

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

1 Frank H. Ogawa Plaza, Council Chambers, 3rd Floor

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

Tuesday, October 17, 2006

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 6:07pm

2

Roll Call / ORA & Council

COUNCIL MEMBERS: Jane Brunner, Dist. 1; Patricia Kernighan, Dist. 2; Nancy Nadel,

Dist. 3; Vice Mayor Quan, Dist. 4; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; Henry

Chang, At-Large, and President Ignacio De La Fuente, Dist. 5

ORA\Councilmember Present: 8 - Councilmember Chang, Councilmember

Nadel, Councilmember Kernighan, Councilmember Brunner, Vice Mayor 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:

Chris Dobbins

Dorothy Coleman

Tina Monaco

Keith Salminen

David Mix

Geneva Clark

Delores Allen

Robert Limon

Sanjiv Handa

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 Special and Regular Concurrent Meeting of the

Oakland Redevelopment Agency/City Council held September 14, 2006 and October 3,

2006

A motion was made by Councilmember Reid, seconded by Councilmember

Chang, to *Approve as Submitted. The motion carried by the following

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

8. PRESENTATION OF CEREMONIAL MATTERS

8.1

Subject: Recognition Of Brent Clearman

From: Councilmember Larry Reid

Recommendation: Adopt A Resolution In Tribute And Honor Of the Life Of California

Highway Patrol Officer, Brent W. Clearman (06-0680)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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8.2

Subject: American Public Works Association Accreditation

From: Public Works Agency

Recommendation: Hear A Presentation To The Public Works Agency For Achieving National

Accreditation By The American Public Works Association on August 15, 2006 (06-0783)

Council heard a presentation regarding the American Public Works

Association Accreditation awarded to the City of Oakland's Public Works

Agency.

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8.3

Subject: Oakland Wildfire Prevention Day

From: Oakland Fire Department

Recommendation: Adopt A Resolution Proclaiming October 21, 2006, And, Annually, The

Third Saturday In October, As Wildfire Prevention Day In The City Of Oakland (06-0760)

A motion was made by Vice Mayor Quan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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8.4

Subject: Anniversary of Women's Right to Vote

From: Councilmember Nancy Nadel

Recommendation: Adopt A Resolution in Recognition Of The 95th Anniversary Of Women In

California Winning The Right To Vote (06-0801)

A motion was made by Councilmember Nadel, seconded by Vice Mayor

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

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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8.5

Subject: National Save For Retirement Week

From: Vice Mayor Quan

Recommendation: Adopt A Resolution Declaring October 22 Through October 28, 2006 As

National Save For Retirement Week (06-0808)

A motion was made by Vice Mayor Quan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Absent: 1 - Councilmember Brunner

ORA\Councilmember Ayes: 7 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Vice Mayor Quan, President of the Council De La

Fuente, Councilmember Brooks and Councilmember Reid

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8.6

Subject: Celebrating And Honoring The Oakland Athletics

From: Council President De La Fuente

Recommendation: Adopt A Resolution Celebrating And Honoring The Oakland Athletics

A motion was made by Vice Mayor Quan, seconded by President of the

Council De La Fuente, that this matter be Adopted. The motion carried by

the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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8.7

Subject: American Indian Public Charter School Recognition

From: Council President De La Fuente and Vice Mayor Quan

Recommendation: Adopt A Resolution To Commend The American Indian Public Charter

School For Being Recognized By The United States Department Of Education As A 2006 Blue

Ribbon School (06-0847)

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

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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S-8.8

Subject: Domestic Violence Awareness Month

From: Vice Mayor Jean Quan

Recommendation: Adopt A Resolution Proclaiming October 2006

Domestic Violence Awareness Month (06-0853)

A motion was made by Vice Mayor Quan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

Agency/Councilmember Brunner made a motion seconded by

Agency/Councilmember Chang to approve an urgency finding pursuant to

Section 2.20.080 E(2) regarding Item S-8.8 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.

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

- Sanjiv Handa

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9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Agency/Councilmember Quan took a point of personal privilege and requested

that the meeting be adjourned in memory of Doreen Schafer

Agency/Councilmember Brooks took a point of personal privilege and

requested that the meeting be adjourned in memory of Jim Elliott

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 (06-0832)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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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 (06-0833)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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10.3-CC

Subject: Rabbitt V. 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 Rabbitt V. City Of Oakland, Alameda County Superior

Court Case No. RG05-220797 In The Amount Of \$10,000 (Public Works Agency) (06-0834)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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

- *Sanjiv Handa*

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10.4-CC

Subject: Garcia V. 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 Garcia V. City Of Oakland, Alameda County Superior

Court Case No. RG05-244000 In The Amount Of \$10,000 (Oakland Fire Department)

(06-0835)

This Matter was Adopted on the Consent Agenda.
Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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10.5-CC

Subject: Pauline Nunes V. 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 Pauline Nunes V. City Of Oakland, Et Al., Superior

Court, County Of Alameda, Case No. RG04174124, In The Amount Of \$10,000.00 As A

Result Of A Trip And Fall Accident In The Vicinity Of Sixth Street Between Washington And

Clay Streets On July 21, 2003 (Public Works Agency - Trip And Fall Accident) (06-0836)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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10.6-CC

Subject: Wayne Russo V. 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 Wayne Russo, Guardian Ad Litem For Rosie Russo V.

City Of Oakland, Alameda County Superior Court Case No. 2001-018706, Our File No.

990874 In The Amount Of \$16,000.00. This Case Involves An Automobile Collision Between

A City Of Oakland Vehicle And A Vehicle In Which Plaintiff Was A Passenger (Public Works

Agency) (06-0837)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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10.7-CC

Subject: Leona C. Savoy - Settlement

From: Office of the City Attorney

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

Compromise And Settle The Claim Of Leona C. Savoy And John L. Burris, Her Attorney Of

Record In The Amount Of Seven Thousand Nine Hundred Thirty One Dollars And Forty Four

Cents (\$7,931.44), As A Result Of Damages Sustained To Ms. Savoy's Vehicle Due To Bullets

From Oakland Police Officers Service Revolvers On March 11, 2006 (Oakland Police

Department) (06-0848)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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

- *Sanjiv Handa*

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10.8-CC

Subject: Juan Carlos Guizar Ochoa - Settlement

From: Office of the City Attorney

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

Compromise And Settle The Case Of Juan Carlos Guizar Ochoa v. City Of Oakland, Alameda

County Superior Court No. RG03132516, Our File No. 23462, In The Amount Of \$30,000.00

(Public Works Agency - Motor Vehicle Accident) (06-0849)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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10.9-CC

Subject: Final Map For Tract 7582

From: Community and Economic Development Agency

Recommendation: Adopt The Following Pieces of Legislation:

1) A Resolution Conditionally Approving The Final Map For Tract 7582 For The Sausal Creek

Homes Subdivision At 2470 26th Avenue And Conditionally Accepting Irrevocable Offers Of

Dedication For On-Site Public Access And Public Utility Easements; And (06-0696)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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2) A Resolution Conditionally Approving A Subdivision Improvement Agreement With

Homeplace Initiatives, Inc. For the Final Map For Tract 7582 For The Sausal Creek Homes

Subdivision For Construction Of Public Infrastructure Improvements At 2470 26th Avenue

(06-0696-1)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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10.10-CC

Subject: Final Map For Tract 7664

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Conditionally Approving The Final Map For Tract 7664

To Convert Twenty-Two Rental Housing Units To Residential Condominiums At 5400

Broadway Terrace (06-0796)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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10.11-CC

Subject: Association Of Bay Area Governments Appointments

From: Council President De La Fuente

Recommendation: Adopt A Resolution Re-Appointing Councilmembers Jane Brunner, Nancy

Nadel, And Jean Quan To The Board Of The Association Of Bay Area Governments (ABAG)

And Appointing Councilmember Patricia Kernighan As An Alternate For The Two-Year Term

Commencing On July 1, 2006 And Ending On June 30, 2008 (06-0793)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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

- Sanjiv Handa

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10.12-CC

Subject: Tassafaronga Village Residential Project

From: Community and Economic Development Agency

Recommendation: Approve The Following Pieces Of Legislation:

1) Final Passage (Second Reading) Of An Ordinance Adopting The Fifth Amendment To The

Coliseum Area Redevelopment Plan Amending The Land Use Designation For A Portion Of

The 191-Unit Tassafaronga Village Residential Project Site Located At 968 - 81st Avenue, A

0.03-Acre Portion Of 966 - 81st Avenue And A 0.141-Acre Tax Default Parcel (APN

042-4206-0047-00) From Manufacturing To Mixed Housing Type; And (06-0715-2)

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

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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2) Final Passage (Second Reading) Of An Ordinance Rezoning A Portion Of The 191-Unit

Tassafaronga Village Residential Project Site Located At 968 - 81st Avenue, A 0.03-Acre

Portion Of 966 - 81st Avenue And A 0.141 -Acre Tax Default Parcel (APN 042-4206-0047-00)

From The M-30 General Industrial Zone To The R-50 Medium Density Residential Zone

(06-0715-3)

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

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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10.13-CC

Subject: Project Priority Funds - District Five

From: Council President De La Fuente

Recommendation: Adopt A Resolution Immediately Allocating \$100,000 From The Priority

Project Funds Of City Council President Ignacio De La Fuente To Oakland's Chabot Space And

Science Center (06-0806)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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

- *Sanjiv Handa*

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S-10.14

Subject: Active Network Contract

From: Finance and Management Agency

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

City's Competitive Bidding And Award Process, Authorize A Solicitation Of Proposals Process

And Negotiation of A Contract With Active Network, In An Amount Not-To-Exceed

\$250,000.00 To Purchase An Enterprise Point-Of-Sale (POS) System Which Will Automate

The Cash Handling Process Within The City Of Oakland (TITLE CHANGE) (06-0792)

Withdrawn and Rescheduled to Concurrent Meeting of the Oakland

Redevelopment Agency / City Council on 10/31/2006

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S-10.15-C

C

Subject: Parking Violation Penalties

From: Finance and Management Agency

Recommendation: Approve The Introduction (First Reading) Of An Ordinance Amending

Oakland Municipal Code Chapter 10.48 "Parking Fines" To Add Section 10.48.030

Authorizing A Fee For The Collection Of Delinquent Penalty Payments And Amending

Ordinance No. 12676 C.M.S., The Master Fee Schedule, To Add Special Costs Of Collecting

Parking Violation Penalties Fees (06-0795)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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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:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor 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

A motion was made by Councilmember Reid, seconded by Councilmember

Chang, to *Approve as Submitted. The motion carried by the following

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

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

A motion was made by Councilmember Reid, seconded by Councilmember

Chang, to *Approve as Submitted that there were no discussions pursuant

to Section 15 of the Sunshine Ordinance, The motion carried by the

following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember 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: Delinquent Business Taxes - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct A Public Hearing Regarding The Assessment Of Liens For

Delinquent Business Taxes And Upon Conclusion Adopt One Of The Following Pieces Of

Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs

Incurred By The City Of Oakland For Delinquent Business Taxes And Confirming The

Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant

To Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And

Assessment Charges To Be Turned Over To The County Tax Collector For Collection; or

(06-0043)

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

opened at 7:16pm

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

- Sanjiv Handa

Agency/Councilmember Quan made a motion, seconded by

Agency/Councilmember Reid, to close the Public Hearing, and hearing no

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

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

De La Fuente -8

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2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports

Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent

Business Taxes And Authorizing The Recordation Of Liens With Administrative And

Assessment Charges As Necessary - Pursuant To Chapter 5.04 of The Oakland Municipal

Code, And Directing the Notice Of Lien And Assessment Charges Be Turned Over To The

County Tax Collector For Collection (06-0043-1)

Not Adopted

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent

Business Taxes, And The Recordation Of Liens With Administrative And Assessment Charges

As Necessary - Pursuant To Chapter 5.04 Of The Oakland Municipal Code (06-0043-2)

Not Adopted

14.2

Subject: Delinquent Transient Occupancy Taxes - Public Hearing

From: Finance And Management Agency

Recommendation: Conduct A Public Hearing Regarding The Assessment Of Liens For

Delinquent Transient Occupancy Taxes And Upon Conclusion Adopt One Of The Following

Resolutions:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs

Incurred By The City Of Oakland For Delinquent Transient Occupancy Taxes And Confirming

The Recordation Of Liens With Administrative And Assessment Charges As Necessary -

Pursuant To Chapter 4.24 Of The Oakland Municipal Code, And Directing The Notice Of Lien

And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or

(06-0044)

Upon the reading of Item 14.2 by the City Clerk, the Public Hearing was

opened at 7:19

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

- Sanjiv Handa

Agency/Councilmember Quan made a motion, seconded by

Agency/Councilmember Reid, to close the Public Hearing, and hearing no

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

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

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2) A Resolution Overruling Protests And Objectections And Accepting And Confirming

Reports Of The City Administrator On The Costs Incurred By the City Of Oakland For

Delinquent Transient Occupancy Taxes And Authorizing The Recordation Of Liens With

Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The

Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be

Turned Over To The County Tax Collector For Collection; Or (06-0044-1)

Not Adopted

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On The

Delinquent Transient Occupancy Taxes And The Recordation Of Liens With Administrative

And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal

Code (06-0044-2)

Not Adopted
14.3

Subject: Three New Housing And Business Mix Zoning Designations

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 To Adopt 1) Adopting

Amendments To The Zoning Regulations That Create Three New Housing And Business Mix

(HBX) Zoning Designations; 2) Adopting A Design Guidelines Manual Associated With The

New HBX Zoning Designations; 3) Amending The Zoning Maps To Include The New HBX

Zones; And 4) Amending The Document "Guidelines For Determining Project Conformity

With The General Plan And Zoning Regulations" To Reflect The New Zones (TITLE

CHANGE); And (06-0591)

A motion was made by Councilmember Nadel, seconded by Vice Mayor

Quan, that this matter be Approve as Amended on Introduction for Final

Passage to the Concurrent Meeting of the Oakland Redevelopment Agency

/ City Council, due back on October 31, 2006 as amended to allow

permitted activities for Consumer Laundry and Repair Service to be

granted upon approval of a conditional use permit; in section 17.65.080

changing the non-residential and residential maximum floor area ratios to

1.75 in HBX-1 zones; and adding language to section 17.65.120 "C" to

stipulate "Side Yard - Interior Lot Line 1. The minimum side yard width

along each interior side lot line abutting a side lot line of a lot containing

one or two dwelling units shall be five feet. This requirement shall only

apply to lots with frontage on Lowell Street." The motion carried by the

following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

Upon the reading of Item 14.3 by the City Clerk, the Public Hearing was

opened at 7:20 pm

The following individuals spoke under this item:

Marcel Diallo

Cobie Kwasi Harris

Luigi Barassi

William Lightner

Letitia Ntofon

Eesuu Orundide

Kele Nitoto

Michael Stewart

Russell Sheppard

Ulysses Ramirez

Victoria Skirpa

John Blunt

Francios Gaillard

Larry Benson

Amy Tao-Hsuan Chen

Hollie Plummer

Katrine Benninger

Shan Masura

Rick Holiday

Sanjiv Handa

Agency/Councilmember Nadel made a motion, seconded by

Agency/Councilmember Quan, to close the Public Hearing, and hearing no

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

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

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2) A Resolution Amending The Land Use And Transportation

Element Of The General Plan To Clarify And Refine The Housing And Business Mix General

Plan Portions Of The Land Use Diagram (06-0591-1)

A motion was made by Councilmember Nadel, seconded by Vice Mayor

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

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

ACTION ON NON-CONSENT ITEMS:

Subject: Inclusionary Housing Ordinance

From: Councilmember Brunner

Recommendation: Approve The Introduction (First Reading) Of An Ordinance Adding Chapter

17.109 To The Oakland Planning Code To Establish An Inclusionary Housing Requirement

And Establish Two New Homeownership Programs For Oakland Teachers, Making Related

Amendments To The Oakland Planning Code, Amending Section 15.68.100 Of The Oakland

Municipal Code To Permit Affordable Housing Trust Funds To Be Used To Administer And

Enforce The Inclusionary Housing Requirement, And Amending The Master Fee Schedule To

Establish An Inclusionary Housing In-Lieu Fee; And (06-0838)

Continued to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/31/2006

The following individual(s) spoke on this item:

Sandra Frost

Bill Chorneau

Bea Bernstine

Amir Fishman

Ron Snyder

Vien Truong

Soledad Padilla

Rob A Zolitor

Lenov Godinez

Shirley Burnell

Demiz Muhammad

Elissa Dennis

Kevin Zwick

Billy Ray Trice Jr.

Charles Hahn

Karoleen Feng

Larry Hynson

Darrel Carey

James E. Vann

Thomas Thurston

Larry Rice

Elisabeth C. Voight

David Dologite

Joseph Perkins

Erika Salum

Yvonne Smith

Bobby Jones

Steve Edrington

Zack Wasserman

Randall Worsley Whitney

Luan Huynh

Dan Kalb

Ian Kim

Scott Peterson

Marcus Johnson

Johnathan Bair

Gregory McConnell

Perry Riani

Ron Kriss

Benny Kwong

Brent Allen Schoradt

Andy Nelson

Sanjiv Handa

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Adopt An Agency Resolution Restricting The Use Of Low And Moderate Income Housing

Funds To Units For Households At 60% Of Area Median Income, With A Preference For

Households At 30% Of Area Median Income (06-0846)

Continued to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/31/2006

Councilmember Brunner made a motion which was seconded by

Councilmember Quan to introduce the ordinance and adopt the accompanying

resolution on item 15. Councilmember Nadel proposed an amendment which

provides an additional whereas: "Whereas it is known from historical

development practices that isolating people by income (concentrating poverty),

results in retail flight and poor school outcomes, our preference for a healthy

community is for mixed income developments;".

Councilmember Brooks made a SUBSTITUTE motion which was seconded by

Councilmember Reid to instead of introducing the ordinance, establish a blue

ribbon commission charged with developing recommendations for a

comprehensive Inclusionary Zoning Ordinance for the entire City of Oakland

no later than January 31, 2007. (The full text of the motion is included as

Attachment B of these minutes.) Brooks' substitute motion resulted in a tie vote:

4 Ayes - Brooks, Reid, Chang and President De La Fuente; 4 Noes - Brunner,

Kernighan, Nadel and Quan.

Pursuant to City Charter Section 200, which provides that "the Mayor shall

have a vote on the Council if the councilmembers are evenly divided", and Rule

29 of the Council's Rules of Procedure, Resolution No. 79006 C.M.S. the item

automatically was continued to the Council's next regularly scheduled meeting

solely for the purpose of allowing the Mayor to cast a vote on the substitute

motion.

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Subject: Lake Merritt Municipal Boathouse - Proposed Tenant Improvements

From: Community And Economic Development Agency

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

Authorizing The City Administrator To Negotiate And Execute Leases With The Owner Of

The Beach Chalet Restaurant, And If Such Negotiations Fail Then Proceed To Negotiate And

Execute Leases With Other Qualified Restaurant Operators, For A Restaurant In 9,216 Square

Feet Of Restaurant Space Plus All Basement Areas Of The Lake Merritt Municipal Boathouse

Located At 1520 Lakeside Drive, Oakland, Without Returning To Council (06-0630)

A motion was made by Councilmember Kernighan, 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 Nadel

ORA\Councilmember Noes: 2 - Councilmember Brooks and Councilmember

Reid

ORA\Councilmember Ayes: 5 - Councilmember Chang, Councilmember

Kernighan, Councilmember Brunner, Vice Mayor Quan and President of the

Council De La Fuente

The following individual(s) spoke on this item:

Hugh Bassette

Greg Troppelli

David Mix

Sanjiv Handa

Council moved, seconded and carried a motion to extend the meeting past

10:30pm

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17

Subject: Violent Death Reporting System

From: Oakland Police Department

Recommendation: Receive An Informational Report from the Alameda County Public Health

Department "Violence in Oakland" A Public Health Crisis, Violent Death Reporting System

2002-2004 (06-0727)

A motion was made by Councilmember Chang, seconded by

Councilmember Reid, that this matter be *Received and Filed. The motion

carried by the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

The following individual(s) spoke on this item:

M. Chaz Walker

Hugh Bassette

Andres Soto

Sanjiv Handa

Staff were further directed to schedule an informational report and presentation

through Rules that identified programs for that help and assist with violence

prevention as addressed by Measure Y. Staff were also directed to perform

research on the pending legislation that inhibits/prohibits cross jurisdictional

gun tracking.

[View Report.pdf](#)
18

Subject: East Bay Municipal Utility District -Agreement

From: Finance and Management Agency

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

Execute A License Agreement With East Bay Municipal Utility District ("EBMUD") For The

Amount Of Zero Dollar ("\$0") For The Purpose Of Permitting The City To Place A Public

Safety Radio Tower, Portable Structure And Associated Equipment At The Gwin Reservoir

Site, Located Off Grizzly Peak Boulevard Near Marlborough Terrace (06-0794)

A motion was made by Councilmember Nadel, seconded by Vice Mayor

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

vote:

Votes:

ORA\Councilmember Abstained: 1 - Councilmember Brunner

ORA\Councilmember Ayes: 7 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Vice Mayor Quan, President of the Council De La

Fuente, Councilmember Brooks and Councilmember Reid

[View Report.pdf](#),

Subject: Sworn Police Officers

From: Finance and Management Agency

Recommendation: Adopt A Resolution To Adopt Rules And Regulations Governing

Employer-Employee Relations In City Government Applicable To Sworn Police Officers

(06-0845)

A motion was made by Councilmember Reid, seconded by Councilmember

Brooks, that this matter be Adopted as Amended. The motion carried by

the following vote:

Votes:

ORA\Councilmember Abstained: 1 - Councilmember Brunner

ORA\Councilmember Ayes: 7 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Vice Mayor Quan, President of the Council De La

Fuente, Councilmember Brooks and Councilmember Reid

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

- *Sanjiv Handa*

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S-20

Subject: McKillop Roadway - Landslide Damage

From: Public Works Agency

Recommendation: Adopt A Resolution Confirming The Existence Of A Local Emergency

Declared By The City Administrator On October 15, 2006, Due To Landslide Damage To

McKillop Roadway (06-0860)

A motion was made by Councilmember Chang, seconded by Vice Mayor

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

vote:

Votes:

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan and

President of the Council De La Fuente

Agency/Councilmember Chang made a motion seconded by

Agency/Councilmember Quan to approve an urgency finding pursuant to

Section 2.20.080 E(2) regarding Item 20 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 is required to avoid a

substantial adverse impact that would occur if the action were deferred to a

subsequent special or regular meeting.

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

Monsa Nitoto

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S-21

Subject: Abatement Of Impending Peril

From: Public Works Agency

Recommendation: Adopt A Resolution Declaring The Abatement Of An Impending Peril And

Authorizing Immediate Action To Prevent Landslide Damage To McKillop Road In Oakland

(06-0861)

A motion was made by Councilmember Chang, seconded by Vice Mayor

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

vote:

Votes:

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan and

President of the Council De La Fuente

Agency/Councilmember Chang made a motion seconded by

Agency/Councilmember Quan to approve an urgency finding pursuant to

Section 2.20.080 E(2) regarding Item 21 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 is required to avoid a

substantial adverse impact that would occur if the action were deferred to a

subsequent special or regular meeting.

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S-22

Subject: Oil Independent Oakland

From: Councilmember Nadel

Recommendation: Adopt A Resolution Creating A Task Force Composed Of Eleven (11)

Appointees - Eight (8) By The City Council And Three (3) By The Mayor, Representing

Various Fields Of Expertise - That Will Draft And Submit A Plan For Oakland To Become Oil

Independent By 2020 (06-0763)

A motion was made by Councilmember Nadel, seconded by Vice Mayor

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

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

The following individual(s) spoke on this item:

Sanjiv Handa

Laura Slattery

Jack Ian Lin

David Room

Nicole Lee

Nile Malloy

Parin Shah

Dan Kalb

Kirsan B. Scotwind

Stuart Flashman

Monsa Nitoto

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[80214 CMS.pdf](#)

S-23

Subject: Annual Assessment Rockridge Business Improvement District

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal

Year 2007-2008 For The Rockridge Business Improvement District, Approving The Annual

Report Of The Rockridge Business Improvement District Advisory Board, And Scheduling A

Public Hearing For October 31, 2006 (06-0754)

A motion was made by Councilmember Chang, seconded by

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

the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

Agency/Councilmember Chang made a motion seconded by

Agency/Councilmember Reid to approve an urgency finding pursuant to Section

2.20.080 E(2) regarding Item 23 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 is required to avoid a substantial adverse

impact that would occur if the action were deferred to a subsequent special or

regular meeting.

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

- Sanjiv Handa

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[80215 CMS.pdf](#)

S-24

Subject: Annual Assessment - Montclair Business Improvement District

From: Director, Community And Economic Development

Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal

Year 2007-2008 For The Montclair Business Improvement District, Approving The Annual

Report Of The Montclair Business Improvement District Advisory Board, And Scheduling A

Public Hearing For October 31, 2006 (06-0757)

A motion was made by Councilmember Chang, seconded by

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

the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

Agency/Councilmember Chang made a motion seconded by

Agency/Councilmember Reid to approve an urgency finding pursuant to Section

2.20.080 E(2) regarding Item S-24 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 is required to avoid a substantial adverse

impact that would occur if the action were deferred to a subsequent special or

regular meeting.

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Subject: Rene Yung - Professional Services Agreement

From: Cultural Arts and Marketing

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

Execute A Professional Services Agreement With Rene Yung For Public Art Design,

Fabrication And Installation Services For The 81st Avenue Branch Library In An Amount Not

To Exceed Ninety-Two Thousand Five Hundred Dollars (\$92,500) (06-0713)

A motion was made by Councilmember Reid, seconded by Vice Mayor

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

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

Agency/Councilmember Reid made a motion seconded by

Agency/Councilmember Quan to approve an urgency finding pursuant to

Section 2.20.080 E(2) regarding Item S-25 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 is required to avoid a

substantial adverse impact that would occur if the action were deferred to a

subsequent special or regular meeting.

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S-26

Subject: Oakland Fund For Children And Youth - Evaluation

From: Department Of Human Services

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

Contract Between The City Of Oakland And Community Crime Prevention Associates In An

Amount Not To Exceed \$333,783 To Evaluate The Oakland Fund For Children And Youth For

The Period of October 1, 2006 Through September 30, 2007 With Two Options Of One Year

Each To Renew In An Amount Not To Exceed 3% Of The Revenues Set Aside For

Grant-Making For The Oakland Fund For Children And Youth In Each Additional One Year

Renewal Term (06-0744)

A motion was made by Councilmember Nadel, seconded by

Councilmember Brunner, that this matter be Adopted as Amended. The

motion carried by the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brunner, Vice Mayor Quan,

President of the Council De La Fuente, Councilmember Brooks and

Councilmember Reid

Agency/Councilmember Quan made a motion seconded by

Agency/Councilmember Chang to approve an urgency finding pursuant to

Section 2.20.080 E(2) regarding Item 25 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 is required to avoid a

substantial adverse impact that would occur if the action were deferred to a

subsequent special or regular meeting.

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

- Sanjiv Handa

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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)

There being no further business, and upon the motion duly made, the

Agency/Council adjourned the meeting in memory of Doreen Schafer and Jim

Elliott at 11:29 p.m.

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