

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/Joint Powers Financing Authority

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California 94612

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

Tuesday, October 31, 2006

6:00 PM

Oakland City Hall, 3rd Floor

1
Pledge of Allegiance
2

Roll Call / ORA & Council

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

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

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

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Present: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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 6:18 PM.

3

Open Forum / Citizens Comments

(Time Available: 15 minutes)

The following individual(s) spoke under Open Forum:

- Sanjiv Handa

- Hector Reyna

- David Mix

- Dorothy Coleman

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 October 17, 2006

A motion was made by Councilmember Reid, seconded by Councilmember

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

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

8. PRESENTATION OF CEREMONIAL MATTERS

8.1

Subject: America Recycles Day

From: Vice Mayor Jean Quan

Recommendation: Adopt A Resolution Proclaiming Wednesday November 15, 2006, As

America Recycles Day In The City Of Oakland

[06-0791](#)

A motion was made by Councilmember Nadel, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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

- *Hector Reyna*

- *Sanjiv Handa*

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[80219 CMS.pdf](#)

8.2

Subject: Recognition Of James Mahoney

From: Finance and Management Agency

Recommendation: Adopt A Resolution Honoring James (Jim) W. Mahoney For Thirty Three

Years Of Distinguished Service To The Citizens Of The City Of Oakland And Congratulating

Him On His Retirement

06-0864

A motion was made by Councilmember Quan, seconded by

Councilmember Kernighan, that this matter be Adopted. The motion

carried by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Agency/Council President De La Fuente took a point of personal privilege and

requested that the meeting be adjourned in memory of Howard Young

10. CONSENT CALENDAR (CC) ITEMS:

10.1-CC

Subject: Declaration Of A Local Emergency Due To AIDS Epidemic

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Renewing And Continuing The City Council's

Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis

With Regard To The AIDS Epidemic

06-0873

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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10.2-CC

Subject: Medical Cannabis Health Emergency

From: Office Of The City Attorney

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

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

The City Of Oakland

[06-0872](#)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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10.3-CC

Subject: Mercury Insurance - Settlement

From: Office of the City Attorney

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

Compromise And Settle The Claim Of Mercury Insurance Company As Subrogee For Devon

And Dennis Chaconas In The Amount Of \$8,869.21 As A Result Of A Vehicle Collision

Involving A City Vehicle (PWA)

[06-0870](#)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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10.4-CC

Subject: John Yue Wu - Settlement

From: Office of the City Attorney

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

Compromise And Settle The Claim Of John Yue Wu In The Amount Of \$6,500 As A Result Of

A Collision Involving A City Vehicle (PWA)

[06-0871](#)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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10.5-CC

Subject: Laverne Mainer - Settlement

From: Office of the City Attorney

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

Compromise And Settle The Case Of Laverne Mainer v. City Of Oakland, Et Al., Superior

Court, County Of Alameda, Case No. RG04152626, In The Amount Of \$15,000.00 As A

Result Of A Trip And Fall Accident In The Vicinity Of San Leandro Street Near 71st Avenue,

Oakland, August 15, 2003 (Public Works Agency - Trip And Fall Accident)

06-0875

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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10.6-CC

Subject: Darryl Walker - Settlement

From: Office of the City Attorney

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

Compromise And Settle The Case Of Darryl Walker And Lisa Walker V. City Of Oakland,

Alameda County Superior Court No. RG04150452, Our File No. 23715, In The Amount Of

\$21,000.00 (Oakland Police Department - Motor Vehicle Accident)

[06-0888](#)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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10.7

Subject: Steve Frasier - Settlement

From: Office of the City Attorney

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

Compromise And Settle The Case of Steve Frasier V. City Of Oakland, Alameda County

Superior Court Case No. RG03-080150, Our File No. 21814 In The Amount Of \$35,000.00.

This Case Involves Allegations That The City Failed To Amend Its Parking Meter Ordinance

(Public Works Agency)

06-0889

***Withdrawn with No New Date**

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

- *Sanjiv Handa*

[View Report.pdf](#)
10.8-CC

Subject: Jacqueline Jackson - Settlement

From: Office of the City Attorney

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

Compromise And Settle The Case Of Jacqueline Jackson V. City Of Oakland, Et. Al., Alameda

County Superior Court, Case No. RG05206956, In The Amount Of \$80,000.00 (Public Works

Agency)

06-0890

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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10.9-CC

Subject: McMath And Shavers - Settlement

From: Office of the City Attorney

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

Compromise And Settle The Case Of Milton McMath And Dedrick Shavers V. City Of

Oakland, Et. Al., United States District Court Case No. C-05-03111 EDL, Our File No. 24423

For A Total Amount Of \$50,000.00 This Case Involves Allegations Of Excessive Force

Against Plaintiffs By Oakland Police Officers (Oakland Police Department)

[06-0891](#)

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 Abstained: 1 - Councilmember Brunner

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Nadel, Councilmember Quan and

Councilmember Reid

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10.10-CC

Subject: Active Network Contract

From: Finance and Management Agency

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

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

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

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

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

[06-0792](#)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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

- *Sanjiv Handa*

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10.11-CC

Subject: 2006 DNA Capacity Enhancement Grant

From: Oakland Police Department

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

City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed One

Hundred Thirty-Six Thousand Eight Hundred Twenty-Five Dollars (\$136,825) From The U.S.

Department Of Justice, National Institute Of Justice, (USDOJ/NIJ) For Implementation Of The

2006 DNA Capacity Enhancement Grant Program In The Police Department (Title Change)

[06-0664](#)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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10.12-CC

Subject: Travel Authorization For Vice Mayor Quan And Councilmember Reid

From: Vice Mayor Quan

Recommendation: Adopt A Resolution Authorizing Vice Mayor Jean Quan And

Councilmember Larry Reid To Travel To Reno, Nevada To Attend The National League Of

Cities 83rd Congress Of Cities And Exposition, December 5-9, 2006

[06-0805](#)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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10.13-CC

Subject: Priority Project Funds - District Three

From: Councilmember Nadel

Recommendation: Adopt A Resolution Authorizing Immediate Allocation of \$100,000 Of

Councilmember Nancy J. Nadel's Priority Project Funds To Mandela Foods Cooperative For

Tenant/Building Improvements

[06-0844](#)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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

- Ali Ar Rasheed

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

- *Sanjiv Handa*

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10.14-CC

Subject: Three New Housing And Business Mix Zoning Designations

From: Community And Economic Development Agency

Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance To Adopt 1)

Adopting Amendments To The Zoning Regulations That Create Three New Housing And

Business Mix (HBX) Zoning Designations; 2) Adopting A Design Guidelines Manual

Associated With The New HBX Zoning Designations; 3) Amending The Zoning Maps To

Include The New HBX Zones; And 4) Amending The Document "Guidelines For Determining

Project Conformity With The General Plan And Zoning Regulations" To Reflect The New

Zones (TITLE CHANGE)

[06-0591](#)

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

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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10.15-CC

Subject: Parking Violation Penalties

From: Finance and Management Agency

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

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

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

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

Parking Violation Penalties Fees

06-0795

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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

- *Sanjiv Handa*

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S-10.16-C

C

Subject: 330 13th Street LLC - Revocable And Conditional Permits

From: Community and Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Granting 330 13th Street LLC A Revocable And Conditional Permit To Allow

An Existing Basement For A Building At 330 13th Street To Encroach Under The Public

Sidewalk

06-0826

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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2) A Resolution Granting 330 13th Street LLC A Revocable And Conditional Permit To Allow

An Electrical Transformer And Vault For A Building At 330 13th Street To Encroach Under

The Public Sidewalk

06-0826-1

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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S-10.17-C

C

Subject: 1615 Broadway - Revocable And Conditional Permits

From: Community and Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Granting Oakland Cathedral Building LLC A Revocable And Conditional

Permit To Allow An Existing Basement For A Building At 1615 Broadway To Encroach Under

The Public Sidewalk Along Broadway and Telegraph Avenue

06-0827

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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2) A Resolution Granting Oakland Cathedral Building LLC A Revocable And Conditional

Permit To Allow A Seismic Retrofit Structural System For A Building At 1615 Broadway To

Encroach Under The Public Sidewalk Along Broadway And Telegraph Avenue

[06-0827-1](#)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

[80236 CMS.pdf](#)

S-10.18-C

C

Subject: 4301 Keller Avenue - Revocable And Conditional Permits

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Granting Hillside Homes Group, Inc., A Revocable

And Conditional Permit To Allow A Retaining Wall And Emergency Egress Stairs To

Encroach Into The Public Right-Of-Way At 4301 Keller Avenue For The Siena Hill

Subdivision

[06-0828](#)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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[80237 CMS.pdf](#)

S-10.19-C

C

Subject: 5940 Racine Street - Revocable And Conditional Permit

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Granting The Bravo Family Trust and Danon Living

Trust A Revocable And Conditional Permit To Allow The Encroachment Of An Existing

Two-Family Residence At 5940 Racine To Remain In The Public Right-Of-Way

06-0829

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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S-10.20-C

C

Subject: 1630 San Pablo Avenue - Revocable And Conditional Permits

From: Community and Economic Development Agency

Recommendation: Adopt The Following Pieces of Legislation:

1) A Resolution Granting Rotunda Garage LP A Revocable And Conditional Permit To Allow

A Vault And An Electrical Transformer For A Proposed Building At 1630 San Pablo Avenue

To Encroach Under The Public Sidewalk Along San Pablo Avenue

[06-0830](#)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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2) A Resolution Granting Rotunda Garage LP A Revocable And Conditional Permit To Allow

A Portion Of The Upper Floors Of A Proposed Building At 1630 San Pablo Avenue To

Encroach Over The Public Sidewalk Along 17th Street And San Pablo Avenue

[06-0830-1](#)

A motion was made by Councilmember Reid, seconded by Councilmember

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

the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

[80240 CMS.pdf](#)

S-10.21-C

C

Subject: 6501 San Pablo Avenue - Revocable And Conditional Permit

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Granting Tri City Lofts LLC A Revocable And

Conditional Permit To Allow An Electrical Transformer And Vault For A New Building At

6501 San Pablo Avenue To Encroach Under The Public Sidewalk Along 65th Street

[06-0831](#)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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S-10.22-C

C

Subject: Salary Ordinance Amendment

From: Finance and Management Agency

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

Amending The Salary Schedule Of Ordinance No. 12187 (The Salary Ordinance) To: Add The

Permanent Full Time Equivalent Classifications Of Deputy Director Of Police (Non-Sworn)

And Grants Coordinator; Amend The Titles Of The Full Time Classifications Complex

Manager And Assistant Complex Manager To Facilities/Complex Manager, And Assistant

Facilities/Complex Manager Respectively; And To Amend The Effective Date Of The Salary

Increase To The Full Time Equivalent Classification, Concrete Finisher From May 30, 2006 To

February 4, 2006

[06-0842](#)

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

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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

- *Sanjiv Handa*

[View Report.pdf](#)

S-10.23-C

C

Subject: West Oakland Redevelopment Project - Project Committee Extension

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Authorizing A One Year Extension Of The Project

Area Committee For The West Oakland Redevelopment Project To November 18, 2007

[06-0738](#)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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

- Margaret Gordon

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

- *Sanjiv Handa*

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[80242 CMS.pdf](#)

S-10.24-C

C

Subject: Metropolitan Transportation Commission Grant

From: Director, Community & Economic Development

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

Grant In The Amount Of \$1,900,000.00 From The Metropolitan Transportation

Commission-Federal Surface Transportation Program (STP) And/Or Congestion Management

And Air Quality Improvements (CMAQ)Program For The West Oakland Transit Village

Streetscape Project, 2) Appropriating The Grant; 3) Stating The Assurance Of The City Of

Oakland To Complete The Project If Funded, and 4) Authorizing A Local Match In The

Amount Of \$380,000.00

[06-0768](#)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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[View Supplemental Report.pdf,](#)

[80243 CMS.pdf](#)

Subject: Metropolitan Transportation Commission Grant

From: City Auditor

Recommendation: Receive An Informational Report On A Resolution 1) Authorizing The City

Administrator To Accept A Grant In The Amount Of \$1,900,000.00 From The Metropolitan

Transportation Commission-Federal Surface Transportation Program (STP) And/Or Congestion

Management And Air Quality Improvements (CMAQ)Program For The West Oakland Transit

Village Streetscape Project, 2) Appropriating The Grant; 3) Stating The Assurance Of The City

Of Oakland To Complete The Project If Funded, and 4) Authorizing A Local Match In The

Amount Of \$380,000.00

06-0893

A motion was made by Councilmember Reid, seconded by Councilmember

Nadel, that this matter be *Received and Filed. The motion carried by the

following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

[View Report.pdf](#)
Passed The Consent Agenda

A motion was made by Councilmember Reid, seconded by Councilmember

Nadel, including all the preceding items marked as having been adopted on

the Consent Agenda. The motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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

- Sanjiv Handa

12

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

A motion was made by Councilmember Reid, seconded by Councilmember

Kernighan, to *Approve as Submitted that there were no discussions

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

the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan 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: Central City East And The Oak Knoll Redevelopment Plans Merger

From: Community and Economic Development Agency

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

Pieces Of Legislation:

1) An Agency Resolution Approving And Recommending Adoption Of The Second

Amendment To The Oak Knoll Redevelopment Plan To (1) Merge The Oak Knoll

Redevelopment Project Area With The Central City East Redevelopment Project Area For

Fiscal Purposes, (2) Merge The Affordable Housing Production Requirements For The Two

Project Areas Subject To Limitations And Conditions, (3) Raise The Limits On Receipt Of Tax

Increment Revenues And Bonded Indebtedness, (4) Replace The Land Use Map With The

Current General Plan Land Use Map, (5) Expand The List Of Authorized Public Improvements,

and (6) Make Other Text Changes; And

06-0725

Continued to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 12/5/2006

[View Report.pdf,](#)

[View Report.pdf,](#)

[View Report.pdf,](#)

[View Report.pdf](#)

2) Approve The Introduction (First Reading) Of An Ordinance Adopting The Third

Amendment To The Central City East Redevelopment Plan To (1) Merge The Central City East

Redevelopment Project Area With The Oak Knoll Redevelopment Project Area For Fiscal

Purposes, And (2) Merge The Affordable Housing Production Requirements For The Two

Project Areas Subject To Limitations And Conditions; And

06-0725-1

Continued to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 12/5/2006

[View Report.pdf](#)

3) An Agency Resolution Approving And Recommending Adoption Of The Third Amendment

To The Central City East Redevelopment Plan To (1) Merge The Central City East

Redevelopment Project Area With The Oak Knoll Redevelopment Project Area For Fiscal

Purposes, And (2) Merge The Affordable Housing Production Requirements For The Two

Project Areas Subject To Limitations And Conditions; And

[06-0725-2](#)

**Continued to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 12/5/2006**

4) Approve The Introduction (First Reading) Of An Ordinance Adopting The Second

Amendment To The Oak Knoll Redevelopment Plan To (1) Merge The Oak Knoll

Redevelopment Project Area With The Central City East Redevelopment Project Area For

Fiscal Purposes, (2) Merge The Affordable Housing Production Requirements For The Two

Project Areas Subject To Limitations And Conditions, (3) Raise The Limits On Receipt Of Tax

Increment Revenues And Bonded Indebtedness, (4) Replace The Land Use Map With The

Current General Plan Land Use Map, (5) Expand The List Of Authorized Public Improvements,

And (6) Make Other Text Changes; And

[06-0725-3](#)

Continued to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 12/5/2006

5) An Agency Resolution Adopting The 2006-2007 To 2010-2011 Implementation Plan For

The Oak Knoll Redevelopment Project

[06-0725-4](#)

Continued to Concurrent Meeting of the Oakland Redevelopment

Agency/City Council on 12/5/2006

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

opened at 7:07pm

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

- *Frank Rose*

- *Laura E. Dunn*

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

- *Janet Arnold*

- *Timothy Tosta*

- *Elissa Dennis*

- *Sanjiv Handa*

~~Subject: Mixed Use Development Appeal 4700 Telegraph Avenue~~

~~From: Community and Economic Development Agency~~

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

~~Denying The Appeal And Sustaining The Decision Of The Planning Commission Approving~~

~~Construction Of A New Mixed Use Development Consisting Of 51 Residential Units And~~

~~5,000 Square Feet Of Commercial Space Located at 4700 Telegraph Avenue (Case File~~

~~Number(s) A06-379; CMDV06-188; & TPM9164~~

~~06-0728~~

This item was withdrawn at the October 26, 2006 Rules and Legislation

Committee meeting

[View Report.pdf](#)

14.3

Subject: Levying The Rockridge Business Improvement District Annual Assessment

From: Community and Economic Development Agency

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

Confirming The Annual Report Of The Rockridge Business Improvement District Advisory

Board And Levying The Annual Assessment For The Rockridge Business Improvement

District For Fiscal Year 2007/2008

06-0886

A motion was made by Councilmember Brunner, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Absent: 1 - Councilmember Quan

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel and

Councilmember Reid

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

opened at 8:01pm

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

- *Sanjiv Handa*

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,

Kernighan, Nadel, Reid, and President of the Council De La Fuente -6,

Excused: Brooks, Chang - 2, Absent: Quan -1

ROLL CALL WAS MODIFIED TO SHOW COUNCILMEMBER REID ABSENT

AT 8:02PM

ROLL CALL WAS MODIFIED TO SHOW COUNCILMEMBER QUAN

PRESENT AT 8:03 PM

[View Report.pdf,](#)

[80244 CMS.pdf](#)

14.4

Subject: Levying The Montclair Business Improvement District Annual Assessment

From: Community and Economic Development Agency

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

Confirming The Annual Report Of The Montclair Business Improvement District Advisory

Board And Levying The Annual Assessment For The Montclair Business Improvement District

For Fiscal Year 2007/2008

06-0887

A motion was made by Councilmember Quan, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel and

Councilmember Quan

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

opened at 8:03 pm

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

- Sanjiv Handa

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,

Kernighan, Nadel, Quan, and President of the Council De La Fuente -6,

Excused: Brooks, Chang - 2, Absent: Reid -1

[View Report.pdf,](#)

[80245 CMS.pdf](#)

14.5

Subject: Sale Of Real Property At 3860 Martin Luther King Jr. Way

From: Community and Economic Development Agency

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

Pieces Of Legislation:

1) A Resolution Approving The Sale Of Real Property Located At 3860 Martin Luther King,

Jr. Way By The Redevelopment Agency To Cotter And Coyle, LLC For \$1,060,000 For The

Development Of A 34-Unit Condominium Project; And

06-0789

A motion was made by Councilmember Brunner, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel and

Councilmember Quan

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[View Supplemental Report.pdf,](#)

[80246 CMS.pdf](#)

2) An Agency Resolution Authorizing The Sale Of Real Property Located At 3860 Martin

Luther King, Jr. Way To Cotter And Coyle, LLC For \$1,060,000 For The Development Of A

34-Unit Condominium Project, And Authorizing A Disposition And Development Agreement

For The Project

[06-0789-1](#)

A motion was made by Councilmember Brunner, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel and

Councilmember Quan

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

opened at 8:05 pm

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,

Kernighan, Nadel, Quan, and President of the Council De La Fuente -6,

Excused: Brooks, Chang - 2, Absent: Reid -1

ROLL CALL WAS MODIFIED TO SHOW COUNCILMEMBER REID

PRESENT AT 8:07PM

~~Subject: Metropolitan Transportation Commission Grant~~

~~From: Director, Community & Economic Development~~

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

~~Grant In The Amount Of \$1,900,000.00 From The Metropolitan Transportation~~

~~Commission Federal Surface Transportation Program (STP) And/Or Congestion Management~~

~~And Air Quality Improvements (CMAQ) Program For The West Oakland Transit Village~~

~~Streetscape Project, 2) Appropriating The Grant; 3) Stating The Assurance Of The City Of~~

~~Oakland To Complete The Project If Funded, and 4) Authorizing A Local Match In The~~

~~Amount Of \$380,000.00~~

~~06-0768~~

[View Report.pdf,](#)

[View Supplemental Report.pdf,](#)

[80243 CMS.pdf](#)

S-14.7

Subject: Fox Oakland Theater - Agreement Amendments

From: Community and Economic Development Agency

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

Pieces Of Legislation:

1) An Agency Resolution Authorizing Amendments To The Disposition And Development

Agreement (DDA) Between The Agency And Fox Oakland Theater, Inc. (FOT), A Non-Profit

Entity, Revisions And Supplements To Original Guarantees Required For Tax Credit Financing

For The Fox Theater Project And Other Agreements Including:

- Modifying The Existing Loan Repayment Guarantee From The Agency To FOT For

Conventional Loan To FOT Not To Exceed \$6,500,000, And The Existing Contingent Loan

Not To Exceed \$3,530,000 For Costs Associated With Obtaining Historic Tax Credits And

New Markets Tax Credits, To Include Operating Costs Within The Scope Of The Guarantees;

- A Guarantee By The Agency In Favor Of The Tax Credit Investment Entities For (A)

Completion Of The Fox Theater Rehabilitation Work In Compliance With Applicable Laws

And The Historic Tax Credits Requirements, (B) Payment Of Carrying Costs Through Lease

Up, And (C) That The Project Is Free Of Liens Upon Completion Of Rehabilitation;

- A Guarantee By Agency In Favor Of The Tax Credit Investment Entities Relating To The

Historic Tax Credits And New Markets Tax Credits In Event The Tax Credits Are Not

Awarded Or Are Recaptured By The Internal Revenue Service As A Result Of

Non-Compliance With IRS Tax Credit Requirements By For Or Its Affiliated Entities;

- Environmental Indemnification For The Lenders And Tax Credit Investors To Protect

Against Existing And Future, Known Or Unknown Environmental Matters; And

06-0822

A motion was made by Councilmember Reid, seconded by President of the

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

the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

[View Report.pdf,](#)

[2006-0073 CMS.pdf](#)

2) A Resolution Authorizing Amendments To The Oakland Redevelopment Agency's

Disposition Of The Fox Theater To Fox Oakland Theater, Inc. (FOT), A Non-Profit Entity,

Including Amendments To The Disposition And Development Agreement (DDA) And

Revisions And Supplements To Original Guarantees Required For Tax Credit Financing For

The Fox Theater Project And Other Agreements Including:

- Modifying The Existing Loan Repayment Guarantee From The Agency To FOT For

Conventional Loan To FOT Not To Exceed \$6,500,000, And The Existing Contingent Loan

Not To Exceed \$3,530,000 For Costs Associated With Obtaining Historic Tax Credits And

New Markets Tax Credits, To Include Operating Costs Within The Scope Of The Guarantees;

- A Guarantee By The Agency In Favor Of The Tax Credit Investment Entities For (A)

Completion Of The Fox Theater Rehabilitation Work In Compliance With Applicable Laws

And The Historic Tax Credits Requirements, (B) Payment Of Carrying Costs Through Lease

Up, And (C) That The Project Is Free Of Liens Upon Completion Of Rehabilitation;

- A Guarantee By Agency In Favor Of The Tax Credit Investment Entities Relating To The

Historic Tax Credits And New Market Tax Credits In Event The Tax Credits Are Not Awarded

Or Are Recaptured By The Internal Revenue Service As A Result Of Non-Compliance With

IRS Tax Credit Requirements By For Or Its Affiliated Entities;

- Environmental Indemnification For The Lenders And Tax Credit Investors To Protect

Against Existing And Future, Known Or Unknown Environmental Matters

06-0822-1

A motion was made by Councilmember Reid, seconded by President of the

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

the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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

opened at 8:08 pm

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,

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

Excused: Brooks, Chang - 2

[80247 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

[06-0892](#)

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 Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

[View Report.pdf,](#)

[80248 CMS.pdf](#)

16

Subject: Oakland Athletics Stadium License Agreement - Amendment

From: Office of the City Attorney

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

Seventh Amendment To The Oakland-Alameda County Coliseum Oakland Athletics Amended

And Restated Stadium License Agreement

06-0874

A motion was made by Councilmember Brunner, seconded by

Councilmember Kernighan, that this matter be Adopted. The motion

carried by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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

- *Sanjiv Handa*

[View Report.pdf,](#)

[80249 CMS.pdf](#)

17

Subject: Inclusionary Housing Ordinance

From: Councilmember Brunner

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

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

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

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

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

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

Establish An Inclusionary Housing In-Lieu Fee; And

06-0838

Not Approved

[View Report.pdf](#),

[View Supplemental Report.pdf](#)

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

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

Households At 30% Of Area Median Income

06-0846

Not Adopted

There was no action taken on this item

[View Report.pdf](#),

[View Report.pdf](#)

17.1

Subject: Inclusionary Housing - Substitute Motion

From: Councilmember Brooks

Recommendation: Consideration Of The Substitute Motion To Establish A Blue Ribbon

Commission Which Shall Be Charged With Developing Recommendations For A

Comprehensive Inclusionary Zoning Ordinance For The Entire City Of Oakland For Council

To Review No Later Than January 31, 2007.

06-0838-1

This matter was Approved. The motion carried.

At the October 17, 2006 City Council meeting,

Councilmember Brunner made a motion which was seconded by

Councilmember Quan to introduce the ordinance. Councilmember Nadel

proposed an amendment which provides an additional whereas: "Whereas it is

known from historical development practices that isolating people by income

(concentrating poverty), results in retail flight and poor school outcomes, our

preference for a healthy community is for mixed income developments;".

Councilmember Brooks made a substitute motion which was seconded by

Councilmember Reid to instead of introducing the ordinance that evening,

establish a blue ribbon commission charged with developing recommendations

for a comprehensive Inclusionary Zoning Ordinance for the entire City of

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

in the agenda back up material. Brooks' substitute motion resulted in a tie vote:

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

Kernighan, Nadel and Quan.

Due to a Tie vote, this item was continued from the October 17, 2006 City

Council Meeting pursuant to Rule 29 of the Council's Rules of Procedure,

Resolution No. 79006 C.M.S. and City Charter Section 200

City Charter Section 200 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. as such the item

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

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

motion.

Pursuant to City Charter Section 200 and Resolution 79006, Rule 29 the Mayor

cast his vote in favor of the substitue motion

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

- *Evelyn Stivers*

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

- *Philip Dow*

- *Karoleen Feng*

- *Larry Hynson*

- *Helen Hutchison*

The following individual(s) spoke against this item:

- *Vien Troung*

- *Willam Chorneau*

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

- Bea Bernstine

- Michael Rubin

- Amie Fishman

- *Monsa Nitoto*

- *Margaret Gordon*

- *Scott B. Peterson*

- *Sanjiv Handa*

[View Report.pdf](#)
S-18

Subject: Caltrans Maintenance Progress Report

From: Public Works Agency

Recommendation: Receive A Progress Report On Caltrans Maintenance Activities In The City

Of Oakland

06-0178-1

A motion was made by Councilmember Quan, seconded by

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

carried by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

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

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, Councilmember

Brunner, Councilmember Nadel, Councilmember Quan and Councilmember

Reid

ROLL CALL WAS MODIFIED TO SHOW COUNCILPRESIDENT DE LA

FUENTE EXCUSED AT 10:02 PM

Subject: City Attorney's Annual Report

From: Office of the City Attorney

Recommendation: Hear The Presentation Of The City Attorney's Annual Report For Fiscal

Year 2005-2006

06-0720

A motion was made by Councilmember Nadel, seconded by

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

motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

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

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, Councilmember

Brunner, Councilmember Nadel, Councilmember Quan and Councilmember

Reid

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

- *Sanjiv Handa*

[View Report.pdf](#)
S-20

Subject: Advisory And Litigation Costs And Trends

From: Office of the City Attorney

Recommendation: Receive An Informational Report From The City Attorney Regarding

Advisory And Litigation Costs And Trends

06-0775

A motion was made by Councilmember Kernighan, seconded by

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

motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

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

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, Councilmember

Brunner, Councilmember Nadel, Councilmember Quan and Councilmember

Reid

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

- *Sanjiv Handa*

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S-21

Subject: Fiscal Year 2007-2009 Biennial Budget Schedule

From: Office Of The City Administrator

Recommendation: A Discussion And Action On The Proposed Schedule For The Fiscal Year

06-0739

A motion was made by Councilmember Kernighan, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

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

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, Councilmember

Brunner, Councilmember Nadel, Councilmember Quan and Councilmember

Reid

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

- *Sanjiv Handa*

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S-22

Subject: Utilization Of Funds

From: Finance and Management Agency

Recommendation: Receive An Informational Report On The Utilization Of Funds Donated By

Council Members To External Organizations

06-0840

A motion was made by Councilmember Quan, seconded by

Councilmember Nadel, that this matter be Deferred to the *Finance &

Management Committee. The motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

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

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, Councilmember

Brunner, Councilmember Nadel, Councilmember Quan and Councilmember

Reid

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

- Sanjiv Handa

[View Report.pdf](#)
S-23

Subject: Central District Redevelopment Project Bonds

From: Finance and Management Agency

Recommendation: Adopt The Following Pieces Of Legislation:

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

And Form Of Not To Exceed \$37,000,000 Principal Amount Of The Redevelopment Agency

Of The City Of Oakland Central District Redevelopment Project Subordinated Tax Allocation

Bonds, Series 2006T (Federally Taxable), Approving The Form Of And Authorizing The

Execution And Delivery Of A Second Supplemental Indenture Of Trust And A Bond Purchase

Contract; Approving The Form Of And Authorizing The Distribution Of A Preliminary Official

Statement And Authorizing Execution And Delivery Of An Official Statement; Approving The

Selection And Retention Of A Financing Team; Authorizing Payment Of Costs Of Issuance;

Allocating Bond Proceeds To Finance Redevelopment Activities In The Redevelopment

Project Area; And Authorizing And Approving Necessary Action In Connection Therewith;

(TITLE CHANGE) And

06-0841

A motion was made by Councilmember Quan, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

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

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, Councilmember

Brunner, Councilmember Nadel, Councilmember Quan and Councilmember

Reid

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[View Supplemental Report.pdf,](#)

[2006-0074 CMS.pdf](#)

2) A Resolution Of The Oakland Joint Powers Financing Authority Authorizing The Purchase

And Sale Of Not To Exceed \$37,000,000 Principal Amount Of Redevelopment Agency Of The

City Of Oakland Central District Redevelopment Project Subordinated Tax Allocation Bonds,

Series 2006T (Federally Taxable), Upon Certain Terms And Conditions, Approving

Distribution Of Official Statement Relating Thereto, And Providing Other Matters Properly

Relating Thereto; (TITLE CHANGE) And

[06-0841-1
2006-0006 CMS.pdf](#)

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

Redevelopment Agency Of The City Of Oakland Of Not To Exceed \$37,000,000 Aggregate

Principal Amount Of Redevelopment Agency Of The City Of Oakland Central District

Redevelopment Project Subordinated Tax Allocation Bonds, Series 2006T (Federally Taxable),

And Providing Other Matters Properly Relating Thereto (TITLE CHANGE)

[06-0841-2](#)

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

- *Sanjiv Handa*

[80250 CMS.pdf](#)
S-24

Subject: Build West Oakland - Agreement

From: Community and Economic Development Agency

Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To

Enter Into An Agreement With 16th Street Train Station, LLC, To Provide Funding In An

Amount Not To Exceed \$616,757 For The Preservation Of The Baggage Wing Property At The

16th Street Train Station In West Oakland

[06-0786](#)

A motion was made by Councilmember Nadel, seconded by

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

motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

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

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, Councilmember

Brunner, Councilmember Nadel, Councilmember Quan and Councilmember

Reid

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

- *Vien Truoung*

- *Margaret Gordon*

- *Carol Galante*

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

- *Monsa Nitoto*

- *Sanjiv Handa*

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[View Supplemental Report.pdf,](#)

[View Supplemental Report.pdf,](#)

[2006-0075 CMS.pdf](#)

S-25

Subject: Final Map For Tract 7588

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Approving A Final Map For Tract 7588 For The

Eleventh Street Farm Subdivision At 1416 11th Street

06-0911

A motion was made by Councilmember Nadel, seconded by

Councilmember Kernighan, that this matter be Adopted. The motion

carried by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

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

ORA\Councilmember Ayes: 5 - Councilmember Kernighan, Councilmember

Brunner, Councilmember Nadel, Councilmember Quan and Councilmember

Reid

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

- Lucia Howard

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[80251 CMS.pdf](#)

S-26

Subject: Forest City Residential West, Inc.

From: Director, Community And Economic Development

Recommendation: Receive An Informational Report Regarding Staff's Determination Of The

Number Of Residential Units To Be Included In A Project To Be Developed By Forest City

Residential West, Inc., On A Block Bounded By Telegraph Avenue, William Street, A New

Public Park And 19th Street

06-0750

A motion was made by Councilmember Nadel, seconded by

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

motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Chang

ORA\Councilmember Ayes: 6 - Councilmember Kernighan, President of the

Council De La Fuente, Councilmember Brunner, Councilmember Nadel,

Councilmember Quan and Councilmember Reid

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

- *Sanjiv Handa*

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ADJOURNMENT OF COUNCIL SESSION

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

Council)

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...

City Clerk and Clerk of the Council