# Meeting Minutes City of Oakland

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**

***Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza***

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

**Tuesday, October 04, 2005**

**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 6:02 P.M.*

**2**  
Roll Call / ORA & Council

ORA\Councilmember Present: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

*The Roll Call was modified to note Councilmember Brooks present at 6:04*

*P.M.*

3

Open Forum / Citizens Comments

(Time Available: 15 minutes)

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

- *Hector Reyna*

- *Sanjiv Handa*

- *Rodney LeVias*

- *Dorothy Coleman*

- *Hugh Bassette*

- *Emzy Veazy, III, Esq.*

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 was no action necessary for this item*

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 September 20, 2005

**A motion was made by Councilmember Brooks, seconded by**

**Councilmember Reid, to Approve as Amended. The motion carried by the**

**following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

*Motion made by Agency/ Councilmember Brooks, seconded by*

*Agency/Councilmember Reid to adopt the minutes as amended to reflect*

*Councilmember Brooks present for the adoption of Consent Calendar and as*

*the motion maker for Item 30, and hearing no objections, the motion passes*

*with Ayes: Brooks, Brunner, Chang, Kernighan, Nadel, Quan, Reid and*

**8. PRESENTATION OF CEREMONIAL MATTERS**

**8.1**

Subject: Airport Expansion

From: Councilmember Reid

Recommendation: Receive A Power Point Presentation By The Port Of Oakland On the

Conceptual Plan For Airport Expansion For 2010-2012 (05-0741)

*Council heard a presentation from the Port of Oakland Conceptual Plan For*

*Expansion For 2010-2012*

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

*- Sanjiv Handa*

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**8.2**

Subject: California National Guard Withdrawal

From: Councilmember Nadel

Recommendation: Adopt A Resolution Calling Upon The Governor Of California To Urge The

Pentagon, The President And Congress To Take Immediate Steps To Withdraw California

National Guard Troops From Iraq (05-0724)

**A motion was made by Councilmember Nadel, seconded by**

**Councilmember Brooks, that this matter be Adopted. The motion carried**

**by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

- *Sam Joi*

- *Sally Lacquee*

- *Aimee Allison*

- *Louise Hart*

- *Jan Kearney*

- *Corrine Goldstick*

- *Hugh Bassette*

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8.3

Subject: PG&E Anniversary

From: Council President De La Fuente

Recommendation: Adopt A Resolution Recognizing The 100th Anniversary Of The Pacific Gas

& Electric Company And Proclaiming October 10, 2005 To Be "PG&E Day" In The City Of

Oakland (05-0745)

**A motion was made by Councilmember Reid, seconded by Councilmember**

**Brooks, that this matter be Adopted. The motion carried by the following**

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,



Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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8.4

Subject: New Book Celebrating Oakland's History and Landmarks

From: Council President De La Fuente

Recommendation: Adopt A Resolution Commending Edmond Clausen And Annalee Allen For

Creating An Innovative New Book Celebrating Oakland's History And Landmarks (05-0746)

**A motion was made by Councilmember Brooks, seconded by**

**Councilmember Brooks, that this matter be Adopted. The motion carried**

**by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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8.5

Subject: Jack And Jill Anniversary

From: Councilmember Reid

Recommendation: Adopt A Resolution Commemorating The 50th Anniversary Of The

Founding Of The Oakland-East Bay Chapter Of Jack And Jill Of America, Inc. (05-0783)

**A motion was made by President of the Council De La Fuente, seconded by**

**Councilmember Reid, that this matter be Adopted. The motion carried by**

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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S-8.6

Subject: Domestic Violence Awareness Month - October 2005

From: Councilmember Quan

Recommendation: Adopt a Resolution Proclaiming October 2005 Domestic Violence

Awareness Month (05-0806)

**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 Reid

ORA\Councilmember Ayes: 7 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks and Councilmember Chang

*Agency/Councilmember Quan made a motion seconded by*

*Agency/Councilmember Brooks to approve an urgency finding pursuant to*

*Section 2.20.080 E(2) regarding Item S-8.6 that there is a need to take*

*immediate action which came to the attention of the local body after the agenda*

*was posted, and that the need to take immediate action relates to a purely*

*ceremonial or commendatory action.*

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

*Agency/Councilmember Kernighan took a point of personal privilege and*

*requested that the meeting be adjourned in memory of Michelle Combs*

*Agency/Councilmember Nadel took a point of personal privilege and requested*

*that the meeting be adjourned in memory of Michael Cole Jr.*

*Agency/Councilmember Reid took a point of personal privilege and requested*

*that the meeting be adjourned in memory of Dr. Tipton Hood*

**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 (05-0742)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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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 (05-0743)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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10.3-CC

Subject: Claudine Nuriddin - Settlement

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To

Compromise And Settle The Case Of Claudine Nuriddin v. City Of Oakland, Et Al., Superior

Court, County Of Alameda, Case No. RG04191852, In The Amount Of \$8,000.00 As A Result

Of An Trip And Fall Accident In The Vicinity Of MacArthur Boulevard And Patterson

Avenue, Oakland, On May 18, 2004 (Public Works Agency - Trip And Fall) (05-0747)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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10.4-CC



Subject: Steve Splendorio And Bruce Nielsen - 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 Splendorio And Bruce Nielsen, And Other

Employees Similarly Situated (Plaintiffs) v. City Of Oakland, Et Al. (Defendants), United

States District Court, Northern District Of California, Case No. C044349-CW, As Follows: (1)

City Shall Pay A Total Amount Of \$418,506.19, As Compensation To Qualifying Members Of

Local 55 For Incorrect FLSA Overtime Calculations, Of Which Sum Only \$150,932.42

Remains To Be Paid; And, (2) City Shall Pay \$8,000.00 In Attorneys' Fee (05-0773)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

- *Sanjiv Handa*

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10.5-CC

Subject: Ratification of the Mayor's Actions During 2005 Recess

From: Office of the City Clerk

Recommendation: Adopt A Resolution Ratifying Action Taken By The Mayor During The

Oakland City Council 2005 Annual Recess In Conformance With Resolution Number 79006

C.M.S. Dated January 4, 2005 (05-0748)

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

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

*- Sanjiv Handa*

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10.6-CC

Subject: Traffic Stop Signs And Parking Meter Zone For 19th Street And Thomas L. Berkley

Way

From: Community And Economic Development Agency

Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending

Oakland Municipal Code Chapter 10.36 And Adding A Metered Parking Zone Along A New

Street Connecting 19th Street, William Street, And Thomas L. Berkley Way For The Uptown

Oakland Mixed Use Redevelopment Project (05-0562-1)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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S-10.7-CC

Subject: Microsoft Windows/Exchange Software Migration

From: Finance and Management Agency

Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A

Contract With Micromenders Inc. For Products And Services To Implement A Microsoft

Windows 2003/Exchange 2003 Software Migration For An Amount Not To Exceed Six

Hundred And Eighteen Thousand Nine Hundred Seventeen Dollars (\$618,917.00) (05-0702)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

*- Sanjiv Handa*

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S-10.8-CC

Subject: Give Something Back - Contract Amendment

From: Finance And Management Agency

Recommendation: Adopt A Resolution Amending The Contract Awarded To Give Something

Back For Laser Printer Toner Cartridges And Recycled Content Dioxin-Free Paper Authorized

By Council Resolution No. 78749 C.M.S., Dated July 20, 2004, From A Not To Exceed

Amount Of \$60,000 Per Year To A New Not To Exceed Amount Of \$500,000 Per Year

(05-0704)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

- *Sanjiv Handa*

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S-10.9CC

Subject: Design Review Program For Commercial Properties

From: Community and Economic Development Agency

Recommendation: Action On A Report And Recommendations On Proposal To Expand Design

Review To The City's Commercial Zoning Districts (05-0616)

**A motion was made by Councilmember Reid, seconded by Councilmember**

**Quan, that this matter be Approve as Amended The Council direded staff**

**to consider exempting from design review, those commercial facade grant**



**improvement projects that have successfully completed the required design**

**process, consider adding provisions that would limit ground floor**

**community assembly uses and consider incentives pertaining to and**

**incorporating ground floor retail activity incentives. The motion carried by**

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

- *Sanjiv Handa*

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S-10.10-C

C

Subject: Second Hand Smoke Policy

From: President De La Fuente

Recommendation: Approve the Introduction (First Reading) of an Ordinance Amending

Oakland Municipal Code, Title 8, Chapter 8.30, Smoking, To Define The Smoke-Free Area

Required Outside Work Buildings As 25 Feet From Any Entrance, Exit, Window And Air

Intake Vent Of Buildings That Serve As Places Of Employment (05-0633)

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

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

- *Sanjiv Handa*

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S-10.11-C

C

Subject: Paul Coverdell National Forensic Science Improvement Act Program - Grant

From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The

City Of Oakland, To Accept And Appropriate Grant Funds In The Amount Of Twelve

Thousand Seven Hundred Eighty Dollars (\$12,780) From The Governor's Office Of Emergency

Services For The Paul Coverdell National Forensic Science Improvement Act Program To The

Police Department For Participation In The Program (05-0710)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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S-10.12-C

C

Subject: California Commission On Peace Officers Standards And Training - Agreement

From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The

City Of Oakland, To Execute An Agreement With The California Commission On Peace

Officer Standards And Training (POST) For The Purpose Of Permitting The Police Department

To Present The POST Certified Emergency Vehicle Operations Course (EVOC) To A

Maximum Of One Hundred Twenty (120) Police Officer Trainees And Receive Up To

Fifty-Three Thousand Four Hundred Dollars (\$53,400) In Reimbursement Funds (05-0709)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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S-10.13-C

C

Subject: Opposition Proposition 73

From: Councilmember Nadel

Recommendation: Adopt A Resolution Declaring Opposition To Proposition 73 "Termination

of Minor's Pregnancy, Waiting Period And Parental Notification. Initiative Constitutional

Amendment" (05-0640)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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**Passed The Consent Agenda**

**A motion was made by Councilmember Reid, 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 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

Closed Session

**A motion was made by Councilmember Reid, seconded by Councilmember**

**Chang, to \*Received and Filed. The motion carried by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

*- Sanjiv Handa*

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 Chang confirming that there were no discussions*

*pursuant to Section 15 of the Sunshine Ordinance, and hearing no objections,*



*the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang,*

*Nadel, Reid, Quan, Kernighan and President of the Council De La Fuente -8*

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

**THEREAFTER:**

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: Forest City Residential West - Amendments

From: Community And Economic Development Agency

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following

Pieces Of Legislation:

1) An Agency Resolution (1) Approving Amendments To The Lease Disposition And

Development Agreement, Ground Lease, And Related Documents Between The

Redevelopment Agency, The City, And FC Oakland, Inc. Or Related Entities, For The

Development Of A Mixed-Use Residential Rental And Retail Development Project In The

Uptown Activity Area Of The Central District Redevelopment Project Area To (A) Modify

Public Park Maintenance Obligations, (B) Change The Date For Receipt Of Net Available Tax

Increment, And (C) Change The Noise Reduction Plan For The Oakland School For The Arts,

And Related Amendments; (2) Approving The Revised Site Plan For The Project; And (3)

Changing The Use Of Agency Funds For The Implementation Of The Project; And (05-0729)

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[View Revised Resolution.pdf,](#)

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2) A Resolution (1) Approving Amendments To A Lease Disposition And Development

Agreement, Ground Lease, And Related Documents Between The Redevelopment Agency, The

City, And FC Oakland, Inc. Or Related Entities, For The Development Of A Mixed-Use

Residential Rental And Retail Development Project In The Uptown Activity Area Of The

Central District Redevelopment Project Area To (A) Modify Public Park Maintenance

Obligations, (B) Change The Date For Receipt Of Net Available Increment, (C) Change The

Noise Reduction Plan For The Oakland School For The Arts, (D) Modify The Replayment

Schedule; And (E) Add Various Amendments; (2) Approving The Revised Site Plan For The

Project; And (3) Changing The Use Of City Funds For The Implementation Of The Project

(TITLE CHANGE) (05-0729-1)

**A motion was made by Vice Mayor Brunner, seconded by Councilmember**

**Reid, that this matter be Continued to the Concurrent Meeting of the**

**Oakland Redevelopment Agency / City Council, due back on October 18,**

**2005. The motion carried by the following vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Reid and Councilmember Chang

*Upon the reading of item 14.1 by the City Clerk, the Public Hearing was*

*opened at 8:30 P.M. Agency/Councilmember Brunner made a motion, seconded*

*by Agency/Councilmember Reid, to recess and continue the Public Hearing to*

*the October 18, 2005 Oakland Redevelopment Agency/City Council meeting,*

*and hearing no objections, the motion passed by Ayes: Agency/Councilmember:*

*Brunner, Chang, Nadel, Reid, Quan, Kernighan and President of the Council*



*De La Fuente -7, Abstain: Brooks, -1*

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

*- Eddie Dillard*

*- Susan Smart*

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[View Revised Resolution.pdf,](#)

[View Supplemental Report.pdf](#)

14.2

~~Subject: Taxi Medallion Number 303~~

~~From: Office Of The City Administrator~~

~~Recommendation: Conduct A Public Hearing On Maurice Thomas' Appeal Of The~~

~~Administrative Hearing Officer's Decision To Revoke Taxi Medallion Number 303, And~~

~~Affirm Hearing Officer's Decision (05-0513)~~

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14.3

~~Subject: Tree Appeal - 335 Hanover Avenue~~

~~From: Public Works Agency~~

~~Recommendation: Conduct A Public Hearing And Adopt A Resolution Denying The Appeal~~

~~Filed By Jesse Kupers, Kim Goodwin, Deborah Cowder, Keith Wilson And Jessica Seaton~~

~~Against The Decision Of The Public Works Agency Approving The Issuance Of Tree Removal~~

~~Permit DRO4-019 For 335 Hanover Avenue, In Order To Build A Nine Unit Condominium~~

~~Building (05-0635)~~

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**ACTION ON NON-CONSENT ITEMS:**

15

Subject: Hurricane Rent Reduction

From: Office Of The City Attorney

Recommendation: Adopt An Emergency Ordinance Amending The Rent Adjustment

Ordinance (Oakland Municipal Code Chapter 8.22) To Allow Rental Property Owners To (1)

Charge Temporary Below Market Rate Rent To Persons Displaced By Disasters And (2)

Increase The Rent To Market Rates At The End Of The Temporary Period, And Invoking This

Provision For Hurricane Katrina And Hurricane Rita (05-0774)

**A motion was made by Vice Mayor Brunner, seconded by Councilmember**

**Kernighan, that this matter be Approved as Amended for Final Passage.**

**The motion carried by the following vote:**

**Votes:**

ORA\Councilmember Noes: 1 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Councilmember Chang

*Agency/Councilmember Brunner made a motion, seconded by*

*Agency/Councilmember Kernighan to make the following amendments to the*

*Emergency Ordinance: 1) under Section A - to include the following, "The*

*purpose of this section 8.22.200 is to permit Owners to offer temporary below*



*market Rent to Certified, displaced persons from areas hit by the Katrina*

*disaster ("Displacees") and to enable the Owners to increase the Rent to market*

*rate at the end of the temporary period.", 2) under Section B - will now read*

*"Invocation of Section And Period Of Invocation. The provisions of this Section*

*will remain in effect for six months after the date of action invoking this Section*

*unless rescinded earlier by the City Council...", 3) under Section C - "Rent*

*Increases to (and include the word "Certified") Displacees. Also include the*

*following language "In order for a rental agreement to be eligible under this*



*Section 8.22.200, the below market Rent must be no greater than fifty (50%) of*

*the HUD Fair Market Rents in effect in Oakland at the time this Section is*

*invoked based on the number of bedrooms in the Rental Unit. The City*

*Administrator will make available to the public the maximum rents for*

*eligibility under this Section."; 4) under Section E "Determination of Eligibility*

*as Displacees. The City Administrator will develop a list of public or private*

*agencies include the language, "including but not limited to FEMA (Federal*

*Emergency Management Agency)", that, include the word "will" identify and*



*replace the word verify with the word "certify" that persons..."; 5) under*

*Section G. "Procedures, Standards and Regulations.", remove the last sentence,*

*"These standards or regulations may include the maximum Rent guidelines for*

*Rental Unites to be eligible under this Section."; 6) add "Section H.*

*Retroactivity. This Section 8.22.200 may be applied to rental agreements that*

*Displacees and Owners executed before this Ordinance became effective if it*

*meets all the requirements of said Ordinance. The City Administrator is*

*authorized to develop the procedures and requirements that rental agreements*



*must comply with to be eligible for the protections provided by this Section.", 7)*

*add, "Whereas, staff shall expedite Katrina petitions"; and 8) under Section 3,*

*remove "and Hurricane Rita."*



*PURSUANT TO CITY CHARTER SECTION 213 (EMERGENCY*

*ORDINANCE) THIS ITEM WAS INTRODUCED AND ADOPTED AT THE*

*SAME MEETING, BY A VOTE OF 7 AYES, 1 NO - DE LA FUENTE*

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

- *Sanjiv Handa*

- *Bob Hines*

[View Report.pdf](#)  
S-15.1

Subject: Hurricane Katrina And Rita Relief Efforts

From: Rules And Legislation Committee



Recommendation: Discussion And Action On A Report And Recommendations On The City

Of Oakland's Participation In Hurricanes Katrina and Rita Relief Efforts (05-0804)

**A motion was made by Councilmember Quan, seconded by President of the**

**Council De La Fuente, that this matter be Approve as Amended. The**

**motion carried by the following vote:**

**Votes:**

ORA\Councilmember Abstained: 2 - Vice Mayor Brunner and Councilmember

Nadel

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, Councilmember

Quan, President of the Council De La Fuente, Councilmember Brooks,

Councilmember Reid and Councilmember Chang

*Agency/Councilmember Quan made a motion seconded by President Of The*

*Council De La Fuente to approve staff recommendations, directed staff to look*

*for other funding sources and include the following language "The City*

*Administrator will develop a list of public or private agencies, "including but*

*not limited to FEMA (Federal Emergency Management Agency)", that, will*

*identify and certify that persons are Displacees and can provide documentation*

*or certification as to whether a person is a Displacee.", and hearing no*

*objections, the motion passed by Ayes: Agency/Councilmember: Brooks,*

*Chang, Kernighan, Quan, Reid and President of the Council De La Fuente - 6*

*and Abstain: Agency/Councilmember: Brunner and Nadel - 2*

*The following individual(s) spoke and indicated a neutral position on this item:*

- *Linda Kiehle (time ceded from Willis Hannawalt)*

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16

Subject: Animal Definition Amendments

From: Councilmember Reid

Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending

Section 6.04.020 Of The Oakland Municipal Code, Definitions; Amending Section 6.04.320

Prohibiting The Keeping Of Roosters In The City; Adding Section 6.04.400 To Limit The

Number Of Dogs Per Household To Three; Amending Section 6.04.050 Making Chipping

Required For Licensing, And Adding Section 6.04.410 To Add Exemptions To The Provisions

Of This Ordinance (05-0574)

**A motion was made by Councilmember Reid, seconded by Councilmember**

**Quan, that this matter be Approved for Final Passage. The motion carried**

**by the following vote:**

**Votes:**

ORA\Councilmember Noes: 1 - Councilmember Nadel

ORA\Councilmember Ayes: 7 - Vice Mayor Brunner, Councilmember

Kernighan, Councilmember Quan, President of the Council De La Fuente,

Councilmember Brooks, Councilmember Reid and Councilmember Chang

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

*- Sanjiv Handa*

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

*- Martha Cline*



- *Belinda Arnett*

- *Michael Hoolihan*

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

*- Pam Smith*

*- Mary Eisenhart*

- *Nancy Rieser*

- *Tanya Baker*

- *Karin MacDonald*

- *Douglas Kolozsvari*

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Subject: Rent Adjustment Ordinance

From: Community And Economic Development Agency

Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending

Rent Adjustment Ordinance (OMC Chapter 8.22) To Add Three Alternate Members To The

Housing Residential Rent And Relocation Board (TITLE CHANGE) (05-0685)

**A motion was made by Vice Mayor Brunner, seconded by Councilmember**

**Nadel, that this matter be Approved for Final Passage. The motion carried**

**by the following vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Reid and Councilmember Chang

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

- *Sanjiv Handa*

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18

Subject: Opus West Exclusive Negotiating Agreement - Extension

From: Community And Economic Development Agency

Recommendation: Adopt An Agency Resolution Amending The Exclusive Negotiating

Agreement With Opus West Developer Group For The Development Of Approximately 50

Acres Within The Former Oakland Army Base, In Order To: (1) Change The Developer Name

To Oakland West Wind, LLC; And (2) Extend The Term Of The Agreement From 6 Months

To 12 Months (05-0687)

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland**

**Redevelopment Agency/City Council on 10/18/2005**

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19

Subject: Public Utilities And Right-Of- Way Improvements For Uptown Project

From: Community And Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving A Subdivision Improvement Agreement With FC Oakland, Inc.,

For Deferred Construction Of Public Infrastructure Improvements For The Final Map From

Tract 7616 For The Uptown Oakland Mixed Use Redevelopment Project; And (05-0563)

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2) A Resolution Approving The Final Map For Tract 7616 For The Uptown Oakland Mixed

Use Redevelopment Project And Accepting Offers Of Dedication For A Public Park And For

Public Right-Of-Way For A Portion Of William Street And For A New Street Connecting

William Street With 19th Street And Thomas L. Berkley Way (05-0563-2)

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland**

**Redevelopment Agency/City Council on 10/18/2005**

20

Subject: Paramount Theater - Appointments

From: Office Of The Mayor

Recommendation: Adopt A Resolution Appointing David Foulkes, Michael Panico And Robert

McKean As Members Of The Paramount Theater Of The Arts Board (05-0770)

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland**

**Redevelopment Agency/City Council on 10/18/2005**

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



- *Sanjiv Handa*

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21

Subject: Budget Advisory Committee - Appointment

From: Council President De La Fuente

Recommendation: Adopt A Resolution Marcie Hodge As A Member Of The Budget Advisory

Committee (05-0771)

**No Action Taken**

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22

Subject: Commission On Aging - Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Appointing Samuel Miller To The Commission On

Aging (05-0772)

**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 Reid

ORA\Councilmember Ayes: 7 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks and Councilmember Chang

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23

Subject: Children's Fund Planning And Oversight Committee - Appointments

From: Office Of The Mayor

Recommendation: Adopt A Resolution Appointing Cody Kopowski And Patricia Gima As

Members Of The Children's Fund Planning And Oversight Committee (05-0779)

**No Action Taken**

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

- *Sanjiv Handa*

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24

Subject: Budget Advisory Committee - Appointments

From: Office Of The Mayor

Recommendation: Adopt A Resolution Appointing Benjamin Scott And Sok Ki Yoon As

Members Of The Budget Advisory Committee (05-0780)

**No Action Taken**

25

Subject: Housing, Residential Rent And Relocation Board - Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Appointing George Rosen As A Member Of The

Housing, Residential Rent And Relocation Board (05-0776)

**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 Reid

ORA\Councilmember Ayes: 7 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks and Councilmember Chang

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26

Subject: Civil Service Board - Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Appointing Steven Jimenez As A Member Of The Civil

Service Board (05-0782)

**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 Reid

ORA\Councilmember Ayes: 7 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks and Councilmember Chang

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

*- Sanjiv Handa*

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Subject: Multifamily Housing Revenue Bonds

From: Finance And Management Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Issuance And Prescribing The Terms, Conditions

And Form Of Not To Exceed \$170,000,000 Principal Amount Of The Redevelopment Agency

Of The City Of Oakland Multifamily Housing Revenue Bonds (Uptown Apartments Project),

Series 2005A, Approving The Form Of And Authorizing The Execution And Delivery Of A

Trust Indenture, A Loan Agreement, A Regulatory Agreement, And A Bond Placement

Agreement; Authorizing Payment Of Costs Of Issuance; And Authorizing And Approving

Necessary Actions In Connection Therewith; And (05-0703)

**A motion was made by Councilmember Nadel, seconded by**

**Councilmember Reid, that this matter be Adopted. The motion carried by**

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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2) A Resolution Of The City Council Of The City Of Oakland Approving Issuance By The

Redevelopment Agency Of The City Of Oakland Of Not To Exceed \$170,000,000 Aggregate

Principal Amount Of Redevelopment Agency Of The City Of Oakland Multifamily Housing

Revenue Bonds (Uptown Apartments Project), Series 2005A, And Providing Other Matters

Properly Relating Thereto (05-0703-1)

**A motion was made by Councilmember Nadel, seconded by**

**Councilmember Reid, that this matter be Adopted. The motion carried by**

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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S-28

Subject: Chevron U.S.A. - Agreement



From: Community And Economic Development Agency

Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To

Enter Into An Agreement With Chevron U.S.A., Inc., Regarding Environmental Cleanup

Obligations, Mutual Releases, And Cost Reimbursements For The Petroleum Contamination At

The Former Service Station Site On The Sears Parking Lot Property At 1911 Telegraph Avenue

In Downtown Oakland; And Authorizing The Agency Administrator To Pass Through Any

Cost Reimbursements From Chevron To Forest City Residential West, Inc., Or Another

Agency-Designated Development Entity (05-0714)

**A motion was made by Councilmember Nadel, seconded by**

**Councilmember Reid, that this matter be Adopted. The motion carried by**

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Vice Mayor Brunner, Councilmember Nadel,

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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S-29

Subject: Stanton Bluiett Contract Restructuring

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate A

Loan Restructuring With Stanton D. Bluiett DBA Pill Hill Printing For Outstanding Principal

Notes Totaling \$240,000 (05-0555)

**A motion was made by Councilmember Nadel, seconded by**

**Councilmember Brooks, that this matter be Adopted. The motion failed by**

**the following vote:**

**Votes:**

ORA\Councilmember Noes: 4 - Vice Mayor Brunner, Councilmember Quan,

Councilmember Reid and Councilmember Chang

ORA\Councilmember Ayes: 4 - Councilmember Nadel, Councilmember

Kernighan, President of the Council De La Fuente and Councilmember Brooks

*Agency/Councilmember Nadel made a substitute motion, seconded by*

*Agency/Councilmember Brooks to approve Option 2. The vote tied: 4 Ayes*

*Brooks, Kernighan and Nadel and President De La Fuente; 4 Noes Brunner,*

*Chang, Quan, and Reid*

*Pursuant To City Charter section 200 and Rule 29 of Council's Rules of*

*Procedure, this item will be continued to October 18 to allow the Mayor to cast*

*a tie breaker's vote*

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**Continuation of Open Forum**

**ADJOURNMENT OF COUNCIL SESSION**

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

**Council)**

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