

# 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, June 21, 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 6:41 P.M.*

**2**  
Roll Call / ORA & Council

ORA\Councilmember Present: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

3

Open Forum / Citizens Comments

(Time Available: 15 minutes)

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

- *Thordie Ashley*

- *Deloris Allen*

- *Monsa Nitoto*

- *Hector Reyna*

- *Shadidi Harding*

- *Bakari Olatunki*

- *Wendy Snyder*

- *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 Concurrent Meeting of the Oakland Redevelopment

Agency/City Council held on June 7, 2005

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

**Brooks, to \*Approve the Minutes. The motion carried by the following**

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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

8.1

Subject: Ronald L. Davis - Honorarium

From: Councilmember Brooks

Recommendation: Adopt a Resolution Commending the Dedicated Service, Accomplishments

and Leadership of Ronald L. Davis to the City of Oakland (05-0494)

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

**Councilmember Reid, that this matter be \*Withdrawn with No New Date.**

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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8.2

Subject: US Department of Peace

From: Councilmember Nadel

Recommendation: Adopt A Resolution In Support Of A US Department Of Peace (05-0496)

**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 - Councilmember Nadel, Councilmember

Kernighan, Vice Mayor Brunner, 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:*

- *Matthew Albracht*

- *Carolyn Marks*

- *Phyllis Olin*

- *Paula Powers*

- *Grtechen Blais*

- *Stephaine Thomas*

- *Robert Ablon*

- *Aeesha Ababio-Clottey*



- *Gregory Wesley*

- *Willard Wheaton Davis*

- *Judith Kimmel*

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8.3

Subject: American Red Cross Bay Area Chapter Donation

From: Public Works Agency

Recommendation: A Presentation Of A Donation Of \$4,300 To The American Red Cross, Bay

Area Chapter, From Funds Raised By The Public Works Agency For Activities Associated

With National Public Works Week Commemorating Oakland's Theme, "Public Works As First

Responders, We're Everywhere You Look" (05-0511)

*Council heard a presentation by the Public Works Agency to the American Red Cross.*

**9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS**

*Agency/Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Shirley Alexander.*

**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 (05-0522)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Kernighan, Vice Mayor Brunner, 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 (05-0523)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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10.3

Subject: Seizure And Forfeiture Of Vehicles Used To Solicit Prostitution

From: Office of the Mayor / Council President De La Fuente

Recommendation: Approve the Final Passage (Second Reading) of An Ordinance Amending

Chapter 9.56 Of The Oakland Municipal Code Authorizing Seizure And Forfeiture Of Vehicles

Used To Solicit Prostitution Or Acquire A Controlled Substance, To Include As Additional

Grounds For Seizure And Forfeiture The Crimes Of Pandering And Pimping, And To Require

A Prompt Post-Seizure Hearing (05-0430)

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

**Oakland Redevelopment Agency/City Council - Fiscal Year 2005-2007**

**Proposed Policy Budget on 6/28/2005**

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

- *Sanjiv Handa*

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10.4

Subject: California Electrical Code - Amendments

From: Community Economic Development Agency

Recommendation: Approve the Final Passage (Second Reading) of an Ordinance Adopting

Local Amendments To The California Building Standards Code, California Code Of

Regulations (CCR), Title 24, Part 3 (California Electrical Code), And Amending Oakland

Municipal Code Chapter 15.04(TITLE CHANGE) (05-0226)

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

**Oakland Redevelopment Agency/City Council - Fiscal Year 2005-2007**

**Proposed Policy Budget on 6/28/2005**

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S-10.5-CC

Subject: Green Building Grants

From: Public Works Agency

Recommendation: Adopt A Resolution Authorizing The Application, Acceptance And

Appropriation Of Grant Funds From Stopwaste.org (The Alameda County Waste Management

Authority And The Alameda County Source Reduction And Recycling Board) Green Building

Grants Under The Agency's Green Building Program And Bay-Friendly Landscaping Program

For The Studio One Art Center Rehabilitation (Project No. C244710) In The Amount Of

Thirty-five Thousand Dollars (\$35,000) (05-0399)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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S-10.6-CC

Subject: Peralta Hacienda Historical Park

From: Public Works Agency

Recommendation Adopt A Resolution Rejecting All Bids, Authorizing The City Administrator

To Negotiate Or Re-Bid, Award And Execute A Construction Contract, Without Return To

Council, For The Construction Of Peralta Hacienda Historical Park - Phase IIIA Landscape



Improvement (Project No. C196710) Not-To-Exceed The Amount Of Nine Hundred Thousand

Dollars (\$900,000.00) (05-0405)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Kernighan, Vice Mayor Brunner, 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-10.7-CC

Subject: Local Street Rehabilitation And Traffic Safety

From: Public Works Agency

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

Accept, And Appropriate 1) \$824,000 Of Federal Surface Transportation Program Funds For

Street Rehabilitation; And 2) \$901,788 Of Congestion Management Agency Transportation

Improvement Program Funds For Local Street Rehabilitation And Traffic Safety (05-0431)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Kernighan, Vice Mayor Brunner, 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: Medtronic Physio-Control

From: Finance and Management Agency

Recommendation: Adopt A Resolution Awarding A Contract To Medtronic-Physio Control For

Furnishing Replacement Defibrillator Monitors And Accessory Equipment In An Amount Not

To Exceed \$856,670.76 In Accordance With Specification No. 03-465-14-1 (05-0423)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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S-10.9-CC

Subject: Debt Management Policy and Swap Policy

From: Finance and Management Agency

Recommendation: Adopt the following pieces of legislation:

1) A Resolution Adopting The City Of Oakland's Debt Management Policy and Swap Policy

For Fiscal Year 2005-2006 (05-0421)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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2) A Resolution Adopting The Oakland Redevelopment Agency's Debt Management Policy

and Swap Policy For Fiscal Year 2005-2006 (05-0421-1)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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S-10.10-C

C

Subject: Investment Policy for Fiscal Year 2005-2006

From: Finance and Management Agency

Recommendation: Adopt The Following Pieces of Legislation:

1) A Resolutions Adopting The City Of Oakland Investment Policy For Fiscal Year 2005-2006

(05-0427)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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2) An Agency Resolutions Adopting The Oakland Redevelopment Agency's Investment Policy

For Fiscal Year 2005-2006 (05-0427-1)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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S-10.11-C

C

Subject: Measure G Funds

From: Finance and Management Agency

Recommendation: Adopt A Resolution Reallocating \$2,000,000 Of Measure G Series 2002A

Funds, Previously Allocated For Projects At The Oakland Museum Of California, To Projects

At The Oakland Zoo (05-0428)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Kernighan, Vice Mayor Brunner, 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-10.12

Subject: Slavery Era Insurance

From: Councilmember Reid

Recommendation: Approve the Introduction (First Reading) Of The Slavery Era Disclosure

Ordinance - An Ordinance (1) Requiring City Contractors Who Provide Insurance, Financial



And Other Services To The City To Research And Disclose To The City Records Evidencing

Benefits From The American Slave Trade; and (2) Establishing A Fund To Include But Not Be

Limited To Support For Education And Economic Development (05-0071)

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

**Quan, that this matter be Approved on Introduction for Final Passage to**

**the Concurrent Meeting of the Oakland Redevelopment Agency / City**

**Council, due back on July 19, 2005. The motion carried by the following**

**vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Reid and Councilmember Chang

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

- *Toni Cook*

- *Charles Chiles*

- *Jack Williams*

- *Arnold Spencer (time ceded from Azuri Allah and Nadiri Jumoke)*

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S-10.13-C

C

Subject: Oakland Economic Development Corporation - Agreement

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Authorizing The Agency Administrator To Negotiate

And Execute An Exclusive Negotiating Agreement With The Oakland Economic Development

Corporation, A California Not For Profit Development Corporation, To Pursue The

Development Of A Transit Village At The Coliseum BART Station And To Contribute Up To

\$25,000 To Fund Oakland Economic Development Corporation's Exclusive Negotiating Fee

With The San Francisco Bay Area Rapid Transit District (TITLE CHANGE) (05-0251)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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S-10.14-C

C

Subject: Funding for the Respite and Linkages Programs

From: Department of Human Services

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

Accept And Appropriate Grant Funds From The Alameda County Area Agency On Aging In

The Amount Of \$220,034 For The Linkages Program And In The Amount Of \$8,945 For The

Respite Program For Fiscal Year 2005-2006; And Authorizing The City Administrator To

Apply For, Accept And Appropriate \$214,776 From Alameda County For Targeted Case

Management Claims For Fiscal Year 2005-2006; And Authorizing The Appropriation Of A

Balance Of \$26,006 In The Linkages Handipark Funds For The Linkages Program Fiscal Year

2005-2006 (05-0296)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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S-10.15-C

C

Subject: Senior Companion and Foster Grandparent Programs

From: Department of Human Services

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

Accept And Appropriate Grant Funds From The Corporation For National And Community

Services (CNS) In The Amount Of \$325,867, And The Alameda County Area Agency On

Aging In The Amount Of \$21,742, And The City of Berkeley In The Amount Of \$14, 825 For

The Senior Companion Program (SCP) And Foster Grandparent Program (FGP) For The Fiscal

Year 2005-2006 (05-0327)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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S-10.16-C

C

Subject: Multipurpose Senior Services Program

From: Department of Human Services



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

Accept And Appropriate A Grant In The Amount Of \$1,582,540 From The State Department

Of Aging For The Multipurpose Senior Services Program (MSSP) For Fiscal Year 2005-2006;

And Authorizing The City Administrator To Allocate \$308,000 Of The Grant To Contract With

11 Agency Providers To Provide In Home Services To The Seniors Enrolled In MSSP For An

Amount Not To Exceed \$28,000 Per Year Per Provider For Fiscal Year 2005-2006; And

Authorizing The City Administrator To Extend The Agreements For Two Years Subject To

Satisfactory Performance And Funding Availability (05-0358)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Kernighan, Vice Mayor Brunner, 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-10.17-C

C

Subject: Peralta House

From: Office of Parks and Recreation

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

Execute A License Agreement Between The City Of Oakland And Friends Of Peralta Hacienda

Historical Park For The Limited Use Of Peralta House, The Adjacent Garden Area, And

Storage Building For \$1 Per Year, For A Five-Year Term, July 1, 2005 To June 30, 2010, With

Two Consecutive Five-Year Options To Renew (05-0406)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Kernighan, Vice Mayor Brunner, 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-10.18-C

C

Subject: Donald P. McCullum Youth Court

From: Oakland Police Department

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

Appropriate Grant Funds In An Amount Not To Exceed Two Hundred Thousand Dollars

(\$200,000) From The State Of California, Board Of Corrections (BOC), Title V Community

Prevention Grants Program, And Authorize A Funding Agreement In An Amount Not to

Exceed One Hundred Ninety Thousand Dollars (\$190,000) With The Donald P. McCullum

Youth Court For Implementation Of The Interface Project (05-0381)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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S-10.19-C

C

Subject: Oakland Fire Department Metropolitan Medical Response System

From: Oakland Fire Department

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

Appropriate A Grant Of Two Hundred And Twenty Thousand, Seven Hundred And Sixty Four

Dollars (\$220,764.00) As Part Of The Fiscal Year 2005 Homeland Security Grant Program

(HSGP) From The U.S. Department Of Homeland Security Office For Domestic Preparedness

(ODP) - Metropolitan Medical Response System (MMRS) To Fund The Oakland Fire

Department MMRS Program And Enhance Integrated, Systematic Mass Casualty Preparedness,

With Primary Focus On Terrorist Events Involving Radiological, Nuclear, Chemical Biological,

Or Explosive Agents (05-0426)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Kernighan, Vice Mayor Brunner, 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 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

11

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

Closed Session

*There was no action necessary for this item.*

12

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

Sunshine Ordinance

*There was no action necessary for this item.*

**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: Brookpark Tree Removal

From: Public Works Agency

Recommendation: Conduct a Public Hearing and Adopt A Resolution Denying The Appeal

Filed By Robert Bobb Against The Decision Of The Public Works Agency Approving The

Issuance Of Tree Removal Permit DRO2-123 For Brookpark Road, An Undeveloped Lot, APN

085-0105-040-00, In Order To Build A New Home (05-0420-1)

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

**Redevelopment Agency / City Council on 9/20/2005**

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14.2

Subject: Oakland General Plan - Amendments

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Adopting The Negative Declaration For The Updated

Noise Element And Approving The Following Three Amendments To The City Of Oakland

General Plan: (1) Adopt The Updated Noise Element Of The City Of Oakland's General Plan,

(2) Approve The Proposed Amendments The Oakland General Plan By: (a) Removing The

Limitation In Policy A3 Of The Land Use And Transportation Element (lute) That The General

Plan May Be Amended No More Than Three Times Per Calendar Year; And (b) Adopting

Language To Clarify That Competing Policies In The Oakland General Plan Do Not

Necessarily Result In A Significant Environmental Impact Under The California

Environmental Quality Act (CEQA); And (3) Approve Changes The General Plan Designation

Of A 25,000 Square-Foot Portion Of Assessor Parcel Number 008-0643-001-01 (Located

Within The Area Referred To As "Uptown", And Generally Bounded By San Pablo Avenue To

The West, Thomas L. Berkley Way To The North, Telegraph Avenue To The East And 19th

Street To The South) From Central Business District To Park And Urban Space (05-0521)

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

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

**vote:**

**Votes:**

ORA\Councilmember Abstained: 2 - Councilmember Nadel and

Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, Vice Mayor

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

Councilmember Reid and Councilmember Chang

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

*opened at 7:35 P.M.*



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

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

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

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

*Abstain: Brooks, Nadel - 2*

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

*- Sanjiv Handa*

*- Darrel Carey*

- *Anna Naruta*

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

- *Geoffrey Pete*

- *Eddie Dillard (time ceded from Aisha Shareiff)*

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Subject:   Designate and Rezone of Uptown

From: Community and Economic Development Agency

Recommendation: Conduct A Public Hearing And Upon Conclusion Approve The Introduction

(First Reading) Of An Ordinance To Rezone A 25,000 Square-Foot Site Located In the Middle

of The Block Bounded By San Pablo Avenue To The West, Thomas L. Berkley Way To The

North, Telegraph Avenue To The East and 19th Street To The South From C-51 Central

Business Service District/S-17 Downtown Residential Open Space Combining Zone To OS

Open Space (Neighborhood Park) (05-0359-1)

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

**Brunner, that this matter be Approved on Introduction for Final Passage**

**to the Concurrent Meeting of the Oakland Redevelopment Agency / City**

**Council, due back on July 19, 2005. The motion carried by the following**

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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~~14.2.1~~

~~Subject: Noise Element of the Oakland General Plan~~

~~From: Community and Economic Development Agency~~

~~Recommendation: Adopt A Resolution To Adopt The Noise Element Of The Oakland General~~

~~Plan (Including Approval Of A Negative Declaration For The Element) (05-0246)~~

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~~14.2.2~~

~~Subject: Land Use and Transportation Element~~

~~From: Community and Economic Development Agency~~

~~Recommendation: Adopt A Resolution Amending The Oakland General Plan by; (1) Removing~~

~~The Limitation That General Plan Amendments May Only Occur During Three Distinct Cycles~~

~~Per Year; And (2) Adopting Language To Clarify That The General Plan Contains Competing~~

~~Policies, Which Must Be Balanced When Individual Projects Are Considered By The City~~



~~(05-0223)~~

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~~14.2.3~~

~~Subject: Designate and Rezone of Uptown~~

~~From: Community and Economic Development Agency~~

~~Recommendation: Adopt The Following Legislation:-~~

~~Adopt A Resolution To Change The General Plan Designation Of A 25,000 Square Foot~~

~~Portion Of The Block Bounded By San Pablo Avenue To The West, William Street To The~~

~~North, Telegraph Avenue To The East And 19th Street To The South From Central Business~~

~~District To Park And Urban Open Space (05-0359)~~

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14.3

Subject: Conditional Street Vacation - Various Areas

From: Community and Economic Development Committee Agency

Recommendation: Conduct A Public Hearing And Upon Conclusion Approve The Introduction

(First Reading) An Ordinance Conditionally Vacating Portions Of Thomas L. Berkeley Way,

Williams Street, And 19th Street Between San Pablo Avenue And Telegraph Avenue For The

Uptown Oakland Mixed Use Redevelopment Project And Quit Claiming The Underlying Fee

Interests In The Vacated Rights-Of-Way To The Oakland Redevelopment Agency (05-0276)

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

**Brunner, that this matter be Approved on Introduction for Final Passage**

**to the Concurrent Meeting of the Oakland Redevelopment Agency / City**

**Council, due back on July 19, 2005. The motion carried by the following**

**vote:**

**Votes:**

ORA\Councilmember Abstained: 2 - Councilmember Nadel and

Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, Vice Mayor

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

Councilmember Reid and Councilmember Chang

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

*opened at 7:57 P.M.*

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

*Agency/Councilmember Nadel, to close the Public Hearing, 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 and did not indicate a position on this item:*

*- Darrel Carey*

*- Eddie Dillard*

- *Stan Bluiett*

- *Geoffrey Pete*

- *Aisha Shareiff*

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Subject: Central District Redevelopment Project

From: Community and Economic Development Agency

Recommendation: Conduct a Public Hearing and Adopt The Following Pieces Of Legislation:

1) A Resolution Approving And Authorizing Execution Of Amendments To A Lease

Disposition And Development Agreement, Ground Lease, And Related Documents Between

The Redevelopment Agency, The City Of Oakland, And FC Oakland, Inc. (Successor To

Uptown Partners, LLC), 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 Increasing The Property Acquisition Ceiling From \$14,195,000 To \$16,995,000,

And Increasing The Agency Contribution Towards Hazardous Materials Abatement from

\$2,585,600 to \$4,085,600; (05-0302)

**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 Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Reid and Councilmember Chang

*Upon the reading of Item 14.4 by the City Clerk, the Public Hearing was*

*opened at 8:01 P.M.*

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

*Agency/Councilmember Chang, to close the Public Hearing, 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:*



- *Emily Weinstein*

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

*- Sanjiv Handa*

- *Eddie Dillard*

- *Darrel Carey*

- *Geoffrey Pete*

- *Stan Bleiett*

- *Anna Naruta*

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2) An Agency Resolution Approving And Authorizing Execution Of Amendments To A Lease

Disposition And Development Agreement, Ground Lease, And Related Documents Between

The Redevelopment Agency, The City Of Oakland, And FC Oakland, Inc. (Successor To

Uptown Partners, LLC), 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 Increasing The Property Acquisition Ceiling From \$14,195,000 To \$16,995,000,

And Increasing The Agency Contribution Towards Hazardous Materials Abatement From

\$2,585,600 To \$4,085,600; (05-0302-1)

**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 Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Reid and Councilmember Chang

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(3) A Resolution Approving And Authorizing Execution Of: (1) A Purchase And Sale

Agreement Between The City, The Agency And Sears, Development Company For The

Agency's Acquisition Of Property Located At 1911 Telegraph Avenue For Purchase

Consideration Equal To An Amount Not To Exceed \$12.5 Million; And (2) A Lease

Disposition And Development Agreement, Ground Lease And Related Documents Between

The Agency And Sears, Development Company For The Construction Of A Sears Auto Center

On Two Properties Located At 2000-2016 Telegraph Avenue And 490 Thomas L. Berkeley

Way (05-0302-2)

**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 Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Reid and Councilmember Chang

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4) An Agency Resolution Approving And Authorizing Execution Of: (1) A Purchase And Sale

Agreement Between The City, The Agency And Sears, Development Company For The

Agency's Acquisition Of Property Located At 1911 Telegraph Avenue For Purchase

Consideration Equal To An Amount Not To Exceed \$12.5 Million; And (2) A Lease

Disposition And Development Agreement, Ground Lease And Related Documents Between

The Agency And Sears, Development Company For The Construction Of A Sears Auto Center

On Two Properties Located At 2000-2016 Telegraph Avenue And 490 Thomas L. Berkeley

Way (05-0302-3)

**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 Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Reid and Councilmember Chang

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14.5

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) Adopt 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, Administrative Charges And Assessment Charges As Necessary -

Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice

Of Lien And Assessment Charges To Be Turned Over To The County For Collection; or

(05-0493)

**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 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

*Upon the reading of Item 14.5 by the City Clerk, the Public Hearing was*

*opened at 8:43 P.M.*

*Agency/Councilmember Reid 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, Nadel, Reid, Quan, Kernighan and President of the Council*

*De La Fuente -8*

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

*- Sanjiv Handa*

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2) Adopt A Resolution Overruling Protests And Accepting And Confirming Reports Of The

City Administrator On The Delinquent Business Taxes, And Confirming The Recordation Of

Liens, Administrative Charges, And Assessment Charges As Necessary - Pursuant To Title 5,

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

(05-0493-1)

**Not Adopted**

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

Delinquent Business Taxes, And Confirming Of The Recordation Of Liens, Administrative

Charges And Assessment Charges, As Necessary - Pursuant To Title 5, Chapter 5.04 Of The

Oakland Municipal Code (05-0493-2)

**Not Adopted**

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14.6



Subject: Delinquent Real Property Transfer Taxes - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct a Public Hearing regarding the assessment of liens for Delinquent

Real Property Transfer Taxes and upon conclusion adopt one of the following Resolutions:

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

Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes, And

Confirming The Recordation Of Liens, Administrative Charges, And Assessment Charges, As

Necessary - Pursuant To Chapter 4.20 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 (05-0491)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

*Upon the reading of Item 14.6 by the City Clerk, the Public Hearing was*

*opened at 8:50 P.M.*

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

*Agency/Councilmember Nadel, to close the Public Hearing, 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*

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

*- Sanjiv Handa*

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

Reports Of The City Administrator On The Cost Incurred By The City Of Oakland For

Delinquent Real Property Transfer Taxes, And Authorizing The Recordation Of Liens,

Administrative Charges As Necessary - Pursuant To Chapter 4.20 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 (05-0491-1)

**Not Adopted**

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

Delinquent Real Property Transfer Taxes And Confirming Of The Recordation Of Liens,

Administrative Charges, And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of

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

Be Turned Over To The Alameda County Tax Collector For Collections (05-0491-2)

**Not Adopted**

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14.7

Subject: Delinquent Mandatory Garbage Fees - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct A Public Hearing Regarding Delinquent Mandatory Garbage Fees

For October/November/December 2004, Monthly Accounts And January/February/March

2005, Quarterly Accounts And Upon Conclusion Adopt One Of The Following Resolutions:

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



Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees, And Confirming

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

Pursuant To Chapter 8.28 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

(05-0492)

**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 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

*Upon the reading of Item 14.7 by the City Clerk, the Public Hearing was*

*opened at 8:50 P.M.*

*Agency/Councilmember Nadel 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, Nadel, Reid, Quan, Kernighan and President of the Council*

*De La Fuente -8*

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

*- Sanjiv Handa*

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2) Adopt 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 Garbage Service Fees, And Authorizing The Recordation Of Liens, Administrative

Charges, As Necessary - Pursuant To Chapter 8.28 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 (05-0492-1)

**Not Adopted**

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

Delinquent Garbage Services Fees And Confirming Of The Recordation Of Liens,

Administrative Charges, And Assessment Charges, As Necessary - Pursuant To Chapter 8.28

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

To Be Turned Over To The Alameda County Tax Collector For Collections (05-0492-2)

**Not Adopted**

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**ACTION ON NON-CONSENT ITEMS:**

15

Subject: Farmers' Market On 34th Avenue

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Granting A Conditional And Revocable Encroachment

Permit To The Unity Council For A Fruitvale Farmers' Market On 34th Avenue Between

International Boulevard And E 12th Street Each Sunday Between The Hours Of 6:00 A.M. And

5:00 P.M. (05-0319)

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

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

**by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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S-15.1

Subject: Fulton Project Development Group

From: Community and Economic Development Agency

Recommendation: Adopt An Agency Resolution Approving An Exclusive Negotiation

Agreement With Fulton Project Development Group Regarding The Sale And Development Of

A Portion Of The Oakland Army Base For Use As A Mixed-Use Entertainment, Retail,

Housing, And Film/Television Production Studio (05-0425)

**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 Noes: 1 - Vice Mayor Brunner

ORA\Councilmember Ayes: 7 - 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:*

- *Martinque Guillory*

- *Allana Fuglestad*

- *Jessica Pugh*

- *David Fine*

- *Reuben Goldberg*

- *Regina Giullory*



- *Belita Aaron*

- *Dr. Jeffrey Watson*

- *James Watson*

- *Anni Long*

- *Wandra Boyd*

- *Tankeka Ervin*

- *Ami Zins*

- *Mona Lombard*



- *Tracy Anderson*

- *L. La Mar Stewart*

- *Kenneth Richardson (time ceded from Victoria Lee, Tamika Perkins, Sangria*

*Donolson*

- *Lynda Hassan*

- *Ayinde*

- *Cyrille Autin*

- *Marika Hughes*



- *Yonas Aradom*

- *Charles Lewis*

- *Kieth Lewis*

- *James Lewis*

- *Brian Thomas*

- *Ora Knowell*

- *Charles Crowder*

- *Samantha Thomas*



- *Redawnya Hunter*

- *Alicia Borker*

- *Jessica Payne*

- *Geoffrey Pete*

- *Doris Brown*

- *Miriam Jones*

- *Buck Sierra*

- *Lisa Swain-Morris*



- *Pecolia Manigo*

- *Velda Gie*

- *Bari Robinson*

- *Delores Lemon-Thomas*

- *Heather Starnes*

- *William Hammons*

- *Alex Ravens (time ceded to Erica Green)*

- *Jessica Humphey*



- *Erica Williams*

- *Merle Saunders*

- *Denise May*

- *John Green (time ceded from Renee Williams and Cy Green)*

- *Sean House*

- *David Hakim*

- *Cory Duval*

- *Don Schwartz*



- *Jim Koehler*

*-Ben Nichols*

- *Dave Ketchpel*

- *Gloria Jeffery (time ceded from Jean Balcksher)*

- *Kelleen Millikin*

- *Erik Anderson*

- *Toni Cook*

- *Charles Chiles*



- *Joe Sadusky*

- *Dwayne Wiggins (time ceded from Terri Butler)*

- *Eddie Dillard*

- *Curtis Smothers*

- *Sally Gallegos*



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

- *Monsa Nitoto*





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

- *Sanjiv Handa*

- *Jacqueline Johnson*

- *Ronald Muhammad (time ceded from Keith Muhammad and Shakeelah*

*Muhammad*

- *Eric Lewis*

- *Keith Jordan*



- *Joe David (time ceded from Azuri Allah and Nadiri Jumoke)*

- *Tywain Willis*

- *Jimmy Mack*

- *Fred Franklin*

- *Samm Styles*

- *Darrel Carey*

- *John Carlson*

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*Agency/Councilmember Brooks made a motion seconded by*

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

*2.20.080 E(2) regarding Item 15.1.1 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.*

S-15.1.1



Subject: Opus West, et. Al - Agreement

From: Community And Economic Development Committee

Recommendation: Adopt An Agency Resolution Authorizing the Agency Administrator To

Negotiate And Execute An Exclusive Negotiating Agreement Between The Oakland

Redevelopment Agency And Opus West Developer Group For A Term Of 180 Days To

Develop A Proposal For Development Of Approximately 50 Acres Located In The Central And

East Gateway Areas Of The Former Oakland Army Base (05-0544)

**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 Noes: 1 - Vice Mayor Brunner

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Councilmember Chang

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

*Agency/Councilmember Brooks, to adopt the resolution on Item 15.1.1 and*

*further directed staff to return to council with an amendment to the ENA*

*regarding Opus West to extend their agreement to 12 months, consistent with*

*the Fulton Project ENA, 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 -7, No: Brunner -1*

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16

Subject: 5th Avenue Seismic Retrofit

From: Community and Economic Development Agency

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

The City Administrator To Enter Into A Sales Agreement With The California Department Of

Transportation (Caltrans) To Sell City Owned Property Located Near Interstate 880 And 5th

Ave (Assessor Parcel Number 000O-0455-010 (Portion)); Appropriating The Proceeds Of The

Sale Into The Real Estate Surplus Property Project; And Granting Permanent Construction

Easements With An Expiration Date of January 31, 2011 For City Owned Properties (Assessor

Parcel Numbers 000O-0455-090 And 000O-0455-010); All Property Rights Will Be Conveyed

For A Fair Market Value To Be Determined But Not Less Than \$195,100 (05-0398)

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

**Councilmember Quan, that this matter be Approved on Introduction for**

**Final Passage to the Concurrent Meeting of the Oakland Redevelopment**

**Agency / City Council, due back on July 19, 2005. The motion carried by**

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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17

Subject: Leona Quarry Subdivision

From: Public Works Agency

Recommendation: Adopt A Resolution Approving The Final Map Of Tract No. 7492 In A Real

Estate Subdivision Entitled "Tract 7351", Leona Quarry Subdivision, Located Along Campus

Drive, Oakland, Alameda County, California (05-0403)

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

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

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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18

Subject:    Massage Establishments and Therapists Regulation

From:        Council President De La Fuente

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

Oakland Planning Code Sections 17.09.040 And 17.102.170 And Amending Oakland

Municipal Code 5.36, "Massage Establishments And Massage Therapists", To Impose New

Permitting Requirements Including, But Not Limited To, Criminal Background Checks For

Applicants And Employees, And Amending Oakland Planning Code 17.102.170, "Special

Regulations Applying To Massage Service Activities", To Eliminate The Conditional Use

Permit (CUP) Requirement And Add A Reference To Massage Permit Regulations In OMC



5.36 (05-0203)

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

**Councilmember Chang, that this matter be Approved for Final Passage.**

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

**Votes:**

ORA\Councilmember Absent: 3 - Councilmember Nadel, Councilmember

Brooks and Councilmember Reid

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, Vice Mayor

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

Councilmember Chang

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19

Subject: AB 352 (Micro-Stamping Of Semiautomatic Weapons)

From: Councilmember Nadel

Recommendation: Adopt A Resolution Supporting AB 352 (Micro-Stamping Of

Semiautomatic Weapons) By Assemblymember Koretz (05-0495)

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

**Councilmember Kernighan, that this matter be Adopted. The motion**

**carried by the following vote:**

**Votes:**

ORA\Councilmember Absent: 3 - Councilmember Nadel, Councilmember

Brooks and Councilmember Reid

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, Vice Mayor

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

Councilmember Chang

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20

Subject: Appointments to the Landmarks Preservation Advisory Board

From: Office of the Mayor

Recommendation: Adopt A Resolution Re-appointing Neal Parish And Appointing Kirk

Peterson As Members Of The Landmarks Preservation Advisory Board (05-0454)

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

**Redevelopment Agency / City Council on 7/19/2005**

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21

Subject: Oakland-Alameda County Coliseum Corporation, Inc.

From: Office of the City Attorney

Recommendation: Adopt A Resolution Authorizing The City Of Oakland To Indemnify,

Defend And Hold Harmless The Directors Of The Oakland-Alameda County Coliseum

Corporation, Inc., ("Corporation") Who The City And County Recently Appointed, From Legal

Expenses, Including Costs, Attorney's Fees And Judgments Incurred In Litigation And

Administrative Proceedings Arising Out Of The Performance Of Their Duties Pertaining To

The Operation And Maintenance Of The Corporation (05-0524)

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

**Redevelopment Agency / City Council on 7/19/2005**

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S-22

Subject: Discontinue the Health and Human Services Commission

From: Office of the City Administrator

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

Discontinuing The Health And Human Services Commission Pursuant To Article VI Of The

City Charter (05-0311-1)

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

**Oakland Redevelopment Agency/City Council - Fiscal Year 2005-2007**

**Proposed Policy Budget on 6/28/2005**

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S-23

Subject: McGuire and Hester Railroad Avenue Improvements

From: Public Works Agency

Recommendation: Adopt The Following Pieces of Legislation:

1) Adopt A Resolution Authorizing Award Of A Contract To Mcguire And Hester For The

Construction Of Railroad Avenue Improvements Phase I -- 85th Avenue To Louisiana Street

(Project No. C230610) For An Amount Not To Exceed \$794,925; and (TITLE CHANGE)

(05-0357)

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

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

**the following vote:**

**Votes:**

ORA\Councilmember Absent: 2 - Councilmember Nadel and Councilmember

Reid

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, Vice Mayor

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

Councilmember Brooks and Councilmember Chang

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2) Adopt A Resolution Authorizing The City To Accept And Appropriate A Contribution Of

Redevelopment Agency Funds Under The Cooperation Agreement In An Amount Not To

Exceed \$950,000 For Construction Of Railroad Avenue Improvements Phase I -- 85th Avenue

To Louisiana Street (Project No. C230610); and (05-0357-05)

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

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

**the following vote:**

**Votes:**

ORA\Councilmember Absent: 2 - Councilmember Nadel and Councilmember

Reid

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, Vice Mayor

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

Councilmember Brooks and Councilmember Chang

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3) Adopt An Agency Resolution Authorizing A Contribution Of An Amount Not To Exceed

\$950,000 In Agency Funds To The City Of Oakland Under The Cooperation Agreement For

Construction Of Railroad Avenue Improvements Phase I -- 85th Avenue To Louisiana Street

(Project No. C230610) ()



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

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

**the following vote:**

**Votes:**

ORA\Councilmember Absent: 2 - Councilmember Nadel and Councilmember

Reid

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, Vice Mayor

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

Councilmember Brooks and Councilmember Chang

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S-24

Subject: Acorn-Prescott Neighborhood Improvements

From: Public Work Agency

Recommendation: Adopt a Resolution Authorizing The City Administrator To Increase The

Change Order Limit By \$222,926.00 On The Construction Contract With Granite Construction

For The Acorn-Prescott Neighborhood Improvements Phase 2 Project (Project No. P131620)

For A Total Contract Amount Not To Exceed \$1,780,039.00 (05-0402)

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

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

**by the following vote:**

**Votes:**

ORA\Councilmember Absent: 2 - Councilmember Nadel and Councilmember

Reid

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, Vice Mayor

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

Councilmember Brooks and Councilmember Chang

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S-25

Subject: Community Choice Aggregation

From: Office of the Mayor

Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Approve

And Send A Letter Of Intent To The California Public Utilities Commission (CPUC) Stating

Oakland's Intent To Become A Community Choice Aggregator Pending Final Results Of The

City's Implementation Plan; and 2) Negotiate Joint CCA Efforts With Other Bay Area Cities

(05-0361)

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

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

**by the following vote:**

**Votes:**

ORA\Councilmember Absent: 2 - Councilmember Nadel and Councilmember

Reid

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, Vice Mayor

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

Councilmember Brooks and Councilmember Chang

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S-26

Subject: Vehicle License Fee

From: Finance and Management Agency

Recommendation: Adopt A Resolution Approving The Form Of And Authorizing The

Execution And Delivery Of A Purchase And Sale Agreement And Related Documents With

Respect To The Sale Of The Seller's Vehicle License Fee Receivable From The State; And

Directing And Authorizing Certain Other Actions In Connection Therewith (05-0432)

**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: 2 - Councilmember Nadel and Councilmember

Reid

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, Vice Mayor

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

Councilmember Brooks and Councilmember Chang

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S-27

Subject: Disposition and Development Agreement for Community Development

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Authorizing Negotiation Of A Disposition And

Development Agreement With Resources For Community Development For The Sale Of Real

Property Located On Portions Of The Block Bounded By San Pablo Avenue, 18th Street, 19th

Street, And Telegraph Avenue, Adjacent To The Fox Theater, And For Its Development As

Affordable Housing (05-0330)

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

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

**vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Absent: 2 - Councilmember Nadel and Councilmember

Reid

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, Vice Mayor

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

Councilmember Chang

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

- *Ellissa Dennis*

- *Daniel Sawislak*

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S-28

Subject: Oakland City Stables Operations



From: Office of Parks and Recreation

Recommendation: Action On A Report And Recommendations For The Management Of

Operations Of Oakland City Stables (05-0312)

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

**Councilmember Brooks, that this matter be Deferred to the \*Life**

**Enrichment Committee, due back on July 12, 2005. The motion carried by**

**the following vote:**

**Votes:**

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks and Councilmember Chang

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

*- Anne Woodell*

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

*- Judi Bank*

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

*- Ondrietta Johnson*

*- Audie Bock*

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*The Oakland City Council moved, seconded and carried a motion to extend the meeting past 10:30 P.M.*

Subject: Measure Z

From: Office of the City Attorney/ Councilmember Nadel

Recommendation: Adopt The Following Pieces Of Legislation:

1) Approve The Introduction (First Reading) Of An Ordinance Establishing The Procedures Of

The Community Oversight Committee Created By Measure Z, Entitled "Oakland Cannabis

Regulation And Revenue Ordinance" (Measure Z) And Providing The Terms And

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

**Councilmember Kernighan, that this matter be Approved on Introduction**

**for Final Passage to the Concurrent Meeting of the Oakland**

**Redevelopment Agency / City Council, due back on July 19, 2005. The**

**motion carried by the following vote:**

**Votes:**

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Council De La Fuente, Councilmember Brooks and Councilmember Chang

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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 at 10:35 P.M.*

NOTE:

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If you need special assistance to participate in Oakland City Council and Committee meetings

please contact the Office of the City Clerk. When possible, please notify the City Clerk 48

hours prior to the meeting so we can make reasonable arrangements to ensure accessibility.

Also, in compliance with Oakland's policy for people with environmental illness or multiple

chemical sensitivities, please refrain from wearing strongly scented products to meetings.

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\*

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*City Clerk and Clerk of the Council*