

# 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, February 21, 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 6:02 p.m.*

**2  
Roll Call / ORA & Council**

**ORA\Councilmember Present: 7 - Councilmember Chang, 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:*

- *Dorothy Coleman*

- *Hector Reyna*

- *Sanjiv Handa*

- *Patricia Durham*

- *Lisa Ruth Shulman*

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*

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 February 7, 2006

**A motion was made by Councilmember Chang to \*Approve the Minutes.**

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

**Votes:**

ORA\Councilmember Absent: 1 - Councilmember Brunner

ORA\Councilmember Ayes: 6 - Councilmember Chang, 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: Eva Paul - Recognition

From: Councilmember Kernighan

Recommendation: Adopt A Resolution Honoring Eva Paul For Thirteen Years Of

Distinguished Service To District 2 Residents And The City Of Oakland (06-0121)

**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 Brunner

ORA\Councilmember Ayes: 6 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brooks, President of the Council

De La Fuente and Vice Mayor Quan

*Resolution Number 79723 C.M.S.*

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[79723 CMS.pdf](#)

S-8.2

Subject: Captain Peter Dunbar - Service Recognition

From: Councilmember Reid

Recommendation: Adopt A Resolution Honoring Peter W. Dunbar for His 24 Years of

Dedicated Service to the City of Oakland and Congratulating Him on His Recent Selection as

Chief of Police of the City of Pleasant Hill (06-0129)

**A motion was made, seconded by Vice Mayor Quan, that this matter be**

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

**Votes:**

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 Reid made a motion seconded by*

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

*Section 2.20.080 E(2) regarding Item S-8.2 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 relates to a purely*

*ceremonial or commendatory action.*

*Resolution Number 79724 C.M.S.*

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

*- Sanjiv Handa*

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[79724 CMS.pdf](#)

## **9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS**

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

*that the meeting be adjourned in memory of Viola Taylor Whims*

*Agency/Councilmember De La Fuente took a point of personal privilege and*

*requested that the meeting be adjourned in memory of William Patrick Thomas*

**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 (06-0102)

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

**Votes:**

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 79725 C.M.S.*

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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 (06-0103)

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

**Votes:**

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 79726 C.M.S.*

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10.3-CC

Subject: Ruth Pacheco And Edwin White - Settlement

From: Office Of The City Attorney

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

Compromise And Settle The Case Of Ruth Pacheco And Edwin White V. City Of Oakland, Et

Al., Superior Court, County Of Alameda, Case No. RG04168981, In The Amount Of

\$35,000.00 As A Result Of An Automobile Collision Accident In The Vicinity Of High Street

And Ygnacio Avenue, Oakland, On April 4, 2004 (Police Department - Automobile Accident)

(06-0115)

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

**Votes:**

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 79727 C.M.S.*

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10.4-CC

Subject: Implementation Of The Dioxin Resolution

From: Public Works Agency

Recommendation: Receive An Informational Report On Implementation Of The Resolution

Establishing A Policy On Dioxin (06-0031)

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

**Votes:**

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

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10.5-CC

Subject: Toler Heights Estates LLC - Property Sale

From: Community And Economic Development Agency

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

Ordinance No. 12214 C.M.S., Which Authorized The Sale Of Four City-Owned Properties At

9724 And 9745 Thermal Street And 2656 And 2660 98th Avenue To Black Phoenix

Development Group For The Development Of Six Homes Affordable To Moderate-Income

Households, To Authorize The Sale Of The Properties To Toler Heights Estates LLC,

Successor To Black Phoenix, For The Total Fair Market Value Of \$810,500 For The

Development Of Six Units Of Market-Rate Housing (06-0022)

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

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

*Ordinance Number 12726*

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S-10.6-CC

Subject: Franchise Transfer

From: Community and Economic Development Agency

Recommendation: Approve The Introduction (First Reading) Of An Ordinance To (1) Consent

To The Transfer Of The Franchise Pursuant To Ordinance 8005 C.M.S. Dated July 24, 1969

Granting A Franchise To Construct, Maintain And Operate A Bridge And Tunnel At 21ST

Street (The Kaiser Center) In The City Of Oakland To Prentiss Properties Acquisition Partners

L.P. And SIC-Lakeside Drive, LLC, And (2) Amend Said Ordinance To Increase The Amount

Of The Liability Insurance To \$25,000,000 And The Annual Franchise Consideration To

\$1,500 (06-0021)

**This Matter was Approved on Introduction for Final Passage to the**

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

**due back on March 7, 2006 on the Consent Agenda.**

**Votes:**

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

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S-10.7-CC

Subject: Oakland Park Rangers MOU Amendment

From: Finance and Management Agency

Recommendation: Adopt A Resolution Amending Resolution No. 76836 C.M.S. To Amend

The Memorandum Of Understanding Between The City And The Oakland Park Rangers

Association By Adding Self-Improvement Compensation To The Agreement (06-0071)

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

**Votes:**

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 79728 C.M.S.*

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S-10.8-CC

Subject: Peralta Hacienda Historical Park Landscape Improvement Project

From: Public Works Agency



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

Express Appreciation For A Donation Of Forty-Eight Thousand Dollars (\$48,000.00) From

Owens-Illinois Glass Container North America For The Peralta Hacienda Historical Park Phase

IIIA Landscape Improvement Project (Project No. C196710); And 2) Appropriate Said

Donation To The Construction Budget For Project No. C196710; And 3) Accept And Express

Appreciating For A Gift Of Interpretive Exhibit Sculptures With An Estimated Value Of

Thirty-Four Thousand Dollars (\$34,000.00) From The Friends Of Peralta Hacienda Historical

Park (06-0053)

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

**Votes:**

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 79729 C.M.S.*

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

- *Sanjiv Handa*

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S-10.9CC

Subject: Tactical Shoot House Sale

From: Office Of The City Administrator

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

Concord Police Officers Association A Tactical Shoot House For Its Original Purchase Price

Of Forty-Eight Thousand Seven Hundred Dollars (\$48,700) And Appropriating Those Funds

To The Oakland Police Department (06-0004)

**A motion was made by Vice Mayor Quan that this matter be Adopted. The**

**motion carried by the following vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Chang, Councilmember

Brunner, Councilmember Nadel, Councilmember Kernighan, President of the

Council De La Fuente and Vice Mayor Quan

*Resolution Number 79730 C.M.S.*

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S-10.10-C

C

Subject: Pre-Disaster Mitigation

From: Oakland Fire Department

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

Accept And Appropriate Up To Three Million Dollars (\$3,000,000.00) Of 2006 Federal

Emergency Management Agency Pre-Disaster Mitigation Grant Funds For The Oakland

Regional Fuel Management Project (06-0094)

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

**Votes:**

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 79731 C.M.S.*

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

*- Sanjiv Handa*

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**Passed The Consent Agenda**

**A motion was made by Vice Mayor Quan, including all the preceding items**

**marked as having been adopted on the Consent Agenda. The motion**

**carried by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 7 - Councilmember Chang, 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

**A motion was made by Councilmember Nadel to \*Received and Filed. The**

**motion carried by the following vote:**

**Votes:**

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

*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,*

*Nadel, Reid, Quan, Kernighan and President of the Council De La Fuente -8*

*At 6:45 p.m., the ORA/City Council recessed.*

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

**THEREAFTER:**

*The ORA/City Council reconvened at 7:00 p.m.*

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: 2400 Filbert Street - Public Hearing

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 City Planning Commission In

Approving The Application For A Conditional Use Permit And Design Review To Construct A

55 Unit Residential Project At 2400 Filbert Street, Oakland (05-0992)

**A motion was made by Councilmember Nadel that this matter be Adopted.**

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

**Votes:**

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

ORA\Councilmember Ayes: 6 - Councilmember Chang, Councilmember

Brunner, Councilmember Nadel, Councilmember Kernighan, Councilmember

Brooks and Vice Mayor Quan

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



*opened at 7:03 p.m.*

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

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

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

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

*De La Fuente -8*

*Resolution Number 79732 C.M.S.*

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

*- Brenda Walker*

- Thomas Dolan

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**ACTION ON NON-CONSENT ITEMS:**

15

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 (06-0104)

**A motion was made, seconded by Councilmember Chang, that this matter**

**be Adopted. The motion carried by the following vote:**

**Votes:**

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 79733 C.M.S.*

[View Report.pdf,](#)

Subject: Anti-Litter Program

From: Vice Mayor Brunner

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

Fee On Fast Food Businesses, Liquor Stores, Convenience Markets, And Gasoline Station

Markets To Defray The Cost Of Litter and Trash Clean-up Resulting From Their Operation

(05-0585)

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

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

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

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Nadel

ORA\Councilmember Noes: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 5 - Councilmember Chang, Councilmember

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

and Vice Mayor Quan

*Ordinance Number 12727*

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

- *Sanjiv Handa*

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

- *Johnnise Downs*

- *Arnie Fields*



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[12727 CMS.pdf](#)

17

Subject: Forest City - Exclusive Negotiating Agreement

From: Community And Economic Development Agency

Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To

Negotiate And Execute A First Amendment To An Exclusive Negotiating Agreement Between

The Redevelopment Agency And Forest City Residential West, Inc. Or A Related Entity, For

The Development Of A Market Rate, Mixed-Use Project Consisting Of Housing And Retail On

A Parcel Bounded By William Street In The North, Telegraph Avenue On The East, 19th Street

On The South And A New Public Park On The West In Downtown Oakland In Order To

Extend The Exclusive Negotiating Agreement For An Additional Term Of Ninety (90) Days,

Resulting In A Total Term Of One Hundred Eighty (180) Days (06-0024)

**A motion was made by Councilmember Nadel that this matter be Adopted**

**as Amended to extend the Exclusive Negotiating Agreement for a term of**

**104 days. The motion carried by the following vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Chang, Councilmember

Brunner, Councilmember Nadel, Councilmember Kernighan, President of the

Council De La Fuente and Vice Mayor Quan

*ORA Resolution Number 2006-0010*

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[2006-0010 CMS.pdf](#)

18

Subject: Franchise Labor Requirements

From: Office Of The City Attorney

Recommendation: Approve The Final Passage (Second 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)

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

**Quan, that this matter be Approved for Final Passage. The motion carried**

**by the following vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Recused: 1 - Councilmember Kernighan

ORA\Councilmember Ayes: 5 - Councilmember Chang, Councilmember

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

Vice Mayor Quan

*Ordinance Number 12728*

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

*- Valerie Reyna*

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

- *Sanjiv Handa*

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[12728 CMS.pdf](#)

19

Subject: Approval of Final Tract Map 7548

From: Community and Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving The Final Map For Tract 7548 For The Artisan Walk Residential

Townhouse Project At 6549 San Pablo Avenue And Accepting Offers Of Dedication For

On-Site Public Utility Easements; And (06-0069)

**A motion was made by Councilmember Brunner that this matter be**

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

**Votes:**

ORA\Councilmember Absent: 1 - Councilmember Kernighan

ORA\Councilmember Ayes: 6 - Councilmember Chang, Councilmember

Brunner, Councilmember Nadel, Councilmember Brooks, President of the

Council De La Fuente and Vice Mayor Quan

*Resolution Number 79734 C.M.S.*

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2) A Resolution Approving A Subdivision Improvement Agreement For The Final Map For

Tract 7548 With Olson 737 Emeryville 1 LLC For Deferred Construction Of Public

Infrastructure Improvements For The Artisan Walk Residential Townhouse Project At 6549



San Pablo Avenue (06-0069-1)

**A motion was made by Councilmember Brunner that this matter be**

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

**Votes:**

ORA\Councilmember Absent: 1 - Councilmember Kernighan

ORA\Councilmember Ayes: 6 - Councilmember Chang, Councilmember

Brunner, Councilmember Nadel, Councilmember Brooks, President of the

Council De La Fuente and Vice Mayor Quan

*Resolution Number 79735 C.M.S.*

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20

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)

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

**Quan, that this matter be Approved for Final Passage. The motion carried**

**by the following vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Recused: 1 - Councilmember Kernighan

ORA\Councilmember Ayes: 5 - Councilmember Chang, Councilmember

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

Vice Mayor Quan

*Ordinance Number 12729*

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

*- Sanjiv Handa*

- *Frank Manibusan*

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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)

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

**Quan, that this matter be Approved for Final Passage. The motion carried**

**by the following vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Recused: 1 - Councilmember Kernighan

ORA\Councilmember Ayes: 5 - Councilmember Chang, Councilmember

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

Vice Mayor Quan

*Ordinance Number 12730*

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From: Office Of The City Administrator

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

Oakland Municipal Code Title 2, Chapter 2.04, Article 2.04.160, Expenditures From Restricted

Gift Proceeds, To Delegate Limited Authority To The City Administrator To, Without City

Council Action, Accept Gifts And Donations And To Appropriate And Expend Monies

Derived From Gifts And Donations, And Repealing Oakland Municipal Ordinance No. 8144

C.M.S., Adopted June 9, 1970, Which Contains Conflicting, Obsolete Provisions (05-0936)



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

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

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

**Votes:**

ORA\Councilmember Absent: 1 - Councilmember Kernighan

ORA\Councilmember Ayes: 6 - Councilmember Chang, Councilmember

Brunner, Councilmember Nadel, Councilmember Brooks, President of the

Council De La Fuente and Vice Mayor Quan

*Ordinance Number 12731*

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Subject: Colleen Flaherty - Appointment

From: Office of the Mayor

Recommendation: Adopt A Resolution Appointing Colleen Flaherty As A Member Of The

Cultural Affairs Commission (06-0119)

**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 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 79736 C.M.S.*

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

- *Sanjiv Handa*

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[79736 CMS.pdf](#)

23

Subject: Renee Harwood - Appointment

From: Office of the Mayor

Recommendation: Adopt A Resolution Appointing Renee Harwood As A Member Of The

Citizen's Police Review Board (06-0120)

**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 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 79737 C.M.S.*

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

- *Sanjiv Handa*

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S-24

Subject: Landscaping And Lighting Assessment District Property Assessments

From: Office of the City Administrator - Budget Office

Recommendation: Adopt A Resolution To (A) Initiate The Fiscal Year 2006-2007 Assessment

Process For The City Of Oakland Landscaping And Lighting Assessment District; (B) Increase

Property Assessments For The Landscaping And Lighting Assessment District Pursuant To

Articles XIII C And D Of The California Constitution; And (C) Authorize The City

Administrator To Order The Preparation Of A Preliminary Engineer's Report Pursuant To The

California Streets And Highways Code (06-0026)

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

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

**vote:**

**Votes:**

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 Kernighan made a motion, seconded by*

*Agency/Councilmember De La Fuente, to direct staff to include in the forth*

*coming resolution of intention language that specifies performance standards*

*for the maintenance of Oakland's parks, similar to the standards implemented*

*by other jurisdictions and (2) explores proposals to obtain an annual*

*independent evaluation of the City's actual performance of maintaining our*

*parks to be "clean and green" and to make annual recommendations to the City*

*Council on improving performance."; and upon call of the roll the motion*

*passed by Ayes: Agency/Councilmember: Brooks, Chang, Kernighan, Nadel,*



*Reid, Quan, and President of the Council De La Fuente -7, No: Agency*

*/Councilmember Brunner -1*

*Resolution Number 79738 C.M.S.*

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

- *Sanjiv Handa*

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[79738 CMS.pdf](#)

S-25

Subject: Community Services Block Grant Funding

From: Department Of Human Services

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

Accept And Appropriate A Two Year Grant In The Amount Of \$1,361,186 In Community

Services Block Grant (CSBG) Funds From The State Of California Department Of Community

Services And Development (CSD) To The City Of Oakland's Federally Designated Community

Action Agency In The Amount Of \$680,593 Annually For Calendar Years 2006 and 2007; 2)

To Enter Into Agreements With Providers For Services; And 3) To Apply For, Accept,

Appropriate And Enter Into Future Agreements For CSBG Renewal Grant Funding From CSD

Without Returning To Council (06-0009)

**A motion was made that this matter be Adopted. The motion carried by  
the following vote:**

**Votes:**

ORA\Councilmember Noes: 1 - Councilmember Brunner

ORA\Councilmember Ayes: 6 - Councilmember Chang, Councilmember Nadel,

Councilmember Kernighan, Councilmember Brooks, President of the Council

De La Fuente and Vice Mayor Quan

*Resolution Number 79739 C.M.S.*

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Subject: Evaluation Of Measure Y Enacted In 2004

From: Office of the City Administrator

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

Execute A Contract Between The City Of Oakland And Berkeley Policy Associates In An

Amount Not To Exceed \$425,000 To Evaluate Measure Y - The Violence Prevention And

Public Safety Act Of 2004 For The Period Of March 1, 2006 Through August 31, 2007

(06-0070)

**A motion was made by Vice Mayor Quan that this matter be Adopted as**

**Amended to include the requirement that this matter returns to Council.**

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

**Votes:**

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 79740 C.M.S.*

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

- *Sanjiv Handa*

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[View Supplemental.pdf](#),

[79740 CMS.pdf](#)

**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 9:36 p.m.*

Note:

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