

# Meeting Minutes City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California 94612

LaTonda Simmons, City Clerk

## **Concurrent Meeting of the Oakland Redevelopment Agency**

**/ City Council**

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

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

**Tuesday, January 17, 2006**

**6:00 PM**

**Oakland City Hall, 3rd Floor**

**1**  
Pledge of Allegiance

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

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

*was convened at 6:06 p.m.*

**2**  
Roll Call / ORA & Council

ORA\Councilmember Present: 8 - Councilmember Chang, Councilmember

Reid, Councilmember Brunner, Councilmember Nadel, Councilmember

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

Vice Mayor Quan

3

Open Forum / Citizens Comments

(Time Available: 15 minutes)

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

- *Sanjiv Handa*

- *Darnell Livingston*

- *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.

*Councilmember Brunner made a motion, seconded by Vice Mayor Quan to*

*withdraw from the Consent Calendar Item S-10.9CC and reschedule it to*

*February 7, 2006 as a Non Consent item and hearing no objections, the motion*

*passes by the following vote Ayes: Agency/Councilmember: Brooks, Brunner,*

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

*Fuente -8*

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 January 3, 2006

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

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

**vote:**

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

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

8.1

Subject: State Of The City Address

From: Office Of The Mayor

Recommendation: Receive The Mayor's Annual State Of The City Address (05-0976)

*The Council received the presentation.*

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

*- Sanjiv Handa*

8.2

Subject: Raymond Abels - Recognition

From: Councilmember Reid

Recommendation: Adopt A Resolution Honoring Raymond Abels For His Financial

Contributions And Commitment To The City Of Oakland (05-0989)

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

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

**vote:**

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79670 C.M.S.*

[View Report.pdf,](#)

[79670 CMS.pdf](#)

8.3

Subject: Sergeant Darby Falkenstine - Recognition

From: Vice Mayor Quan

Recommendation: Adopt A Resolution Honoring Sergeant Darby B. Falkenstine For Many

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

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

**vote:**

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79671 C.M.S.*

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

*- Sanjiv Handa*

[View Report.pdf](#),

[79671CMS.pdf](#)

S-8.4

Subject: Cantonese Speaking Citizens' Academy Graduation

From: Office Of The City Administrator

Recommendation: Receive A 15-Minute Presentation From The City Administrator For The

City Of Oakland Cantonese Speaking Citizens' Academy Graduation Class Of Fall 2005

(05-0972)

*The Council received the presentation.*

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

- *Sanjiv Handa*

- *Darnell Livingston*

- *Hector Reyna*

S-8.5

Subject: Volunteer Blood Donor Month

From: Councilmember Nadel

Recommendation: Adopt A Resolution Declaring January As "Volunteer Blood Donor Month"

In The City Of Oakland (06-0020)

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

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

**following vote:**

**Votes:**

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Chang, Councilmember

Brunner, Councilmember Nadel, Councilmember Kernighan, Councilmember

Brooks, President of the Council De La Fuente and Vice Mayor Quan



*Agency/Councilmember Nadel made a motion seconded by*

*Agency/Councilmember Quan to approve an urgency finding pursuant to*

*Section 2.20.080 E(2) regarding Item S-8.6 that there is a need to take*

*immediate action which came to the attention of the local body after the agenda*

*was posted, and that the need to take immediate action relates to a purely*

*ceremonial or commendatory action.*

*Resolution Number 79672*

[View Report.pdf,](#)

[79672 CMS.pdf](#)

**9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS**

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

*that the meeting be adjourned in memory of Jim Ploss*

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

*requested that the meeting be adjourned in memory of Michael Stevens Phillips.*

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

*that the meeting be adjourned in memory of Cora Ann Foster and Wendy*

*Lockhart*

**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 (06-0001)

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

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79673 C.M.S.*

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[79673 CMS.pdf](#)

10.2-CC

Subject: Medical Cannabis Health Emergency

From: Office Of The City Attorney

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

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

The City Of Oakland (06-0002)

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

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79674 C.M.S.*

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10.3-CC

Subject: USAA 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 USAA Insurance As Subrogee For Leonard O. Smith, In

The Amount Of \$8,789.66, As A Result Of Property Damage Sustained Due To A Tree Limb

Failure That Caused Damage To USAA Insured's Vehicle On June 09, 2005 (Public Works

Agency) (06-0003)

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

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79675 C.M.S.*

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10.4-CC

Subject: Pacific Gas And Electric - Settlement

From: Office of the City Attorney

Recommendation: Adopt A Resolution Authorizing And Directing City Attorney To

Compromise And Settle The Case Of Pacific Gas And Electric Company v. City Of Oakland In

The Amount Of \$3,250,000 As A Result Of Legal Challenges Alleging Improper Taxation And

Invalid Indeterminate Electric Franchise (06-0018)

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

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79676 C.M.S.*

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S-10.5-CC

Subject: No Parking Zone For San Antonio Way

From: Public Works Agency

Recommendation: Adopt A Resolution Approving The Establishment Of A No-Parking Any

Time Zone On San Antonio Way (South Side) Between 17th Avenue And 18th Avenue

(05-0995)

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

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79677 C.M.S.*

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S-10.6-CC

Subject: Urban Libraries Council Grant

From: Oakland Public Library

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

City Of Oakland, To Apply For, Accept, And Appropriate A Grant In The Amount Of \$25,000

From The Urban Libraries Council "Librarians For America's Neighborhoods" Program For

The Period August 1, 2005 - September 1, 2008 (05-0987)

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

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79678 C.M.S.*

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S-10.7CC

Subject: Urban Promise Academy After School Program

From: Department Of Human Services

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

Execute A Grant Agreement Between The City Of Oakland And The Oakland Leaf Foundation

For The 2005-2006 Urban Promise Academy After School Program In An Amount Not To

Exceed \$72,500 To Provide Direct Services For The Oakland Fund For Children And Youth

For Fiscal Year 2005-2006 (05-1012)

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

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

**following vote:**

**Votes:**

ORA\Councilmember Recused: 1 - Vice Mayor Quan

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks and President of the Council De La Fuente

*Resolution Number 79679 C.M.S.*

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S-10.8-CC

Subject: Oakland Food Policy And Plan

From: Office of the Mayor

Recommendation: Adopt A Resolution Authorizing The Mayor's Office Of Sustainability To

Develop An Oakland Food Policy And Plan For Thirty Percent Local Area Food Production,

By Undertaking An Initial Food Systems Assessment Study, Conducted By A Research Team

From The Department Of City And Regional Planning, University Of California At Berkeley,

At No Cost To The City (05-1011)

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

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79680 C.M.S.*

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S-10.9CC

Subject: Cork Marcheschi - Agreement

From: Cultural Arts and Marketing Division

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

Execute A Professional Services Agreement With Cork Marcheschi To Create A Public Art

Project At Studio One Art Center In An Amount Not To Exceed One Hundred Thousand

Dollars (\$100,000) (05-1008)

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

**Redevelopment Agency/City Council on 2/7/2006**

*as a Non Consent item*

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S-10.10-C

C

Subject: 9-1-1 System Customer Premise Equipment Upgrade

From: Oakland Fire Department

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

Appropriate Funding From The State Of California In The Amount Totaling Two Hundred

Eighty-Eight Thousand Dollars (\$288,000.00) For Necessary Equipment And Services To

Upgrade The City Of Oakland's 9-1-1 System Customer Premise Equipment (CPE) And

Related Equipment, With All Costs To Be Paid From The State Of California 9-1-1 Program,

And, In Accord With Oakland Municipal Code Title 2, Chapter 2.04, Article 2.04.080, To

Procure SBC Equipment And Services Through A Current State Of California SBC Master

Lease In An Amount Not-To-Exceed Two Hundred Forty-Seven Thousand Dollars

(\$247,000.00) Without Further Local Bidding (05-0986)

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

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79681 C.M.S.*

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S-10.10.1-

CC



Subject: 9-1-1 System Customer Premise Equipment Upgrade

From: Office Of The City Auditor

Recommendation: Receive A Report On A Resolution Authorizing The City Administrator To

Accept And Appropriate Funding From The State Of California In The Amount Totaling Two

Hundred Eighty-Eight Thousand Dollars (\$288,000.00) For Necessary Equipment And Services

To Upgrade The City Of Oakland's 9-1-1 System Customer Premise Equipment (CPE) And

Related Equipment, With All Costs To Be Paid From The State Of California 9-1-1 Program,

And, In Accord With Oakland Municipal Code Title 2, Chapter 2.04, Article 2.04.080, To

Procure SBC Equipment And Services Through A Current State Of California SBC Master

Lease In An Amount Not-To-Exceed Two Hundred Forty-Seven Thousand Dollars

(\$247,000.00) Without Further Local Bidding (05-0986-1)

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

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79681 C.M.S.*

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**Passed The Consent Agenda**

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

**Kernighan, including all the preceding items marked as having been**

**adopted on the Consent Agenda. The motion carried by the following vote:**

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

11

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

Closed Session

*There were no final decisions made during Closed Session. There was no action*

*neccesary for this item.*

12

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

Sunshine Ordinance

*Agency/Councilmember Quan made a motion seconded by*

*Agency/Councilmember Brunner 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,*

*Nadel, Reid, Quan, Kernighan 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:**

**ACTION ON NON-CONSENT ITEMS:**

~~15~~

~~Subject: Comcast Cable Franchise~~

~~From: Office of the City Administrator and Office of the City Clerk~~

~~Recommendation: Adopt The Following Pieces Of Legislation:~~

~~-~~

~~1) Approve The Final Passage (Second Reading) Of Ordinance Of The City Of Oakland~~

~~Amending Chapter 5.16 Of Title 5 Of The Oakland Municipal Code To Regulate The~~

~~Occupancy And Use Of Public Rights Of Way By Cable Systems And Open Video Systems,~~

~~To Provide For Establishment Of Customer Service Standards; Establishing Franchise And~~

~~Licensing Requirements For Operators Of Such Systems And To Prescribe Minimum Charges,~~

~~Terms, And Conditions For And Upon The Construction, Maintenance, And Repair Of Such~~

~~Systems; And (05-0422)~~

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[View Exhibit A.pdf,](#)

[View Supplemental Report.pdf,](#)

[View Supplemental Report.pdf](#)

~~2) Approve The Final Passage (Second Reading) Of An Ordinance Of The City Of Oakland~~

~~Granting A Thirteen Year Cable Franchise To Comcast Of California/Colorado, LLC To~~

~~Construct And Operate A Cable System To Provide Cable Service Within The City Of~~

~~Oakland; Establishing The Terms And Conditions Of The Franchise Grant; And Establishing~~

~~Certain Remedies For The Violation Of The Franchise (05-0422-1)~~

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[View Exhibit A.pdf,](#)

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S-15.1

**Subject: Local Emergency Due To Winter Storms**

**From: Oakland Fire Department**



**Recommendation: Adopt A Resolution Renewing And Continuing The Local Emergency Due**

**To Winter Storms First Proclaimed By The City Of Oakland On January 5, 2006 (06-0027)**

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

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

*vote:*

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Agency/Councilmember Brunner made a motion seconded by*

*Agency/Councilmember Quan to approve an urgency finding pursuant to*

*Section 2.20.080 E(2) regarding Item 15.1 that there is a need to take*

*immediate action which came to the attention of the local body after the agenda*

*was posted, and that the need to take immediate action is required to avoid a*

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

*subsequent special or regular meeting. The motion passes with Ayes; Brunner,*

*Brooks, Chang, Kernigan, Nadel, Quan, Reid and President De La Fuente -8*

*Resolution Number 79682 C.M.S.*

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[79682 CMS.pdf](#)

~~§ 15.2~~

~~Subject: Association Of Bay Area Governments Multi-Jurisdictional Report~~

~~From: Oakland Fire Department~~

~~Recommendation: Adopt A Resolution Making An Urgency Finding And Approving The~~

~~Association Of Bay Area Governments (ABAG) Multi-Jurisdictional Report "Taming Natural~~

~~Disasters" As The City Of Oakland's Local Hazard Mitigation Plan (06-0032)~~

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

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

**vote:**

**Votes:**

~~ORA\Councilmember Ayes: 8— Councilmember Chang, Councilmember Reid,~~

~~Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,~~

~~Councilmember Brooks, President of the Council De La Fuente and Vice Mayor~~

~~Quan~~

*Agency/Councilmember Quan made a motion seconded by*

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

*2.20.080 E(2) regarding Item 15.2 that there is a need to take immediate action*

*which came to the attention of the local body after the agenda was posted, and*

*that the need to take immediate action is required to avoid a substantial*

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

*special or regular meeting. The motion passes with Ayes; Brunner, Brooks,*

*Chang, Kernigan, Nadel, Quan, Reid and President De La Fuente -8*

*Resolution Number 79683 C.M.S.*

[View Report.pdf,](#)

[79683 CMS.pdf](#)

16

Subject: Natural Heritage Institute - Conflict of Interest Waiver

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Approving A Conflict Waiver For The Natural

Heritage Institute To Permit It To Continue To Represent The Millsmount Homeowners

Association In Matters Related To Chimes Creek And The Desilva Gates Leona Quarry Project

(06-0008)

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

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

**vote:**

**Votes:**

ORA\Councilmember Noes: 1 - Councilmember Brunner

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

Councilmember Nadel, Councilmember Kernighan, Councilmember Brooks,

President of the Council De La Fuente and Vice Mayor Quan

*Agency/Councilmember Nadel made a motion seconded by*

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

*2.20.080 E(2) regarding Item S-24 that there is a need to take immediate action*

*which came to the attention of the local body after the agenda was posted, and*

*that the need to take immediate action is required to avoid a substantial adverse*

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



*regular meeting. The motion passes with Ayes; Brunner, Brooks, Chang,*

*Kernigan, Nadel, Quan, Reid and President De La Fuente -8*

*Resolution Number 79684 C.M.S.*

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[79684 CMS.pdf](#)

17

~~Subject: Franchise Grantee Worker Protections~~

From: ~~Office of the City Attorney~~

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

~~Chapter 5.81 Of The Oakland Municipal Code to: Prohibit Franchise Grantees From~~

~~Discriminating Against Employees For Participating In Employee Organizations; Require~~

~~Franchise Grantees To Notify Contractors And Subcontractors Of Their Labor Obligations;~~

~~Prohibit Discrimination Against Employees For Speaking Before Or Filing A Complaint With~~

~~Any Government Agency Or Court; Ensure That Company Policies Are Not Construed To~~

~~Limit Organizing Activities By Employees, And: Authorize The Establishment Of A~~

~~"Franchise Grantee Workers Rights Board" (TITLE CHANGE) (05-0422-3)~~

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Subject: Oakland Athletics Bambino Field

From: Office Of Parks And Recreation

Recommendation: Adopt A Resolution Authorizing The City Administrator To Rename

Bambino Field Located At The Greenman Field Complex To The Oakland Athletics Bambino

Field For A Period Of Ten Years (05-0985)

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

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

**by the following vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Chang, Councilmember

Brunner, Councilmember Nadel, Councilmember Kernighan, Councilmember

Brooks, President of the Council De La Fuente and Vice Mayor Quan

*Resolution Number 79685 C.M.S.*

[View Report.pdf](#),

~~Subject: Franchise Labor Requirements~~

~~From: Office Of The City Attorney~~

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

~~Title 5 Of The Oakland Municipal Code To Add Chapter 5.82, Proprietary Interest Franchise~~

~~Labor Requirements Card Check, Procedure For Determining Employee Preference On~~

~~Representation By Labor Organization, Which Will Require Franchises In Which The City Has~~

~~A Proprietary Interest To Enter Into A Card Check Agreement, A Procedure For Determining~~

~~Employee Preference On The Subject Of Whether Or Not To Be Represented, With A Labor~~

~~Organization That Requests Such An Agreement (06-0016)~~

[View Report.pdf](#)

~~20~~

~~Subject: Courtney Ruby Appointment~~

~~From: Vice Mayor Quan~~

~~Recommendation: Adopt A Resolution Appointing Courtney Ruby As A Member Of The~~

~~Budget Advisory Committee (06-0012)~~

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Subject: Housing, Residential Rent And Relocation Board - Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Appointing Alan Flatt As A Member Of The Housing,

Residential Rent And Relocation Board (06-0014)

**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 Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79686 C.M.S.*

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S-22

Subject: Andes Construction, Inc. - Contract

From: Public Works Agency

Recommendation: Adopt A Resolution Authorizing Award Of A Contract To Andes

Construction, Inc. For The Rehabilitation Of Sanitary Sewers In Underhills Road From

Grosvenor Place To Sunny Hills Road (Project No. C260110) For The Amount Of Two

Hundred Seventy-Five Thousand One Hundred Seventy-Three Dollars (\$275,173.00)

(05-1028)

**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 Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79687 C.M.S.*

*Control Number 06-0004*

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[79687 CMS.pdf](#)

S-23

Subject: Hazard Elimination And Safety (HES) Program

From: Public Works Agency

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

Appropriate State Hazard Elimination And Safety (HES) Program Funds In The Amount Of

Three Hundred Sixty Thousand Dollars (\$360,000.00) For Tunnel Road Bicycle Safety

Improvement Project (05-0994)

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

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

**the following vote:**

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79688 C.M.S.*

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[79688 CMS.pdf](#)

S-24

Subject: Various Real Properties Sales

From: Community And Economic Development Agency

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

The City Administrator To Accept The Offer To Purchase Agreement To Sell To Brian Collins

And Mehrdad Dokhanchi (Highest Bidder) Approximately 11,500 Square Feet Of City Owned

Surplus Real Property Located At Mandela Parkway (APN#005-0421-000) For The Fair

Market Value Of \$415,000; Julia B. Kim (Highest Bidder) Approximately 6,800 Square Feet

Of City Owned Property Surplus Real Property Located At 632 14th Street

(APN#003-0071-024) For The Fair Market Value Of \$1,150,000; Kevin Bao Phan (Highest

Bidder) Approximately 11,390 Square Feet Of City Owned Surplus Real Property Located At

862/850 98th Avenue (APN# 045-5230-001-01 And 045-5230-003-03) For The Fair Market

Value Of \$630,000; And Julia B. Kim (Highest Bidder) Approximately 5,932 Square Feet Of

City Owned Surplus Real Property Located At 569 High Street/Howard Street (APN

#033-2250-001-04) For The Fair Market Value \$500,000 (05-0997)

**Approved on Introduction for Final Passage to Concurrent Meeting of the  
Oakland Redevelopment Agency/City Council on 2/7/2006**

[View Report.pdf,](#)

[12722 CMS.pdf](#)

S-25

Subject:   Redevelopment Plan Amendments

From:       Community And Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) Approve The Introduction (First Reading) An Ordinance Amending The Acorn Urban

Renewal Plan To Eliminate The Time Limit On Establishing Debt That Is Paid From The Low

And Moderate Income Housing Fund Or Debt Used To Fulfill Affordable Housing Obligations;

(05-1007)

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

**Councilmember 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 February 7, 2006. The**

**motion carried by the following vote:**

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

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2) Approve The Introduction (First Reading) Of An Ordinance Amending The Oak Center

Urban Renewal Plan To Eliminate The Time Limit On Establishing Debt That Is Paid From



The Low And Moderate Income Housing Fund Or Debt Used To Fulfill Affordable Housing

Obligations; And (05-1007-1)

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

**Councilmember 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 February 7, 2006. The**

**motion carried by the following vote:**

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

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3) Approve The Introduction (First Reading) Of An Ordinance Amending The

Stanford/Adeline Redevelopment Plan To Eliminate The Time Limit On Establishing Debt

That Is Paid From The Low And Moderate Income Housing Fund Or Debt Used To Fulfill

Affordable Housing Obligations (05-1007-2)

**Approved on Introduction for Final Passage to Concurrent Meeting of the**

**Oakland Redevelopment Agency/City Council on 2/7/2006**

*Agency/Councilmember Chang made a motion seconded by*

*Agency/Councilmember Brunner to approve an urgency finding pursuant to*

*Section 2.20.080 E(2) regarding Item S-25 that there is a need to take*

*immediate action which came to the attention of the local body after the agenda*

*was posted, and that the need to take immediate action is required to avoid a*

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

*subsequent special or regular meeting. The motion passes with Ayes; Brunner,*

*Brooks, Chang, Kernigan, Nadel, Quan, Reid and President De La Fuente -8*

[View Report.pdf,](#)

[12725 CMS.pdf](#)

S-26

Subject: West Oakland Commercial Improvement Program

From: Community And Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Adopting The West Oakland Commercial Façade Improvement

Program, Allocating \$100,000 For The Program From West Oakland Redevelopment Funds,

And Authorizing The Agency Administrator To Make Grants And Enter Into Design Contracts

Under The Program Without Returning To The Agency (05-0930)

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

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

**the following vote:**

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*ORA Resolution Number 2006-01*

[View Report.pdf,](#)

[2006-0001 CMS.pdf](#)

2) An Agency Resolution Approving A \$100,000 Tenant Improvement Grant To The Peoples

Community Partnership Federal Credit Union, Allocating West Oakland Redevelopment Funds

For The Grant, And Authorizing The Agency Administrator To Enter Into A Design Contract

For The Project Without Returning To The Agency (05-0930-1)

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

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

**the following vote:**

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*ORA Resolution Number 2006-0002*

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[2006-0002 CMS.pdf](#)

3) An Agency Resolution Adopting The West Oakland Tenant Improvement Program,

Allocating \$125,000 For The Program From West Oakland Redevelopment Funds, And

Authorizing The Agency Administrator To Make Grants And Enter Into Design Contracts

Under The Program Without Returning To The Agency (05-0930-2)

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

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

**the following vote:**

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Agency/Councilmember Nadel made a motion seconded by*

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

*2.20.080 E(2) regarding Item S-26 that there is a need to take immediate action*

*which came to the attention of the local body after the agenda was posted, and*

*that the need to take immediate action is required to avoid a substantial adverse*

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

*regular meeting. The motion passes with Ayes; Brunner, Brooks, Chang,*

*Kernigan, Nadel, Quan, Reid and President De La Fuente -8*

*ORA Resolution Number 2006-03*

[View Report.pdf,](#)

[2006-0003 CMS.pdf](#)



Subject: Transportation For Livable Communities Program

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Authorizing The Filing Of Applications For Federal

Service Transportation Funds Through The Metropolitan Transportation Commission's

Transportation For Livable Communities Program For The MacArthur Transit Village, West

Oakland Transit Village, And Coliseum Transit Village Projects, Assuring That The City Of

Oakland Will Complete The Projects If Awarded The Grant Funds, And Authorizing

Acceptance And Appropriation Of Grant Funds From This Program For These Three Projects

In An Amount Not To Exceed \$6.5 Million (05-0991)

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

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

**the following vote:**

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Agency/Councilmember Brooks made a motion seconded by*

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

*2.20.080 E(2) regarding Item S-27 that there is a need to take immediate action*

*which came to the attention of the local body after the agenda was posted, and*

*that the need to take immediate action is required to avoid a substantial adverse*

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

*regular meeting. The motion passes with Ayes; Brunner, Brooks, Chang,*

*Kernigan, Nadel, Quan, Reid and President De La Fuente -8*

*Resolution Number 79689 C.M.S.*

[View Report.pdf,](#)

[79689 CMS.pdf](#)

Subject: Library Computer Network Upgrade

From: Oakland Public Library

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Waiving Competitive Bidding And Authorizing The City Administrator To

Execute An Agreement With PC Professional, Inc. For Purchase Of Necessary Computer

Hardware And Software To Upgrade The Library's Computer Network In An Amount

Not-To-Exceed One Hundred Seventy Five Thousand Dollars (\$175,000.00); And (05-0988)

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

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

**vote:**

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79690 C.M.S.*

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2) A Resolution Authorizing The City Administrator, Or Her Designee, To Execute An

Agreement With Innovative Interfaces, Inc. For The Purchase And Installation Of A New

Intergrated Library System (Computer Catalog) Including All Necessary Computer Hardware

And Software, In An Amount Not-To-Exceed Four Hundred Twenty-Five Thousand Dollars

(\$425,000.00) In Accord With The Terms Negotiated Between The Parties, And To Execute

An Annual Software Maintenance Agreement With Innovative Interfaces, Inc. For A Five Year

Period In An Amount Not To Exceed Three Hundred Thousand Dollars (\$300,000.00) In

Accord With Terms Negotiated Between The Parties (05-0988-1)

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

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

**vote:**

**Votes:**

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

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

*Resolution Number 79691 C.M.S.*

[View Report.pdf](#),

[79691 CMS.pdf](#)

S-29

Subject: Cellular Phone Antennas

From: Councilmember Reid

Recommendation: Action On A Report and Recommendations On Design Specifications And

Site Locations For Cellular Antennas (05-0821)

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

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

**vote:**

**Votes:**

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



Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

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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 the meeting at 7:45 p.m.*

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

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*City Clerk and Clerk of the Council*