

# 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, March 06, 2007**

**6:00 PM**

**Oakland City Hall, 3rd Floor**

**1**  
Pledge of Allegiance

*A meeting of the Joint Oakland Redevelopment Agency and City Council was*

*held on the above date. Opening with the Pledge of Allegiance, the meeting*

*was convened at 6:13 pm.*

**2**  
Roll Call / ORA & Council

ORA\Councilmember Present: 8 - Councilmember Chang, Councilmember

Nadel, Councilmember Kernighan, Councilmember Brunner, 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 individuals spoke under open forum:*

*-Robert Wilson*

*-Talia sumers*

*-Dorothy Coleman*

*-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.

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

**Councilmember Reid, to \*Approve as Submitted. The motion carried.**

**Votes:**

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

*Agency/Councilmember Reid to pull item 10.9CC from the Consent Calendar*

*regarding Class II Bycle lanes on Lake Shore Avenue and reschedule this*

*item to the March 20, 2007 City Council agenda as a Non-Consent item and*

*directing staff to prepare a Supplemental Report for this item to respond to the*

*citizens' concerns raised at the February 27, 2007 Public Works Committee*

*meeting.*

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)

*No action was 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.

*No action was necessary for this item.*

7

Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment

Agency/City Council held on February 20, 2007

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

**Quan, to \*Approve the Minutes. The motion carried by the following vote:**

**Votes:**

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

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

8.1

Subject: Women's History Month

From: Councilmember Nancy Nadel

Recommendation: Adopt A Resolution Declaring The Month Of March 2007 "Women's

History Month" In The City Of Oakland

[07-0001](#)

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

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

**by the following vote:**

**Votes:**

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

[View Report.pdf,](#)

[80425 CMS.pdf](#)

8.2

Subject: Brenda Tipton-Gaines Recognition

From: Councilmember Nancy Nadel

Recommendation: Adopt A Resolution Honoring Brenda Tipton-Gaines For 29 Years Of

Distinguished Service And Dedication To The City Of Oakland, And Congratulating Her On

Her Retirement

07-0009

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

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

**by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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8.3

Subject: 4th Year Anniversary Of The War On Iraq

From: Councilmember Jean Quan and Council President De La Fuente

Recommendation: Adopt A Resolution Noting The Fourth Year Anniversary Of The War On

Iraq And Its Costs To The City OF Oakland's Social Programs And Sponsoring The March 24th

Day To End The War And End The Violence At Home

07-0019

**A motion was made by Councilmember 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 Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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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**9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS**

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

*requested that the meeting be adjourned in memory of Don Cooper and Brian*

*Perkins*

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

*that the meeting be adjourned in memory of Jay Johnson and Tyler Ko*

**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

[07-0014](#)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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[80428 CMS.pdf](#)

10.2-CC

Subject: Medical Cannabis Health Emergency

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local

Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In

The City Of Oakland

07-0015

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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10.3-CC

Subject: Limitations On Residential Eminent Domain Authority

From: Community And Economic Development Agency

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

The First Amendment To The Broadway/MacArthur/ San Pablo Redevelopment Plan To Limit

The Redevelopment Agency's Eminent Domain Authority Over Residential Property

06-1023

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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: Carol Depasquale - 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 Carol Depasquale In The Amount Of Sixty Four

Thousand Twenty Six Dollars And 34 Cents (\$64,026.34), As A Result Of Property Damage

Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On January 3, 2006.

(Public Works Agency)

07-0016

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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10.5-CC

Subject: Kevin 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 Kevin Brown, In The Amount Of Sixteen Thousand

Seven Hundred Twenty Dollars And No Cents (\$16,720.00), As A Result Of Property Damage

Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On March 16, 2006.

(PWA)

[07-0017](#)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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10.6-CC

Subject: Shamika And Wayne Newman - Settlement Agreement

From: Office of the City Attorney

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

Compromise And Settle The Indemnity Contribution Claim Of General Insurance Company Of

America/Safeco Insurance Companies (Re: Shamika And Wayne Newman) In The Amount Of

Six Thousand Seven Hundred Fifty Dollars And No Cents (\$6,750.00), As A Result Of Bodily

Injury Damages Sustained In A Trip And Fall Incident By Wayne And Shamika Newman In A

City Owned Building On April 8, 2006. (Redevelopment Agency)

07-0018

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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10.7-CC

Subject: Mary Harvey - 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 Mary Harvey V. City Of Oakland, et al., Superior Court,

County Of Alameda, Case No. RG06256879, In The Amount Of \$25,000.00 As A Result Of A

Trip An Fall Accident At 3711 MacArthur Boulevard, Oakland, On June 11, 2005 (Public

Works Agency-Trip And Fall Accident)

07-0020

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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10.8-CC

Subject: Project Priority Funds - District Seven

From: Councilmember Larry Reid

Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$15,000 From

Councilmember Larry E. Reid's Priority Project Funds To Northern California Compassion

Network For The Purchase And Installation Of Walk-In Refrigeration, Additional Shelving

And A Forklift

[07-0002](#)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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S-10.9

Subject: Class II Bicycle Lanes On Lakeshore Avenue

From: Public Works Agency

Recommendation: Adopt A Resolution Authorizing The Installation Of Class II Bicycle Lanes

On Lakeshore Avenue By Reducing Travel Lanes From Four (4) Through Lanes To Two (2)

Through Lanes And Adding A Continuous Center-Turn Lane Between Harvard/Winsor Roads

And Mandana Boulevard

06-1059

**\*Rescheduled to Concurrent Meeting of the Oakland Redevelopment**

**Agency / City Council on 3/20/2007**

*as a non-consent item.*

[View Report.pdf,](#)

[View Supplemental Report.pdf,](#)

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S-10.10-C

C

Subject: 333 17th Street - Revocable And Conditional Permit

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Granting Howden Building Investors LP A Revocable

And Conditional Permit To Allow An Existing Basement For A Building At 333 17th Street To

Encroach Under The Public Sidewalk Along 17th Street And Webster Street

06-1093

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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S-10.11-C

C

Subject: 1300 Broadway - Revocable and Conditional Permit

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Granting Mash Petroleum, Inc., And the Mashhoon

Revocable Trust A Revocable And Conditional Permit For A Building At 1300 Broadway To

Allow An Existing Basement To Encroach Under The Public Sidewalk Along Broadway and

13th Street

[06-1094](#)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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S-10.12-C

C

Subject: 3701 Broadway - Revocable And Conditional Permit

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Granting Kaiser Foundation Hospitals A Revocable

And Conditional Permit To Allow Soil Shoring For New Buildings At 3701 Broadway To

Encroach Under The Public Right-Of-Way Along Broadway and 38th Street

06-1095

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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S-10.13-C

C

Subject: 534 Thomas L. Berkley Way - Revocable And Conditional Permit

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Granting Buttner Properties, Inc. A Revocable And

Conditional Permit To Allow Vaults And Electrical Transformers For A Building At 534

Thomas L. Berkley Way To Encroach Under The Public Sidewalk Along 21st Street

[06-1096](#)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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S-10.14-C

C

Subject: 81st Avenue Public Library Project

From: Public Works Agency

Recommendation: Adopt A Resolution Authorizing The Acceptance And Appropriation Of A

Grant From Stopwaste.Org For The 81st Avenue Public Library Project (Project No. C274410)

In The Amount Of Eighty Thousand Dollars (\$80,000.00)

[06-1114](#)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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-10.15-C

C

Subject: Year-End Projections For Selected City Funds

From: Finance and Management Agency

Recommendation: Receive An Informational Report On Fiscal Year 2006-2007 Second Quarter

Revenue And Expenditure Results And Year-End Projections For City's Selected Funds

(General Purpose, Telecommunications, Equipment And Facilities)

[06-1119](#)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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*



- *William Mayo*

[View Report.pdf,](#)

[View Supplemental Report.pdf](#)

S-10.16-C

C

Subject: Solbourne, Inc. - Professional Services Agreement

From: Finance and Management Agency

Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A

Professional Services Agreement With Solbourne, Inc., Without A Competitive Request For

Proposal/Qualifications Process, To Restore The Critical MASS Change Function To The

City's Payroll System In An Amount Not-To-Exceed Seventy Five Thousand Dollars

(\$75,000.00)

06-1140

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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:*

- *William Mayo*

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[80440 CMS.pdf](#)

S-10.17-C

C

Subject: Lakeshore/Lake Park Business Improvement District

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Approving The Annual Reports Of The Lakeshore/Lake

Park Business Improvement Management District, The Temescal/Telegraph Avenue Property

Business Improvement District Of 2005, And The Laurel Property Business Improvement

District Of 2005 Advisory Boards And Confirming The Continuing Annual Assessment For

Each District For Fiscal Year 2006/2007

[06-1091](#)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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*

[View Report.pdf,](#)

[80441 CMS.pdf](#)

S-10.18-C

C

Subject: Urban Search And Rescue - FEMA Grant

From: Oakland Fire Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Apply For,

Accept And Appropriate A Grant From The Federal Emergency Management Agency (FEMA)

For The Period June 01, 2007 To September 30, 2008 In The Amount Of Seven Hundred Sixty

Nine Thousand Five Hundred Dollars (\$769,500) To Meet Continuing Management, Training

And Equipment Needs Of The Fire Department's Urban Search And Rescue (USAR) Team, 2)

Waive The City's Competitive Bidding Requirements And Authorize Procurement Of

Equipment From The General Services Administration Agency, And 3) Award Equipment

Contracts Without Return To Council

06-1109

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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:*

- William Mayo

[View Report.pdf,](#)

[80442 CMS.pdf](#)

S-10.19-C

C

Subject: Volunteers Of America Agreement Amendment

From: Department Of Human Services

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

Appropriate \$1,208,333 In An Intergovernmental Partnership Grant From The California

Department Of Corrections And Rehabilitation For Reentry Programs Coordinated With The

Violence Prevention And Public Safety Act Of 2004 And Authorizing The City Administrator

To Execute An Amendment To The Agreement Between The City Of Oakland And Volunteers

Of America, Bay Area For An Amount Not To Exceed \$119,000 To Implement Project Choice

For The Period Of February 1, 2007 To June 30, 2007 With Two Twelve-Month Options To

Renew For An Amount Not To Exceed \$270,000 Per Year

[06-1126](#)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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:*

- *William Mayo*

[View Report.pdf,](#)

[80443 CMS.pdf](#)

S-10.20-C

C

Subject: State And Federal Legislative Agenda

From: Councilmember Jane Brunner

Recommendation: Receive An Informational Report On The Final State Legislative Agenda

For 2007

06-1153

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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*

[View Item.pdf](#)

**Passed The Consent Agenda**

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

**Councilmember Reid, 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 Kernighan, Councilmember

Chang, Councilmember Nadel, 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

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

**Councilmember Reid, to \*Approve as Submitted the report of 2 final**

**decisions made during closed session as indicated in attachment A of this**

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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 Chang, seconded by**

**Councilmember Reid, to \*Approve as Submitted the disclosure that there**

**were no non-confidential closed session discussions during closed session.**

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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: Revocation of Ten Taxi Cab Medallions

From: Office Of The City Administrator

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution

Denying The Appeal Filed By Mr. And Mrs. Baljit Singh On Behalf Of Yellow Cab And

Denying The Appeal Filed By Enayat Aminy On Behalf Of East Bay Driver Association

Against The Administrative Hearing Officer's Decision To Revoke Ten Taxi Medallions Issued

To Yellow Cab Company

06-1038

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

**Councilmember Quan, that this matter be Adopted with direction to have**

**the additional 27 taxi medallions re-audited 6 months from this decision**

**with the findings report back to a future Public Safety Committee meeting.**

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

**Votes:**

*ORA\Councilmember Noes: 3 - President of the Council De La Fuente,*

*Councilmember Brooks and Councilmember Reid*

*ORA\Councilmember Ayes: 5 - Councilmember Kernighan, Councilmember*

*Chang, Councilmember Nadel, Councilmember Brunner and Councilmember*

*Quan*

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

*opened at 7:04 pm*





*The following individuals spoke on this item:*

- *Leo Bazile*

*-James Margolis*

- *Albert Hart*

- *Gabe Cervantez*

- *Enid Hunkeler*

- *Olufemi Sole*

- *Ytozake Shange*



- *Brian Cossey*

- *Linda Horen*

- *Maxine Hagen*

- *Ogugua Osajindu*

- *Robert Aiello*

- *Zabra Homayan*

- *Mike Roumph*

- *Caren Sener*



- *Fred Smith*

- *Russel Williams*

- *Chuck Mack*

- *Alexander J. Berline*

- *Sanjiv Handa*



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

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



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

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

*Fuente -8*



*AT THE REQUEST OF COUNCILMEMBER BROOKS, THE CITY COUNCIL,*

*HEARD AND TOOK ACTION ON ITEM 21 AFTER ITEM 14.1*

[View Report.pdf,](#)

[View Supplemental Report.pdf,](#)

[80444 CMS.pdf](#)

14.2

Subject: Oakland City Center Project Amendment

From: Community and Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) 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

06-1053

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

**Councilmember Reid, 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 March 20, 2007 with**

**the changes referenced in Attachment B. The motion carried by the**

**following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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

*opened at 9:40 pm*

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

- *Sanjiv Handa*

- *Scott Peterson*

- *Art Shanks*

- *Obray Van Buren*

- *Ralph Grant*

- *Andy Slivka*

- *Elias Salameh*

- *Tom Hart*

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

*Agency/Councilmember Brooks, 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*

[View Report.pdf,](#)

[View Supplemental Report.pdf,](#)

[View Supplemental Report.pdf,](#)

[Attachment B\\_\\_14.2 Motion.pdf,](#)

[12789 CMS.pdf](#)

2) An Agency Resolution Authorizing The Agency 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

[06-1053-1](#)

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

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

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

[2007-0012 CMS.pdf](#)

**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

[07-0013](#)

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

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

**by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

[View Report.pdf,](#)

[80445 CMS.pdf](#)

16

Subject: Oakland Garden Hotel, LLC - Agreement

From: Community and Economic Development Agency

Recommendation: Adopt the Following Pieces Of Legislation:

1) An Agency Resolution Pursuant To Section 4.9.2 And 11.2 Of The Disposition And

Development Agreement Between The Oakland Redevelopment Agency And Oakland Garden

Hotel LLC, Authorizing The Agency Administrator To Approve The Transfer Of Ownership Of

The Oakland Garden Hotel To The CIM Group; And

06-0961

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

**Councilmember Reid, that this matter be Adopted as Amended to include**

**the following language: "Further Resolved: That a Certificate of**

**Completion for the Oakland Garden Hotel (Courtyard Marriot) shall not**

**be issued until Oakland Garden Hotel LLC pays the City the \$132,204.70**



**penalty for non-compliance with the Agency's contracts compliance**

**programs during the construction of the Oakland Garden Hotel; or**

**alternatively, places the funds in escrow. If placed in escrow, the funds**

**shall be released to Oakland Garden Hotel LLC upon the close of the**

**Pacific Renaissance Settlement; provided that if the Settlement is not**

**consummated, the funds shall be released to the agency; and be it,..." The**

**motion carried by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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:*

- *Dave Kadlecek*

- *Scott Stafford*

[View Report. pdf.](#)

[View Supplemental Report.pdf.](#)

[2007-0013 CMS.pdf](#)

2) A Resolution Pursuant To Section 10. Of The Hyatt Regency Oakland Hotel Ground Lease

Between The City Of Oakland And Oakland Renaissance Associates Authorizing The City

Administrator To Approve The Assignment Of The Ground Lease And The Sale Of The

Marriott Hotel To The CIM Group, And To Accept All Payments Due The City

[06-0961-1](#)

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

**Councilmember Reid, that this matter be Adopted as Amended to include**

**the following language: “Further Resolved: That the proceeds from the**

**transfer of the Marriott, including the assignment of the Ground Lease and**

**other transactions associated with the transfer, shall remain in escrow until**

**appropriate distribution of loan pool funds is agreed to be the City; and be**

**it.”**

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

[80446 CMS.pdf](#)

17

Subject: Oakland Ice Center Contract

From: Community And Economic Development Agency

Recommendation: Adopt 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

06-0753

**No Action Taken**

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

- *Sanjiv Handa*



- *Dennis L. Franklin*

- *Lizzie Goetz*

- *Renee Roca*

- *Katherine Kabick*

- *Subha Coburs*

- *Otis Bess*

- *Michael Shepherd*

- *Nathan Shepherd*



- *Jeff Paul Lakers*

- *Sam Russ Melton*

- *Steven Buchter*

- *Tim Buchter*

- *Rick Serena*

- *David Borges*

- *Dino Konrai*

- *Marguerite Young*



- *Thomas Hillgrove*

- *Scott Peterson*

- *Don Gralnek*

- *William Claggett*



*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. this item*



*was automatically continued solely for the purpose of allowing the Mayor to*

*cast a vote on the substitute motion.*



*Upon call of the item, the City Clerk read unto the record a letter from the*

*Office of the Mayor included in the packet declining to vote on this issue and*

*referring the matter back to Council for action. As a result of the Mayor's*

*decision the substitute motion failed and Council returned to consideration of*

*the main motion made by Councilmember Brooks.*





*The Original Motion*



*Councilmember Brooks made a motion which was seconded by Councilmember*

*Reid directing staff to negotiate and execute a three-year agreement with Rink*

*Management Services for management and operation of the Oakland Ice*

*Center, and upon call of the roll, the motion failed by Ayes:*

*Agency/Councilmember: Brunner, Chang, Quan -3; Noes: Brooks, Kernighan,*



*Nadel, Reid - 4, Abstain - President of the Council De La Fuente -1*



*and the motion failed*



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

*Agency/Councilmember De La Fuente, to approve the Community and*

*Economic Development Community recommendation with the following*

*amendments: 1) change the term of the contract from three years to a two-year*



*agreement with SJAM with an option for the City to extend the agreement for*

*one additional year; 2) a community advisory group for the Oakland Ice*

*Center shall be created; 3) all fee increased will be brought back to the City,*

*with discounted offers for Oakland residents; 4) one of the performance*

*measures for the contract will be the percentage of Oakland residents that use*

*the facility; 5) SJAM will provide assistance with transportation for the public*

*school program, and upon call of the roll , the motion failed by Ayes:*

*Agency/Councilmember: Brooks, Kernighan, Nadel, Reid - 4; Noes: Brunner,*



*Chang, Quan - 3; Abstain: President of the Council De La Fuente -1*



*and the motion failed*



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

*Agency/Councilmember Brooks, to approve the Community and Economic*

*Development Community recommendation with the following amendments: 1)*

*change the term of the contract from three years to a two-year agreement with*



*Rink Management with an option for the City to extend the agreement for one*

*additional year; 2) a community advisory group for the Oakland Ice Center*

*shall be created; 3) all fee increased will be brought back to the City, with*

*discounted offers for Oakland residents; 4) one of the performance measures*

*for the contract will be the percentage of Oakland residents that use the facility;*

*5) Risk Management will provide assistance with transportation for the public*

*school program, and upon call of the roll , the motion failed by Ayes:*

*Agency/Councilmember: Brooks, Kernighan, Nadel, Reid - 4; Noes: Brunner,*



*Chang, Quan - 3; Abstain: President of the Council De La Fuente -1*



*and the motion failed and no action was taken on this item and this matter died*

*in Council.*



*UPON CONCLUSION OF THIS ITEM THE CITY COUNCIL RETURNED*

*ITEM 14.2 NOTICED AS A PUBLIC HEARING*

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18

Subject: Condominium Conversion Program

From: Community and Economic Development Agency

Recommendation: Action On A Report And Recommendations Regarding (1) Individual

Development Accounts For Homeownership For Low And Moderate Income Residents; (2)

Development And Implementation Of A City-Wide Community Land Trust; And (3) Use Of

Housing Rehabilitation And Housing Development Funds For Use In Conjunction With A

Condominium Conversion Program To Promote Neighborhood Revitalization

06-1122

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

**Councilmember Reid, that this matter be Deferred to the Office of the City**

**Administrator in support of the committee recommendation to send this**

**item to the Blue Ribbon Inclusionary Housing Commission. The motion**

**carried by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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

- *Sanjiv Handa*

- *Ron Bishop*

- *Jame Vann*

- *Amie Fishman*

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[View Report.pdf](#)

S-19

Subject: Utility Box Design And Guidelines

From: Community and Economic Development Agency

Recommendation: Action On A Report On The Final Site Design And Siting Guidelines For

Utility Boxes In The Public Right-Of-Way (Title Change)

06-1141

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

**Councilmember Reid, that this matter be Approved in accordance with the**

**Committee recommendation to: 1) Adopt the Surface Mounted Facility**

**Placement Guidelines; 2) Adopt the Screening Templates for the AT&T**

**Lightspeed project; and further direct staff to A) design screening**

**templates, administratively, as required for other entities wishing to place**

**facilities in the City of Oakland right-of-way; B) direct the Public Works**

**Agency to use the placement guidelines and public notice procedures; and**

**C) direct staff to schedule a report on the concentration of utility boxes**

**from different companies in a single location. The motion carried by the**

**following vote:**

**Votes:**

ORA\Councilmember Noes: 1 - Councilmember Brunner

ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Reid

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

*- Sanjiv Handa*

- *Chris Gomez*

- *Greg Hanna*

- *Dimitri Belser*

- *Juanita Brown*

- *Scott Peterson*

- *William Harvey*



- *Sean David Powell*

- *Kathryn Hughes*

- *James Beck*

- *Kelvin McCaskle*

- *Naomi Schiff*

- *Carol Cody*

- *Barrington Campbell*

- *Barbara Leslie*

- *John Di Bene*

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[View Supplemental Report.pdf](#)

Subject: 2005-2006 Fiscal Year Comprehensive Annual Financial Report

From: Finance and Management Agency

Recommendation: Receive An Informational Report Presenting The Fiscal Year 2005/2006

Comprehensive Annual Financial Report (CAFR), The Single Audit Report, The Oakland

Redevelopment Agency (ORA) Financial Statement, The Oakland Base Reuse Authority

(OBRA) Financial Statement, Measure Y Audit Report, The Oakland Wildfire Prevention

Assessment District Report, Measure DD Financial Statement, And The Management Letter

06-1139

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

**Councilmember Brooks, that this matter be \*Received and Filed. The**

**motion carried by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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

- *Sanjiv Handa*

- *William Mayo*

[View Report.pdf](#)  
S-21

Subject: Workforce Housing Reward Grant

From: Public Works Agency

Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For,

Accept And Appropriate Grant Funds In An Amount Not To Exceed One Million Two

Hundred Thousand Dollars (\$1,200,000.00)From The State Of California Department Of

Housing And Community Development Workforce Housing Reward Grant

06-1133

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

**Councilmember Reid, that this matter be Adopted the prioritization of**

**projects with funding allocated accordingly: 1) Carter Gilmore at**

**\$800,000; 2) The Asian Library at \$109,000; 3) Feasibility Study to repave**

**West Street; 4) \$100,000 for lighting and fencing at Raimondi park; with**

**the \$179,000 balance to go to 5) the Martin Luther King Jr. Library. The**

**motion carried by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember

Chang, Councilmember Nadel, Councilmember Brunner, Councilmember

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

Councilmember Reid

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

- *Sanjiv Handa*

- *Louie Butler*

*AT THE REQUEST OF THE CHAIR THE CITY COUNCIL HEARD AND*

*TOOK ACTION ON ITEM 17 AFTER ITEM 21.*

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[View Supplemental Report.pdf](#),

[80447 CMS.pdf](#)

**Continuation of Open Forum**

**ADJOURNMENT OF COUNCIL SESSION**

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

**Council)**

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

*Agency/Council adjourned the meeting in memory of Don Cooper, Brian*

*Perkins, Jay Johnson, and Tyler Ko at 11:14 p.m.*

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