

DRAFT
SPECIAL MEETING OF THE
CENTRAL CITY EAST PROJECT AREA COMMITTEE
Thursday, April 5, 2006 PAC meeting
Eastmont Town Center Police Substation, 2651 73rd Avenue, Oakland, CA 94605

(The minutes are in draft form until approved by the PAC)

Frank P. Thomas, Jr., Chair of the Project Area Committee (PAC), chaired the meeting. The meeting started at 6:53 p.m.

I. Roll Call

See attached roster of attendance.

II. Open Forum

Preston Turner acknowledged Richard Cowan who is the Council aid to Jean Quan. Richard Cowan introduced himself and spoke about the section that Jean Quan's Council District covers in the CCE area. Richard will be involved with the Foothill/Melrose/High streetscape project.

Tom Thurston informed the PAC that Favianna Rodriguez has resigned from the position of Fruitvale/San Antonio Residential Tenant.

III. Approval of the Minutes

Motion (by Sheryl Walton, seconded by Preston Turner) to approve the minutes of the March 5, 2007 PAC meeting.

There were no revisions to the minutes.

Vote: 11 Ayes, 0 Nays, and 2 Abstentions. Motion passed.

IV. Administrative Items

a. Presentation of Robert's Rules of Order

Dan Purnell was not present at the time the item was on the agenda. The item was tabled until Dan Purnell, the Executive Director of the Public Ethics Commission, arrived. Dan Purnell arrived after items number 5 and 6 were discussed.

Dan Purnell talked about the Robert's Rules of Order, the Brown Act, and the Sunshine Ordinance. All the rules and laws are similar in regulating the procedures for a meeting. Robert's Rules of Order addresses dealing with the public and the public has a right to speak on the item before the PAC votes on the item. The public speaking component can be structured however the PAC chooses. The standard time is 2 minutes per item unless there

are a lot of speakers and a lot of items on agenda etc. The time available for public speakers can be adjusted but must be done before the public speaks. The time for public speaking cannot be used to prohibit criticism of policies, procedures, members, or staff. The public has a right to criticize with limitations such as beyond time allotted for public speaking, irrelevant discussion, intimidation, or threats to the PAC.

Frank P. Thomas Jr. asked what if a public speaker says something and a member of group interrupts.

Dan Purnell responded that the PAC should not interrupt the public speaker until after the time runs out.

Robert's Rules of Order must yield to the Brown Act, the Sunshine Ordinance, and the PAC Bylaws. According to Dan Purnell, Robert's Rules should be used mostly for dealing with motions.

Motions include friendly amendments, if the amendments are submitted that are relevant to the motion. Each amendment should be voted on as to whether they are acceptable. All amendments need to receive seconds to be voted on. When the PAC votes on the amendments the PAC must address amendments in reverse order of when they were submitted. When the PAC wants to amend the PAC can ask for an amendment at the call for the question.

A motion to table may be made and or to call a question. Motion to table sets an item aside temporarily but does not kill the item. The item may be removed from consideration until the majority votes to take up the item again. The time limit can be set at the discretion of the Chair. Calling the question terminates debate and a vote may be taken on a pending motion. Calling to question cannot be used to terminate public participation.

Art Clark asked if calling the question is to terminate debate on the motion.

Dan Purnell responded that in order to terminate the debate on the motion you must call for the question.

Sheryl Walton asked if when we call for the question is it by consensus.

Robert Klinger asked about the Bylaws and how that works with the call for a question and whether the call can be used to overrule someone's speech. Is it a majority or a 2/3's vote?

Theresa Navarro-Lopez stated that it is by majority.

Frank P. Thomas Jr. asked if the PAC abides by Robert's Rules of Order should it be 2/3 or majority. Dan Purnell stated when debating motion role of chair is to run the meeting and run the debate. Point of Order and Point of Privilege should be used rarely.

Robert Klinger asked if the agenda has to be voted on.

Theresa Navarro-Lopez stated that the PAC can vote on the agenda but cannot add any items since the agenda has to be noticed to the public.

Robert Klinger stated that this has never been done.

Frank P. Thomas Jr. stated that the agenda is put together by the Chair and Vice Chair.

Robert Klinger wants to know if the Bylaws state whether the PAC gets to vote on the agenda.

Theresa Navarro-Lopez will check the Bylaws.

b. An Action Item to accept nominations for the Residential Tenant positions for the Elmhurst and EastLake/San Antonio sub-areas

There were no nominations from the PAC

c. Announcements from PAC Community Organizations

Frank Rose announced that the Beat 34 Neighborhood Crime Prevention Council (NCPC) meeting is next week April 11, 2007 at 6:30 p.m. at the Eastmont Town Center. The District Attorney will be present at the meeting and provide a presentation on how the NCPC can work with judges and communicate with Sacramento the crime problems in their area.

Gilda Gonzales announced that on April 26, 2007 there will a meeting on condominium conversions in District 5 and all the districts. There will be a meeting at 6:30 p.m. in the Fruitvale Transit Village.

Preston Turner announced that Earth Day will be on April 21, 2007 and there will be an event at Horace Mann School at 9:00 a.m. at Courtland Avenue.

Kathy Chao announced that the City of Oakland is getting ready to kick off the Mayor's Summer Youth Program for various summer jobs. Various organizations are working with the City on the program to help to do the outreach and recruit youth between the ages of 14 and 18 years of age.

Frank P. Thomas Jr. announced that the Golf Course will open on April 7, 2007 and there will be an Easter egg hunt early on Saturday morning. There will be a tournament at 12:30 p.m. and a dinner in the evening.

V. Report and Recommendation on an Ordinance Describing the Eminent Domain Program as Required by Community Redevelopment Law for the Central City East Project Area.

Bridget Galka, CEDA staff, presented the proposed recommendation from City staff to restate the eminent domain for the Central City East area. The City of Oakland must adopt an

ordinance that describes the eminent domain as stated in the Redevelopment Plan for each redevelopment area in the City of Oakland. A bill was approved on January 1, 2007 called SB53 which mandates cities in California to adopt this ordinance. The information describing the eminent domain for the Central City East area was included in the packet that went to all the PAC members. The Report to Council with this information will go first to the Community and Economic Development Committee (CED) on April 8, 2007. The first hearing at the City Council will be on April 17, 2007 and the second hearing will be on May 29, 2007. The Central City East Project Area can use eminent domain as described in the Redevelopment Plan until 2015 after which time the City of Oakland will have to re-describe the blight in the CCE area.

Preston Turner asked if there are any sites that CEDA staff is working on that may require the use of eminent domain.

Theresa Navarro-Lopez responded that, no there are not any sites on the list that the City would consider using eminent domain on presently. The City of Oakland prefers to work with the property owners and will use eminent domain only as a last resort. The eminent domain policy in the CCE area allows for the use of eminent domain outright in the commercial areas only.

Gilda Gonzales asked if the language for the CCE area is standard language.

Bridget Galka responded that the CCE area has a fairly defined language for its eminent domain that is specific to the CCE area.

Sheryl Walton stated that the first year that the PAC was formed the PAC worked on the wording of the eminent domain for the Redevelopment Plan. The PAC spent a lot of time on what eminent domain would be used for in the CCE area.

Gilda Gonzales asked if the language presented to the PAC tonight and in the packet is the language the PAC originally approved.

Bridget Galka stated that, yes, this is the same language and the wording has not been changed.

Motion (by Tom Thurston, seconded by Sheryl Walton) to accept staff's recommendation to support the adoption of an ordinance describing the eminent domain program as required by Community Redevelopment Law.

Gilda Gonzales asked if we are restating the current language.

Bridget Galka responded that, yes, we are re-stating the current language.

Vote: 11 Ayes, 1 Nay, and 2 Abstentions. Motion passed.

VI. Central City East and Oak Knoll Fiscal Merger- Follow up discussion on the use of funds from Oak Knoll's Purchase of CCE Surplus Housing Credits.

Gloria Jeffrey was not present. Theresa Navarro-Lopez provided background information. When the two areas were merged, the City Council approved that up to 50% of affordable housing credits equivalent to 50% of required affordable housing units to be built at Oak Knoll could be purchased via CCE surplus units. The money is not yet available. At the time of the merger it was estimated that 72 units could be bought as credits and paid to the CCE area totaling \$11 million. The \$11 million is spread over a five year period with the bulk of the funds of \$8 million coming in the 5th year.

At the last sub-committee meeting, there was discussion regarding what could be done with the funds. At the conclusion of the meeting, there was consensus that the funds could be used towards a first-time homebuyers program targeted for an Area Median Income (AMI) between 81% to 100%. Jackie Campbell presented the existing program and what may be done for a middle income population between 81-100% AMI levels.

At this meeting, CEDA staff presented that a loan of up to \$50,000 for the AMI population from 81% to 100% would help meet the existing gap to purchase a home with a price of up to \$434,359. CEDA staff can work out the details of the loan with the PAC.

Frank P. Thomas Jr. asked if this was staff's recommendation or the PAC's recommendation.

Theresa Navarro-Lopez stated that no, this is from CEDA staff.

Art Clark asked if City staff has any idea on the number of available homes selling at this price.

Theresa Navarro-Lopez responded that the median for a home in the CCE area is approximately \$421,000.

Tom Thurston stated that this money will not be loaned only once. The funds will continue to recycle when the home is sold or refinanced.

Kathy Chao stated that the committee had not talked about the specifics of the loan. Jean Blacksher stated that we have not worked out the details and the committee is supposed to come back to the PAC and have one more conversation.

Laura Jerrard stated that \$8 million in year five seems like a lot of money to devote solely to this purpose. Laura suggested that the PAC should look at other options of what to do in the fifth year.

Sheryl Walton asked if there was any discussion of a rehabilitation program for middle income families. Jean Blacksher responded that the CCE area already has this program.

Gilda Gonzales stated that \$50,000 was the amount she had in mind as well for this AMI population. Gilda suggested that the group should re-meet as a sub-committee to hash

out in more detail what can be done. The committee can then bring back a strong recommendation to the PAC.

Laura Jerrard agreed that this should go back to the sub-committee. Laura stated that she would like the committee to also explore finding ways to assist landlords to fix up rental properties since these funds are without the 45 year affordability requirements.

Art Clark asked if the numbers presented for the Oak Knoll are not set and when the money will be available.

Theresa Navarro-Lopez stated that the amount is not yet set.

Gilda Gonzales would also like to add a provision that courses and education be required for an applicant for the first-time homebuyer program.

Robert Klinger asked if the PAC is looking to stabilize neighborhoods. In District 2 the PAC members have other ideas to stabilize neighborhoods. Robert Klinger would like to explore other ideas to stabilize neighborhoods. Robert explained that in EastLake the group would like to explore using some of the funds to develop a Community Based Organization or work with an organization that will manage the vacant Oakland Housing Authority (OHA) sites.

Laura Jerrard would like the money to be used to support existing merchants, a library for the 14th Avenue area, and leave some money for specific district projects.

Art Clark would like the sub-committee to focus on homeownership which is important for the CCE area. Art Clark would like to keep the majority of the funds for a homeownership program.

Frank P. Thomas Jr. stated that he would like to keep in mind that the goal is to provide housing money for housing related goals. Frank is interested in homeownership and the retention of the home and the program to provide education for the homeowner to maintain the home.

Jean Blacksher stated that when people buy houses the city gets taxes that go back to the City. She wants to keep generating revenues for the area.

Robert Klinger stated that he is in favor of rectifying social wrongs but believes these are redevelopment funds which could be utilized well by targeting Oakland Housing Authority (OHA) buildings.

Tom Thurston asked if there is a possibility of using affordable housing funds (like the NOFA funds) to target OHA properties.

Jean Blacksher asked if OHA would allow this type of program. Is it legal?

Marge Gladman stated that she is not an expert on OHA but there is a possibility to work with OHA and then Redevelopment funds could be used.

Motion (by Art Clark, seconded by Kathy Chao) to go back to the sub-committee for further discussion with the understanding of placing emphasis on a homeownership program with a focus on 81% to 100% Area Median Income (AMI) and with a discussion of further details and any other recommendations discussed tonight.

Laura Jerrard asked if staff will be present for this discussion.

Theresa Navarro-Lopez responded that, yes, she would ask housing staff to attend the meeting.

Gilda Gonzales made a friendly amendment to the motion to state that the homeownership program will focus on 81% to 100% Area Median Income (AMI). Art Clark accepted the friendly motion.

Vote: 11 Ayes, 2 Nays, and 1 Abstention. Motion passed.

VII. Discussion of Housing Sub Committee to Address Criteria for the NOFA CCE Funds

Tom Thurston stated that the scheduled agenda item shows 20 minutes for discussion and we only have 5 to 10 minutes left. Tom asked how the PAC would like to proceed. Tom Thurston stated that when the committee came together the members wanted to create guidelines for housing related items to help developers understand what the PAC wants. Tom stated that the PAC needs to spend the 25% for affordable housing funds.

Before the discussion continued, Preston Turner suggested tabling the item, and continuing the discussion at the next PAC meeting.

Motion (by Preston Turner, seconded by Gilda Gonzales) to table the item to the next meeting.

Vote: 13 Ayes, 0 Nays, and 1 Abstention. Motion passed.

VIII. Items for the next PAC meeting

Gilda Gonzales suggested that CEDA staff look into OHA and the possibility of working on these properties. Tom Thurston suggested that this item may be able to be addressed with the Public/Private partnership funds related to a Request for Proposal targeting potential developers who may have projects in the CCE area. He would like this item placed on the agenda for a future meeting.

IX. Adjournment

The meeting was adjourned at 8:30 p.m.