

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

DRAFT

Tuesday, November 15, 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 6:06 P.M.

2
Roll Call / ORA & Council

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

The Roll Call has been modified to note Councilmember Brooks present at 6:08

P.M.

3

Open Forum / Citizens Comments

(Time Available: 15 minutes)

The following individual(s) spoke under Open Forum:

- *Susan Stephenson*

- *Dorothy Morehead*

- *Joseph Simmons*

- *Shirley Thompson*

- *Don Thompson*

- *Chris Jarvis*

- *Frank Thomas, Jr.*

- *Paul Keener*

- *Hector Reyna*

- *Hugh Bassett*

- *Sanjiv Handa*

- *Kanika Ajanaku*

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 November 1, 2005

A motion was made by Councilmember Quan, seconded by

Councilmember Chang, to *Approve the Minutes. The motion carried by

the following vote:

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

8. PRESENTATION OF CEREMONIAL MATTERS

8.1

Subject: Voting Rights Act Of 1965 - Reauthorization

From: Councilmember Brooks

Recommendation: Adopt A Resolution Supporting Reauthorization Of The Voting Rights Act

Of 1965 (05-0894)

A motion was made by Councilmember Brooks, seconded by

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

the following vote:

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

Resolution Number 79579 C.M.S.

[View Report.pdf,](#)

[79579 C.M.S.pdf](#)

8.2

Subject: Declaring December 1st As Rosa Parks Day

From: Councilmember Nadel

Recommendation: Adopt A Resolution Honoring The 50th Anniversary Of Rosa Parks'

Historic Refusal To Give Up Her Bus Seat And Declaring December 1st Rosa Parks Day In

The City of Oakland (05-0899)

A motion was made by Councilmember Nadel, seconded by

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

by the following vote:

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

- Clarence Thomas

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

- Sanjiv Handa

Resolution Number 79580 C.M.S.

[View Report.pdf,](#)

[79580 C.M.S.pdf](#)

8.3

Subject: Planning Committee Appreciation

From: Councilmember Reid

Recommendation: A Presentation To Members Of The Planning Committee For The 5th

Annual Small Business Symposium Held September 29, 2005 (05-0905)

*The Oakland City Council heard a presentation from the Planning Commission
of the 5th Annual Small Business Symposium*

[View Report.pdf](#)

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

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

that the meeting be adjourned in memory of Patrick Gaston.

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

that the meeting be adjourned in memory of Man Fu Chu.

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 With

Regard To The AIDS Epidemic (05-0895)

This Matter was Adopted on the Consent Agenda.

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

Resolution Number 79581 C.M.S.

[View Report.pdf,](#)

[79581 C.M.S..pdf](#)

10.2-CC

Subject: Medical Cannabis Health Emergency

From: Office of the City Attorney

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

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

The City Of Oakland (05-0896)

This Matter was Adopted on the Consent Agenda.

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

Resolution Number 79582 C.M.S.

[View Report.pdf,](#)

[79582 C.M.S.pdf](#)

10.3-CC

Subject: Environmental Protection Agency - Settlement

From: Office Of The City Attorney

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

The Claims Of The United States Environmental Protection Agency, California Department Of

Fish And Game, California Department Of Toxic Substances Control And California Regional

Water Quality Control Board Resulting From City's Disposal Of Hazardous Substances At The

Casmalia Disposal Site In Santa Barbara County, California, Between 1987 And 1989 For A

Total Sum Not To Exceed \$11,500.00 (Public Works Agency, Oakland Fire Department And

Oakland Police Department) (05-0897)

This Matter was Adopted on the Consent Agenda.

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

Resolution Number 79583 C.M.S.

[View Report.pdf,](#)

[79583 C.M.S..pdf](#)

10.4-CC

Subject: Tatanisha Prescott - Settlement

From: Office Of The City Attorney

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

Compromise And Settle The Claim Of Tatanisha Prescott And The Attorney Of Record, Ross

Meltzer, In The Amount of \$17,000, As A Result Of Bodily Injury Sustained In An Auto

Collision Involving A City Of Oakland Vehicle On April 25, 2003 (Public Works Agency)

(05-0898)

This Matter was Adopted on the Consent Agenda.

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

- Sanjiv Handa

Resolution Number 79584 C.M.S.

[View Report.pdf,](#)

[79584 C.M.S..pdf](#)

10.5-CC

Subject: Cornelius Investment Group - Agreement

From: Community And Economic Development Agency

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

The City Administrator To Enter Into A Purchase And Sales Agreement To Sell To Cornelius

Investment Group, LLC, The Adjoining Property Owner Approximately 4,350 Square Feet Of

City Owned Surplus Real Property Located At Oakdale Avenue (APN# 037A-2785-006) For

The Fair Market Value Of \$85,000.00 (05-0720)

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

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

Ordinance Number: 12711 C.M.S.

Contract Number: 05-0189

[View Report.pdf,](#)

[12711 C.M.S..pdf](#)

S-10.6-CC

Subject: Sheffield Village Recreation Center ADA Improvement Project

From: Public Works Agency

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

Accept And Appropriate Grant Funds From Stopwaste.Org's Green Building Design Resources

Program For The Sheffield Village Recreation Center ADA Improvement Project (Project No.

C259410) In An Amount Not To Exceed \$30,000.00 (05-0760)

This Matter was Adopted on the Consent Agenda.

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

Resolution Number 79585 C.M.S.

[View Report.pdf,](#)

[79585 C.M.S..pdf](#)

S-10.7-CC

Subject: FDC Construction - Contract

From: Public Works Agency

Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee,

To Award A Construction Contract To FDC Construction, Inc. For The Montclair Recreation

Center Renovation Project (G230130) In The Amount Of Four Hundred Thirty Three Thousand

Dollars (\$433,000.00) (05-0852)

This Matter was Adopted on the Consent Agenda.

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

Resolution Number: 79586 C.M.S.

Contract Number: 05-0190

[View Report.pdf,](#)

[79586 C.M.S..pdf](#)

S-10.8-CC

Subject: Prentiss Properties Acquisition Partners, L.P. - Revocable And Conditional Permit

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Granting Prentiss Properties Acquisition Partners, L.P.,

A Revocable And Conditional Permit To Allow A Basement Of A New Building At 2100

Franklin Street To Encroach Into The Public Right-Of-Way (05-0883)

This Matter was Adopted on the Consent Agenda.

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

Resolution Number 79587 C.M.S.

[View Report.pdf,](#)

[79587 C.M.S..pdf](#)

S-10.9-CC

Subject: Prentiss Properties - Additional Permit

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Granting Prentiss Properties Acquisition Partners, L.P.,

A Revocable And Conditional Permit To Allow A Portion Of The Upper Floors Of A New

Building At 2100 Franklin Street To Encroach Over The Public Right Of-Way (05-0883-1)

This Matter was Adopted on the Consent Agenda.

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

Resolution Number 79588 C.M.S.

[View Report.pdf,](#)

[79588 C.M.S..pdf](#)

S-10.10-C

C

Subject: 800 Center LLC - Purchase And Sales Agreement

From: Community And Economic Development Agency

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

The City Administrator To Enter Into A Purchase And Sales Agreement To Sell To 800 Center

LLC, The Adjoining Properties Owner, Approximately 6,900 Square Feet Of City Owned

Surplus Real Property Located At 1430 8th Street And 816 Center Street (APN# 004-0067-015

And APN# 004-0067-017) For The Fair Market Value Of \$120,000.00 (05-0722)

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

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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10.11

NUMBER NOT USED

S-10.12-C

C

Subject: Oakland Fund For Children And Youth 2006-2008 Request For Proposals

From: Department Of Human Services

Recommendation: Action On A Report And Request For Approval Of The Fiscal Year

2006-2008 Requests For Proposals For The Oakland Fund For Children And Youth (05-0851)

This Matter was Approved on the Consent Agenda.

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

- Sanjiv Handa

[View Report.pdf](#)

S-10.13-C

C

Subject: Tire-Derived Product Grant Program

From: Public Works Agency

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

Accept And Appropriate Grant Funds Up To The Amount Of \$100,000.00 From The

Tire-Derived Product (TDP) Grant Program Of The California Environmental Protection

Agency Integrated Waste Management Board (CIWMB) For Recycled Rubber Surfacing At

Selected Park Playgrounds And Tots Lots (05-0857)

This Matter was Adopted on the Consent Agenda.

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

Resolution Number 79589 C.M.S.

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[79589 C.M.S..pdf](#)

S-10.14-C

C

Subject: Urban Search And Rescue

From: Oakland Fire Department

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

Appropriate Thirty Five Thousand Nine Hundred Seventy Eight Dollars And 28 Cents

(\$35,978.28) From The State Of California Office Of Emergency Services To Reimburse The

City For Training And Equipment Costs Incurred By The Oakland Fire Department Urban

Search And Rescue (USAR) Team For A Mobilization Exercise (05-0816)

This Matter was Adopted on the Consent Agenda.

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

Resolution Number 79590 C.M.S.

[View Report.pdf,](#)

[79590 C.M.S..pdf](#)

S-10.15-C

C

Subject: Electronic Crime Task Force

From: Oakland Police Department

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

Appropriate A Maximum Of Eighteen Thousand Dollars (\$18,000) In Federal Funds From The

Department Of Homeland Security, United States Secret Service (USSS) To The Oakland

Police Department For The Overtime Costs Of One (1) Police Officer Assigned To The

Electronic Crime Task Force (ECTF) For The Period Of October 1, 2005 To September 30,

2006 And An Additional Fifteen Thousand Dollars (\$15,000) In Federal Funds From The

Department Of Homeland Security, United States Secret Service (USSS), To The Oakland

Police Department For The Overtime Cost Of One (1) Police Officer Assigned To The

Electronic Crime Task Force (ECTF) From October 1, 2004 To September 30, 2005 (05-0847)

This Matter was Adopted on the Consent Agenda.

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

- Sanjiv Handa

Resolution Number 79591 C.M.S.

[View Report.pdf,](#)

[79591 C.M.S..pdf](#)

S-10.16-C

C

Subject: Tobacco Control Enforcement Project

From: Oakland Police Department

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

Appropriate Grant Funds In The Amount Of Twenty-Five Thousand Dollars (\$25,000) From

The Alameda County Public Health Department, Tobacco Control Program, For A Tobacco

Control Enforcement Project By The Police Department From November 1, 2005 To May 31,

2006 And Authorizing The Department To Enter Into A Contract For Services With The

This Matter was Adopted on the Consent Agenda.

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

- Sanjiv Handa

Resolution Number 79592 C.M.S.

[View Report.pdf,](#)

[79592 C.M.S..pdf](#)

S-10.17-C

C

Subject: Management Health Network (MHN) - Agreement

From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing A Waiver Of The City Of Oakland's Local

And Small Local Business Enterprise Program Provision Relative To A Professional Services

Agreement In An Amount Not To Exceed Sixty-Six Thousand One Hundred Seventy-Three

Dollars And Twenty-Eight Cents (\$66,173.28) With Managed Health Network (MHN) For The

Period Of July 1, 2005 To June 30, 2006, For A Counseling Program For Sworn Members Of

The Police Department And Their Dependents (05-0887)

This Matter was Adopted on the Consent Agenda.

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

Resolution Number 79593 C.M.S.

Contract Number 05-0191

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[79593 C.M.S..pdf](#)

Passed The Consent Agenda

A motion was made by Councilmember Kernighan, seconded by

Councilmember Reid, including all the preceding items marked as having

been adopted on the Consent Agenda. The motion carried by the following

vote:

Votes:

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

Councilmember Kernighan, 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

A motion was made by Councilmember Kernighan, seconded by

Councilmember Reid, to *Received and Filed. The motion carried by the

following vote:

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

- Sanjiv Handa

12

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

Agency/Councilmember Reid made a motion, seconded by

Agency/Councilmember Chang, confirming that there were no discussions

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

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

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

Fuente -8

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

THEREAFTER:

13

Reconsideration of Ordinances pursuant to Charter Section 216

There was no action necessary for this item.

14. Consideration of items with statutory Public Hearing Requirements:

14.1

Subject: Montclair Business Improvement District - Public Hearing

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 District Advisory Board And

Levying The Annual Assessment For The Montclair Business Improvement District For Fiscal

Year 2006-2007 (05-0717-1)

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

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

vote:

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

opened at 7:01 PM

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

Resolution Number 79594 C.M.S.

[View Report.pdf,](#)

[79594 C.M.S..pdf](#)

14.2

Subject: Rockridge Business Improvement District- Public Hearing

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 2006-2007 (05-0725-1)

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

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

vote:

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

opened at 7:02 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

Resolution Number 79595 C.M.S.

[View Report.pdf,](#)

[79595 C.M.S..pdf](#)

14.3

Subject: Arcadia Park Residential Project - Public Hearing

From: Community And Economic Development Agency

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

Pieces Of Legislation:

1) A Resolution Denying The Appeal And Sustaining The City Planning Commission

Decisions To Certify The Environmental Impact Report And Approve The 366-Unit Arcadia

Park Residential Project Located At The Intersection Of 98th Avenue And San Leandro Street;

(05-0832-5)

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

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

vote:

Votes:

ORA\Councilmember Abstained: 2 - Councilmember Quan and

Councilmember Brooks

ORA\Councilmember Noes: 1 - Councilmember Nadel

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

Kernighan, 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 7:04 P.M.

Agency/Councilmember Reid made a motion seconded by

Agency/Councilmember Brunner to adopt the Resolution and directed staff to

make the following amendment to the Conditions of Approval & MMRP, on

page 5, Item 18:

A second noise covenant shall be provided for the proposed residential lots

located adjacent to the property located at 850 92nd Avenue acknowledging

that the current business operating at 850 92nd Avenue (i.e. Fast Lane

Transportation) has the right to continue its current operational

characteristics.

The language of the covenants and the specifics lots subject to the second noise

covenant ... and hearing no objections, the motion passed by Ayes:

Agency/Councilmember: Brunner, Chang, Nadel, Reid, Kernighan and

President of the Council De La Fuente -5; Noes: Agency/Councilmember:

Nadel -1; Abstention: Agency/Councilmember: Brooks and Quan - 2 ;

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 indicated a neutral position on this item:

- *Zach Wasserman*

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

- *Polly Mendez*

- *Jack Krause*

- *George Burt*

- *Robert Schwartz*

The following individual(s) spoke against this item:

- Junious Williams

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

- *Steve Lowe*

Resolution Number 79596 C.M.S.

[View Report.pdf,](#)

[79596 C.M.S..pdf](#)

2) A Resolution Amending The General Plan Land Use Designation For The 366-Unit Arcadia

Park Residential Project Site, Located At The Intersection Of 98th Avenue And San Leandro

Street, From General Industrial/Transportation To Housing And Business Mix; (05-0832-2)

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

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

vote:

Votes:

ORA\Councilmember Abstained: 2 - Councilmember Quan and

Councilmember Brooks

ORA\Councilmember Noes: 1 - Councilmember Nadel

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

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

Councilmember Chang

Resolution Number 79597 C.M.S.
[79597 C.M.S..pdf](#)

3) An Agency Resolution Approving And Recommending Adoption Of The Fourth

Amendment To The Coliseum Area Redevelopment Plan Amending The Land Use Designation

For The 366-Unit Arcadia Park Residential Project Site, Located The Intersection Of 98th

Avenue And San Leandro Street, From Manufacturing To Housing And Business Mix;

(05-0832-3)

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

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

vote:

Votes:

ORA\Councilmember Abstained: 2 - Councilmember Quan and

Councilmember Brooks

ORA\Councilmember Noes: 1 - Councilmember Nadel

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

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

Councilmember Chang

Agency Resolution 2005-0066 C.M.S.
[2005-0066 C.M.S..pdf](#)

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

Amendment To The Coliseum Area Redevelopment Plan Amending The Land Use Designation

For The 366-Unit Arcadia Park Residential Project Site, Located At The Intersection Of 98th

Avenue And San Leandro Street, From Manufacturing To Housing And Business Mix

(05-0832-4)

A motion was made by Councilmember Reid, 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 December 6, 2005. The motion carried by the

following vote:

Votes:

ORA\Councilmember Abstained: 2 - Councilmember Quan and

Councilmember Brooks

ORA\Councilmember Noes: 1 - Councilmember Nadel

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

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

Councilmember Chang

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5) Approve The Introduction (First Reading) Of An Ordinance Rezoning The 366-Unit Arcadia

Park Residential Project Site, Located At The Intersection Of 98th Avenue And San Leandro

Street, From The M-30 General Industrial Zone To The R-30 One-Family Residential Zone

And R-50 Medium Density Residential Zone (05-0832-6)

A motion was made by Councilmember Reid, 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 December 6, 2005. The motion carried by the

following vote:

Votes:

ORA\Councilmember Abstained: 2 - Councilmember Kernighan and

Councilmember Brooks

ORA\Councilmember Noes: 1 - Councilmember Nadel

ORA\Councilmember Ayes: 5 - Vice Mayor Brunner, Councilmember Quan,

President of the Council De La Fuente, Councilmember Reid and

Councilmember Chang

14.4

Subject: Rent Adjustment And Enterprise Zone Hiring Credit Voucher

From: Community And Economic Development Agency

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

(First Reading) An Ordinance Amending Ordinance Number 12676 C.M.S. (Master Fee

Schedule), As Amended To Modify Rent Adjustment And Enterprise Zone Hiring Credit

Voucher Fees Assessed By The Community And Economic Development Agency (05-0855)

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

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

the Concurrent Meeting of the Oakland Redevelopment Agency / City

Council, due back on December 6, 2005. The motion carried by the

following vote:

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

opened at 7:10 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

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S-14.5

Subject: Resources For Community Development - Disposition And Development

Agreement

From: Community Economic Development Agency

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

Pieces Of Legislation:

1) An Agency Resolution Authorizing 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 To Resources For Community Development For Its Development

As Affordable Housing, Authorizing A Predevelopment And Development Loan For The

Project In An Amount Not To Exceed \$2,864,400, And Authorizing A Disposition And

Development Agreement For The Project (05-0729-3)

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

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

vote:

Votes:

ORA\Councilmember Noes: 1 - Councilmember Brooks

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Reid and Councilmember Chang

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

opened at 7:15 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

Vice Mayor Brunner made a motion seconded by Agency/Councilmember Nadel

to adopt the Resolution with the following amendments to the exhibits:

1) Remove the \$400,000 contingent loan for construction cost overruns if the

Agency delays site delivery 2) Reduce the predevelopment loan to \$770,000 for

RCD to prepare 50% construction drawings 3) Remove language regarding

forgiveness of the predevelopment loan and termination of the DDA; and

4) Provide that the Agency won't require repayment of the predevelopment loan

prior to the date that the site is made available to RCD, unless there is a

developer default under the DDA or the loan agreement 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; No: Agency/Councilmember Brooks -1

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

- *Renee Herzfeld*

- *Lisa Motoyama*

- *Curtis Caton*

- *Irma Poe*

- *Dan Sawslak*

- *Karne Ransom*

- *Elissa Dennis*

- *Jennifer Lin*

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

- *Nicole Coucher*

Agency Resolution 2005- 0067 C.M.S.

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[2005-0067 C.M.S..pdf](#)

2) A Resolution Approving 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 To Resources For Community Development For Its Development As

Affordable Housing (05-0729-3-1)

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

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

vote:

Votes:

ORA\Councilmember Noes: 1 - Councilmember Brooks

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 79598 C.M.S.

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[79598 C.M.S..pdf](#)

S-14.6

Subject: Design, Community & Environment/Wolfe Mason Associates - Contract

From: Community And Economic Development Agency

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Agency

Resolution Authorizing A Contract With Design, Community & Environment/Wolfe Mason

Associates In An Amount Not To Exceed \$250,000 To Prepare Design And Engineering

Documents For The Foothill Streetscape Improvement Project In The Fruitvale Area And

Appropriating Funds For This Purpose From The Central City East Redevelopment Project

Area Funds, And Amending The Central City East Implementation Plan To Increase The

Funding Amount Designated For The Foothill Boulevard And Fruitvale Avenue Area From

\$125,000 To \$330,000 (05-0826)

A motion was made by Councilmember Chang, seconded by

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

the following vote:

Votes:

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

Councilmember Kernighan, 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 7:25 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 in favor of this item:

- *Tom Thurston*

Resolution Number 2005-0068 C.M.S.

Contract Number 05-0192

[View Report.pdf,](#)

[2005-0068 C.M.S..pdf](#)

ACTION ON NON-CONSENT ITEMS:

15

Subject: 230 Bay Place - Revocable And Conditional Permit

From: Community And Economic Development Agenda

Recommendation: Adopt A Resolution Granting Bond CC Oakland, LLC, A Revocable And

Conditional Permit To Allow A Temporary Soil Shoring System For A New Building At 230

Bay Place To Encroach Under Vernon Street (05-0892)

A motion was made by Councilmember Nadel, seconded by

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

the following vote:

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

- Regan Flagler

Resolution Number 79599 C.M.S.

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[79599 C.M.S..pdf](#)

16

~~Subject: Housing, Residential Rent And Relocation Board Appointment~~

~~From: Office Of The Mayor~~

~~Recommendation: Adopt A Resolution Appointing Bob McClain As A Member Of The~~

~~Housing, Residential Rent And Relocation Board (05-0904)~~

This item was withdrawn with no new date.

[View Report.pdf](#)

17

Subject: Board Of Port Commissioners - Appointments

From: Office Of The Mayor

Recommendation: Adopt A Resolution Appointing Mark McClure And Re-appointing Anthony

Batarse, Jr. As Members Of The Board Of Port Commissioners (05-0875)

A motion was made by Councilmember Chang, seconded by

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

motion carried by the following vote:

Votes:

ORA\Councilmember Absent: 1 - Councilmember Reid

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks and Councilmember Chang

Agency/Councilmember Chang made a motion, seconded by

Agency/Councilmember Quan, to adopt as amended the resolution with the only

appointment of Anthony Batarse Jr. , and hearing no objections, the motion

passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel,

Quan, Wan and President of the Council De La Fuente -7; Absent:

Agency/Councilmember: Reid - 1

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

- Sanjiv Handa

Resolution Number 79600 C.M.S.

[View Item.pdf,](#)

[79600 C.M.S..pdf](#)

18

~~Subject: Housing, Residential Rent And Relocation Board Appointment~~

~~From: Office Of The Mayor~~

~~Recommendation: Adopt A Resolution Appointing Ricardo Hunter As A Member Of The~~

~~Housing, Residential Rent And Relocation Board (05-0874)~~

This item was withdrawn with no new date.

[View Item.pdf](#)

S-19

Subject: First-Time Homebuyer Mortgage Assistance Program Modification

From: Community And Economic Development Agenda

Recommendation: Adopt A Resolution Authorizing Modification To The

Repayment Terms For First-time Homebuyer Mortgage Assistance Program Loans Funded

Prior To April 2001, To Reduce The City's Equity Share For Each Year The Borrower

Occupies The Property (05-0749)

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 - Vice Mayor Brunner, Councilmember

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

Councilmember Brooks and Councilmember Chang

AGENCY/COUNCILMEMBER REID NOTED ABSENT AT 9:04 P.M.

AGENCY/COUNCILMEMBER NADEL NOTED ABSENT AT 9:04 P.M.

Resolution Number 79601 C.M.S.

[View Report.pdf,](#)

[79601 C.M.S..pdf](#)

S-20

Subject: Bordertown Skate Park - Agreement

From: Community And Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) Approve The Introduction (First Reading) Of An Ordinance Adding The Chapter 5 Of The

Oakland Municipal Code, Entitled Business Licenses And Regulations, New Section 5.90.010

Through 5.90.040 (Or Other Appropriate Section Numbering) Relating To Regulation Of Skate

Park Facilities (05-0842)

A motion was made by Councilmember Reid, 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 December 6, 2005. The motion carried by the

following vote:

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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

- Brian Mitchell

AGENCY/COUNCILMEMBER REID NOTED PRESENT AT 9:07 P.M.

AGENCY/COUNCILMEMBER NADEL NOTED PRESENT AT 9:08 P.M.

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2) Approve The Introduction (First Reading) Of An Ordinance Authorizing A Sublease

Agreement With Border Town Skate Park, Inc., For The Sole And Exclusive Purpose Of

Operating A Skate Board Park Located Under State Highway 580 At The North Western End

Of Louise Street, Oakland, For \$100.00 For The Term Of The Lease, Plus Provision Of Regular

Litter Cleanup Services For The State Department Of Transportation For A Term Of Thirty

(30) Months, With An Option For One Thirty (30) Month Extension (05-0842-1)

A motion was made by Councilmember Reid, 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 December 6, 2005. The motion carried by the

following vote:

Votes:

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

Councilmember Kernighan, Councilmember Quan, President of the Council De

La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember

Chang

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Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

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

Agency/Council adjourned at 8:45 P.M..

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