



# City of Oakland Meeting Minutes

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

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

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

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**Tuesday, March 01, 2011**

**5:30 PM**

**Oakland City Hall, 3rd Floor**

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1 Pledge of Allegiance

*The Concurrent Meeting of the Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at \_\_\_\_.*

2 Roll Call / ORA & Council

COUNCIL MEMBERS: Jane Brunner, Dist.1; Patricia Kernighan, Dist. 2; Nancy Nadel, Dist.3; Libby Schaaf, Dist.4; Ignacio De La Fuente, Dist. 5; Desley Brooks, Dist. 6; Rebecca Kaplan, At-Large, and President Larry Reid, Dist. 7

ORA\Councilmember Excused: 1 - Vice Mayor Brooks

ORA\Councilmember Present: 7 - President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

3 Open Forum / Citizens Comments

(Time Available: 15 minutes)

*There were 3 speakers during open forum.*

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

(Ceremonial Presentations, Reports/Presentations from the Mayor, Council Acknowledgements/Announcements):

*Agency/Councilmember Council President Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Paul Eugene Dickey and Frank Gilbert.*

*Agency/Councilmember Nadel took a point of personal privilege and requested that the meeting be adjourned in memory of Bobby Joe Aranyda.*

- 4.1 Subject: Establishing Sister-City Relationship - Bauchi City, Nigeria  
From: Vice Mayor Brooks  
Recommendation: Adopt A Resolution Establishing An Official Sister-City Relationship Between The City Of Oakland And Bauchi City, Nigeria To Carry Out Bilateral Exchange And Cooperation In The Areas Of Culture, Education, Tourism, Sports, Public Health, Civics, And Explore Opportunities For Economic Trade, Science And Technology, As Well As Other Fields Of Mutual Interests  
[10-0190](#)

**A motion was made by President Pro Tempore De La Fuente, seconded by Councilmember Kaplan, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner  
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- 4.2 Subject: People's Federal Credit Union - 10 Years  
From: Councilmember Nadel  
Recommendation: Adopt A Resolution Commending People's Federal Credit Union For Ten Years Of Service To The Residents Of The City Of Oakland  
[10-0408](#)

**A motion was made by Councilmember Kaplan, seconded by Councilmember Nadel, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner  
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- 5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF  
February 15, 2011

**A motion was made by Councilmember Kaplan, seconded by  
Councilmember Brunner, to \*Approve as Submitted. The motion carried  
by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner

- 6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS  
(Requests to: Reschedule items from consent to Non-Consent to the next Council Agenda,  
Speak on Consent Calendar, Register Votes, Change order of Items, Reconsiderations, Pull  
Items held in Committee):

*It was announced that item 7.28 would be called and voted upon separately.*

*Council President Reid was noted absent at 6:46pm President Pro Tem De La  
Fuente presided as Chair.*

**7. CONSENT CALENDAR (CC) ITEMS:**

*The City Council preceeded to take action on item 7.28 independantly and  
passed that item prior to action on the Consent Calendar.*

*Agency/Councilmember Schaaf made a motion, seconded by  
Agency/Councilmember Kernighan, to adopt the resolution on Item S-28 and  
hearing no objections, the motion passed by Ayes: Agency/Councilmember:  
Brunner, Kaplan, Kernighan, Nadel, Schaaf, and President Pro Tem De La  
Fuente - 6; Absent: Council President Reid - 1; Excused: Vice Mayor Brooks -  
1*

*Council President Reid was noted present at 6:50 pm and returned to presiding  
as Chair.*

7.1-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  
[10-0425](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
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7.2-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  
[10-0426](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
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7.3-CC      Subject:      Community Policing Advisory Board Appointment  
From:          Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Jeffrey D.  
Cash As A Member Of The Community Policing Advisory Board  
[10-0418](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
*There was 1 speaker on this item.*  
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7.4-CC Subject: Commission On Aging Appointment  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Rochelle S.  
Zak As A Member Of The Commission On Aging  
[10-0419](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
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7.5-CC Subject: Violence Prevention And Public Safety Oversight Committee Appointment  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Appointing Nicole Lee As A Member Of The Violence  
Prevention And Public Safety Oversight Committee  
[10-0420](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
*There was 1 speaker on this item.*  
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7.6-CC Subject: Landmarks Preservation Advisory Board Appointment  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Christopher  
Andrews As Member Of The Landmarks Preservation Advisory Board  
[10-0421](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
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7.7-CC Subject: Violence Prevention And Public Safety Services  
From: Office Of Budget  
Recommendation: Adopt An Ordinance Authorizing A Fiscal Year 2010-2011 Increase To A  
Special Tax Imposed For Violence Prevention And Public Safety Services In Accordance With  
The Violence Prevention And Public Safety Act Of 2004 (Measure Y)  
[09-1293](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
*There was 1 speaker on this item.*

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7.8-CC Subject: Amending OMC 9.08.260  
From: Councilmember Kernighan  
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Section 9.08.260  
To (1) Prohibit The Sexual Exploitation Of Women And Children, (2) Prohibit Business  
Owners From Allowing Prostitution On Their Property, (3) Declare Prostitution Related  
Offenses Local Crimes, And (4) Clarify Terms Related To Prostitution Offenses  
[10-0349](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner

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7.9-CC Subject: Declaring Vehicles A Public Nuisance  
From: Councilmember Kernighan  
Recommendation: Adopt An Ordinance Adding Chapter 9.56 To The Oakland Municipal Code, Declaring Vehicles A Public Nuisance And Authorizing Impoundment Of Such Vehicles When They Are Used To Solicit An Act Of Prostitution, For Pandering, Pimping, Or Illegal Dumping  
[10-0349-1](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

*There was 1 speaker on this item.*

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7.10-CC Subject: Settlement Agreement - Lorenzo Hall  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Lorenzo Hall V. City Of Oakland, Et Al., United States District Court No. C-09-01047 MMC, Our File No. 27049, In The Amount Of \$300,000.00 (Oakland Police Department - Malicious Prosecution/False Arrest)  
[10-0427](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

*There was 1 speaker on this item.*

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7.11-CC Subject: Settlement Agreement - Ren Re Insurance  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Ren Re Insurance As Subrogee For Cato's Ale House, In  
The Amount Of \$8,424.95, As A Result Of Property Damage Sustained When A Sewer Main  
Backed Up Into The Claimant's Building On March 15, 2010. (Public Works Agency)  
[10-0428](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
*There was 1 speaker on this item.*

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7.12-CC Subject: Settlement Agreement - Hayward Hill  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Hayward Hill V. City Of Oakland, Et Al., Alameda  
County Superior Court Case No. RG09-435944 In The Amount Of \$7,000.00 As A Result Of A  
Collision Between Mr. Hill And A City-Owned Vehicle. (Public Works Agency)  
[10-0429](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner

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7.13-CC Subject: Settlement Agreement - Tsadae Neway  
From: Office of City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Tsadae Neway And Francine Byers, In The Amount Of  
\$5,500, As A Result Of Property Damage Sustained When A Sewer Main Backed Up Into The  
Claimant's Residence On January 20, 2010 (Public Works Agency)  
[10-0430](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
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7.14-CC Subject: Settlement Agreement David C. Huynh  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of David C. Huynh, In The Amount Of \$6,500.00, As A  
Result Of Property Damage Sustained When Roots From A City Of Oakland Tree Damages  
The Claimant's Sewer Lateral On August 23, 2010. (Public Works Agency)  
[10-0431](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
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7.15-CC Subject: Settlement Agreement - D & D Investment Ltd/Anthony Dang  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of D & D Investment, Ltd./Anthony Dang, In The Amount Of \$8,234.00, As A Result Of Property Damage Sustained When A Sewer Main Backed Up Into The Claimant's Building On April 30, 2010. (Public Works Agency)  
[10-0432](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
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7.16-CC Subject: Settlement Agreement - Richard Polikoff  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of 21st Century Insurance Company As Subrogee Of Richard Polikoff, In The Amount Of \$6,379.17, As A Result Of Property Damage Sustained In A Traffic Collision With A City Vehicle On July 19, 2010 (Public Works Agency).  
[10-0433](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
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7.17-CC Subject: Stipulated Order For Preliminary Relief  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Approving The Stipulated Order For Preliminary Relief And The Payment Of Ten Thousand, Eight Hundred Dollars (\$10,800.00) In Attorney's Fees And Costs To The San Francisco Bay Keeper, Intervenor-Plaintiff, In The Case Of United States, Et Al. Vs. The City Of Alameda, Et Al., United States District Court, Northern District Of California, Case No. C 09-05684 RS  
[TITLE CHANGE]  
[10-0407](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner  
*There was 1 speaker on this item.*

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7.18-CC Subject: National League Of Cities Conference Travel  
From: Vice Mayor Brooks  
Recommendation: Adopt A Resolution Authorizing Vice Mayor Desley Brooks To Travel To Washington, D.C. To Attend The 2011 National League Of Cities Congressional City Conference From March 12-16, 2011  
[10-0424](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner  
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7.19-CC Subject: Opposition To Governor's Proposal To Eliminate Senior Services Programs  
From: Department Of Human Services  
Recommendation: Adopt A Resolution Declaring The City Of Oakland's Opposition To  
Governor Jerry Brown's Proposal To Eliminate The Medi-Cal Multipurpose Senior Services  
Program From The State Budget And Urging The Governor And State Legislature To Maintain  
Funding Of The Multipurpose Senior Services Program  
[10-0441](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner

*There were 2 speakers on this item.*

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7.20-CC Subject: Combining Zone Regulations  
From: Community And Economic Development Agency  
Recommendation: Adopt An Ordinance To 1) Extend The Broadway Retail Frontage Interim  
Combining Zone Regulations In Oakland Planning Code Chapter 17.101c Through February  
15, 2013 Or Until City Council Adoption Of The Broadway/Valdez District Specific Plan,  
Whichever Comes First; And 2) Make Changes To The D-BR Zone Text, Including The D-BR  
Zone May Be Combined With Any Other Zone, Not Just A Commercial Zone, As  
Recommended By The City Planning Commission. The D-BR Zone Is Currently Located From  
23rd St. In The South; Highway 580 In The North; Webster St. And Lots On Or Near  
Broadway In The West; And Brook St., Portions Of -Valdez St., 27th, And Harrison St, In The  
East  
[10-0246](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner

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7.21-CC Subject: Settlement Agreement - Vivian Ferguson  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Vivian Ferguson V. City Of Oakland, Et Al., Alameda  
County Superior Court Case No. RG09-479058 In The Amount Of \$20,000.00 As A Result Of  
A Trip And Fall Accident At 82nd Avenue And International Blvd. (Public Works Agency)  
[10-0440](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
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7.22-CC Subject: Settlement Agreement - Sutter Health, Inc.  
From: Office of the City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of City Of Oakland V. Sutter Health, Inc., Sutter East Bay  
Hospitals, PCAM, LLC. Et Al., Superior Court Of California, Alameda County No.  
RG10498597 And Receive Payment Of \$2.6 Million Dollars Over A Period Of Four Years  
(Community and Economic Development Agency)  
[10-0444](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
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7.23-CC      Subject:      Settlement Agreement Doree Johnson  
From:            Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Doree Johnson V. City Of Oakland, Et Al., Alameda  
County Superior Court Case No. RG09-465477 In The Amount Of \$35,000.00 As A Result Of  
A Trip And Fall Accident Adjacent To 4529 Martin Luther King Jr. Way (Public Works  
Agency)  
[10-0445](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
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7.24-CC      Subject:      Settlement Agreement - The Case Of McCabe  
From:            Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Mccabe V. City Of Oakland, Et Al., Alameda County  
Superior Court Case No. RG09489050, OCA File No. 27488, In The Amount Of \$12,500.00,  
Arising From A Trip And Fall (Public Works Agency)  
[10-0446](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
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7.25-CC Subject: Settlement Agreement - The Case Of Muldrow  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Muldrow V. City Of Oakland, Alameda County Superior  
Court Case No. RG09483462 In The Amount Of \$155,000.00 (Public Works Agency - Trip  
And Fall)  
[10-0447](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
*There was 1 speaker on this item.*

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7.26-CC Subject: Telecommunication Use In HBX Zones  
From: Council President Brunner  
Recommendation: Adopt An Ordinance, Recommended By The Planning Commission, To: (A)  
Designate Micro And Mini Telecommunications Facilities As Conditionally Permitted In All  
HBX (Housing-Business Mix) Zones; (B) Amend Zoning Code Section 17.134.020(A) To  
Require The Major Conditional Use Permit Procedure For Telecommunications Facilities In  
All HBX Zones; (C) Amend Zoning Code Section 17.128.110 To Require The Site Alternatives  
Analysis Procedure For Certain Telecommunications Facilities In The HBX Zones; (D) Add  
New Zoning Code Section 17.128.025 To Clarify That A Major Conditional Use Permit Is  
Required For Telecom Facilities Locating In Close Proximity To Both Residential And HBX  
Zones; And (E) Make Other Non-Substantive Changes To The Zoning Code As Necessary For  
Clarity To Enact This Regulation  
[10-0216](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner

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S-7.27-CC Subject: Citywide Bikeways Contract Award  
From: Public Works Agency  
Recommendation: Adopt A Resolution Awarding The Contract For Construction Of Citywide Bikeways, ARRA - DOE 2011 (Project No. C389410) To Lineation Markings Corp., The Lowest, Responsive, Responsible Bidder, In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Of Two Hundred Seventy Thousand One Hundred Eighty Seven Dollars And Forty Cents (\$270,187.40)  
[10-0387](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

*There was 1 speaker on this item.*

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S-7.28 Subject: Housing Set Aside Bonds  
From: Finance And Management Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Of The City Council Of The City Of Oakland Approving Issuance By The Redevelopment Agency Of The City Of Oakland Of Not To Exceed \$100,000,000 Redevelopment Agency Of The City Of Oakland Subordinated Housing Set Aside Revenue Bonds, Series 2011A-T (Federally Taxable), And Providing Other Matters Properly Relating Thereto; And  
[10-0409](#)

**A motion was made by Councilmember Schaaf, seconded by Councilmember Kernighan, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Absent: 1 - President of the Council Reid  
ORA\Councilmember Ayes: 6 - President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and Councilmember Brunner

*There was 1 speaker on this item.*

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2) A Resolution Authorizing The Issuance And Prescribing The Terms, Conditions And Form Of Not To Exceed \$100,000,000 Redevelopment Agency Of The City Of Oakland Subordinated Housing Set Aside Revenue Bonds, Series 2011A-T (Federally Taxable), Approving The Form Of And Authorizing The Execution And Delivery Of A Second Supplemental Indenture And A Bond Purchase Agreement; Approving The Form Of And Authorizing The Distribution Of A Preliminary Official Statement And Authorizing Execution And Delivery Of An Official Statement; Approving The Retention Of A Financial Advisor, Underwriters And Other Agents; Authorizing Payment Of Costs Of Issuance; Allocating Bond Proceeds To Finance Very Low, Low And Moderate Income Housing Within Or Of Benefit To Redevelopment Agency's Various Redevelopment Project Areas; And Authorizing And Approving Necessary Actions In Connection Therewith  
[10-0409-1](#)

**A motion was made by Councilmember Schaaf, seconded by Councilmember Kernighan, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Absent: 1 - President of the Council Reid  
ORA\Councilmember Ayes: 6 - President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and Councilmember Brunner  
[2011-0007 CMS.pdf](#)

S-7.29-CC Subject: International Boulevard Transit-Oriented Development  
From: Community And Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing Staff To Conduct Appropriate California Environmental Quality Act Review And Take Other Actions Necessary For The Adoption Of A Transit-Oriented Development (TOD) Plan For The International Boulevard Corridor  
[10-0329](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner  
*There were 7 speakers on this item.*

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[83238 CMS.pdf](#)

S-7.30-CC Subject: Parks Program Grant  
From: Community And Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For,  
Accept And Appropriate Grant Funds From The California Department Of Housing And  
Community Development In An Amount Not To Exceed Five (\$235,000) For The Housing  
Related Parks Program  
[10-0380](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
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S-7.31-CC Subject: Art Installation - 19th and Telegraph Avenue  
From: Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Accept And Appropriate A Grant Of  
Up To \$200,000 From The National Endowment For The Arts, And To Contribute Such Funds  
To The Redevelopment Agency Under The Cooperation Agreement For The Creation Of A  
Temporary Art Installation Space At A Redevelopment Agency-Owned Parcel At 19th Street  
And Telegraph Avenue; And  
[10-0381](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
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2) An Agency Resolution Authorizing The Redevelopment Agency To Accept And Appropriate A Contribution Of Funds From The City Under The Cooperation Agreement In An Amount Not To Exceed \$200,000 For The Creation Of A Temporary Art Installation Space At A Redevelopment Agency-Owned Parcel At 19th Street And Telegraph Avenue  
[10-0381-1](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
[2011-0008 CMS.pdf](#)

S-7.32-CC Subject: East Oakland Community Project - Funding  
From: Department Of Human Services  
Recommendation; Adopt A Resolution Authorizing A Grant In The Amount Of \$100,000 To East Oakland Community Project, A Local Nonprofit Organization, For Operating Costs At The City's Only Green Emergency Housing Facility Located At 7515 International Boulevard In East Oakland  
[10-0362](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner  
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S-7.33-CC Subject: California Gang Reduction, Intervention And Prevention (CalGRIP)  
From: Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And  
Appropriate A California Gang Reduction, Intervention And Prevention (CalGRIP) Grant From  
The California Emergency Management Agency And The Governor's Office Of Gang And  
Youth Violence Policy, For \$369,309 From January 1, 2011 Through December 31, 2012 And  
Authorizing A Grant Agreement With OUSD Alternative Education For \$308,131 To Provide  
Gang Prevention And Intervention Services From January 1, 2011 Through December 31, 2012  
[TITLE CHANGE]

[10-0361](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner

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S-7.34-CC Subject: Fleming Group Inc. Contract Award  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A  
Professional Services Agreement With Jocelyn Freeman Garrick DBA Freeman Fleming Group  
Inc. To Provide Emergency Medical Services For The Fire Department Emergency Medical  
Services (EMS) Program During The Period March 1, 2011 Through February 28, 2013 In An  
Amount Not To Exceed Ninety Thousand Dollars (\$90,000)

[10-0411](#)

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner

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**Passed The Consent Agenda**

**A motion was made by President Pro Tempore De La Fuente, 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 Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner

- 8 Oral Report of Final Decisions Made During Closed Session & Disclosure of  
Non-Confidential closed session discussions

**A motion was made by Councilmember Schaaf, seconded by Councilmember Kaplan, to \*Approve as Submitted the report of the City Attorney of final actions taken during Closed Session. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner

**COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE  
THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:**

**9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING  
REQUIREMENTS:**

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 7:14 p.m.*

- 9.1 Subject: General Plan Land Use Diagram  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution To Correct, Refine And Clarify The General Plan Land Use Diagram To Generally Reflect Existing Land Use, And Conform To The Intent Of The Previously Adopted General Plan.  
[10-0297](#)

**A motion was made by Councilmember Brunner, seconded by Councilmember Nadel, that this matter be Adopted as Amended to add the following change to the General Plan corrections to keep the area between Shattuck/Telegraph Avenue and Highway 24 (between 42nd and 51st Streets) in the "Urban Residential" General Plan classification. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

*There were two speakers on the item.*

*Agency/Councilmember Brunner made a motion, seconded by Agency/Councilmember Nadel, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, De La Fuente, Kaplan, Kernighan, Nadel, Schaaf and President of the Council Reid - 7, Excused: Brooks - 1*

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[83244 CMS.pdf](#)

*Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 7:14 p.m.*

9.2 Subject: Commercial And Residential Zoning Amendments  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance,  
Recommended By The Planning Commission, To: (A) Amend The Oakland Planning Code To  
Create New Zones For The City's Commercial And Residential Areas And Make Related Text  
Amendments; (B) Amend The Zoning Maps To Include The New Commercial And Residential  
Zones; (C) Amend The Zoning Maps To Include Height Areas For The New Commercial  
Zones And Other New Zones On The City's Major Transportation Corridors; And (D) Amend  
The Document "Guidelines For Determining Project Conformity With The General Plan And  
Zoning Regulations" To Reflect The Above Changes.  
[10-0306](#)

**A motion was made by Councilmember Schaaf, seconded by Councilmember Nadel, to Approved As Amended On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the March 15, 2011 meeting to consolidate all motions on the item into the ordinance. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel,  
President of the Council Reid, Councilmember Schaaf and Councilmember  
Brunner

*There were 21 speakers on the item.*

*ON THE FIRST MOTION:*

*Agency/Councilmember Brunner made a motion, seconded by Agency/Councilmember Nadel, to close the Public Hearing and also adopt changes to the Ordinance excluding:*

- 1) Zoning change R-60 to RM-4 for any parcels within 500 feet of Councilmember Brunner's residence.*
- 2) Zoning changes M-30 to RM-3, R-36 to RM-3, M-30 to HBX-2, R-36 to RM-2, CIX-1 to HBX-2, C-10 to HBX-2 for any parcels within 500 feet of Councilmember Nadel's residence.*
- 3) Zoning changes C-20 to RM-4, C-20 to RM-4/C, R-50 to RM-2, and R-50 to RM-4 for any parcels within 500 feet of Councilmember De La Fuente's residence.*
- 4) Zoning changes R-50 to RD-1 and C-30/S-4 to CN-3 for any parcels within 500 feet of Councilmember Brooks' residence."*

5) Zoning changes R-30 to RM-2, R-30 to RM-3, R-30 to CC-1, R-50 to CC-1, C-40/S-4 to CC-1, and C-40 to RM-3 for any parcels within 500 feet of Councilmember Reid's residence.

AND ADDING THE FOLLOWING CHANGES:

For the area above Shattuck/Telegraph and Highway 24 (between 42nd and 51st Streets) change the intensity from the previously proposed Ru-4 at 45 feet to RU-1 at 40 feet; and

On the west side of Broadway, the second and third parcels north from the intersection with 49th Street (4915 and 4929 Broadway) shall be designated at 45 feet on the height map.

and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, De La Fuente, Kaplan, Kernighan, Nadel, Schaaf and President of the Council Reid -7, Excused: Brooks - 1

ON THE SECOND MOTION:

Councilmember Nadel was noted as Recused on this motion.

Agency/Councilmember Brunner made a motion, seconded by Agency/Councilmember Reid, to approve the following: Zoning changes M-30 to RM-3, R-36 to RM-3, R-36 to RM-2, CIX-1 to HBX-2, C-10 to HBX-2 for any parcels within 500 feet of Councilmember Nadel's residence, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, De La Fuente, Kaplan, Kernighan, Schaaf and President of the Council Reid - 6, Excused: Brooks - 1, Recused: Nadel - 1

ON THE THIRD MOTION

Councilmember Brunner was noted as Recused on this motion. Councilmember Nadel returned to chambers.

Agency/Councilmember Kaplan made a motion, seconded by Agency/Councilmember De La Fuente, to approve the following change: Zoning change R-60 to RM-4 for any parcels within 500 feet of Councilmember Brunner's residence, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: De La Fuente, Kaplan, Kernighan, Nadel, Schaaf and President of the Council Reid -6, Excused: Brooks - 1, Recused: Brunner -1

ON THE FOURTH MOTION:



*Councilmember De La Fuente was noted as Recused on this motion.  
Councilmember Brunner returned to chambers.*

*Agency/Councilmember Kaplan made a motion, seconded by  
Agency/Councilmember Schaaf, to approve the following change: Zoning  
changes C-20 to RM-4, C-20 to RM-4/C, R-50 to RM-2, and R-50 to RM-4 for  
any parcels within 500 feet of Councilmember De La Fuente's residence, and  
hearing no objections, the motion passed by Ayes: Agency/Councilmember:  
Brunner, De La Fuente, Kaplan, Kernighan, Nadel, Schaaf and President of the  
Council Reid - 6, Excused: Brooks - 1, Recused: De La Fuente - 1*

*ON THE FIFTH MOTION*

*Council President Reid was noted as Recused on this motion. President Pro  
Tem De La Fuente returned to chambers.*

*Agency/Councilmember Kaplan made a motion, seconded by  
Agency/Councilmember Brunner, to approve the following changes: Zoning  
changes R-30 to RM-2, R-30 to RM-3, R-30 to CC-1, R-50 to CC-1, C-40/S-4 to  
CC-1, and C-40 to RM-3 for any parcels within 500 feet of Councilmember  
Reid's residence, and hearing no objections, the motion passed by Ayes:  
Agency/Councilmember: Brunner, Kaplan, Kernighan, Nadel, Schaaf and  
President of the Council Reid - 6, Excused: Brooks - 1, Recused: President Reid  
- 1*

*ON THE SIXTH MOTION:*

*President Reid returned to chambers.*

*Agency/Councilmember Kaplan made a motion, seconded by  
Agency/Councilmember Brunner, to approve the following changes: Zoning  
changes R-50 to RD-1 and C-30/S-4 to CN-3 for any parcels within 500 feet of  
Councilmember Brooks' residence, and hearing no objections, the motion  
passed by Ayes: Agency/Councilmember: Brunner, De La Fuente, Kaplan,  
Kernighan, Nadel, Schaaf and President of the Council Reid - 7, Excused:  
Brooks - 1*

*ON THE SEVENTH MOTION TO CONSOLIDATE ALL APPROVED  
CHANGES INTO THE ORDINANCE*

*Agency/Councilmember Schaaf made a motion, seconded by  
Agency/Councilmember Nadel, to consolidate all motions into the ordinance  
and hearing no objections, the motion passed by Ayes: Agency/Councilmember:*

*Brunner, De La Fuente, Kaplan, Kernighan, Nadel, Schaaf and President of the  
Council Reid - 7, Excused: Brooks - 1*

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**AT THIS TIME COUNCIL TOOK ACTION ON ITEM 11.**

*Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened  
at 7:14 p.m.*

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S-9.3 Subject: Oakland Energy And Climate Action Plan  
From: Public Works Agency  
Recommendation: Conduct A Public Hearing On The Draft Oakland Energy And Climate Action Plan (ECAP) And Upon Conclusion Adopt A Resolution Directing That Appropriate California Environmental Quality Act Review Be Performed By Staff For The Draft Oakland ECAP  
[10-0161](#)

**A motion was made by Councilmember Nadel, seconded by Councilmember Kaplan, that this matter be Adopted as Amended. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Noes: 1 - President of the Council Reid  
ORA\Councilmember Ayes: 6 - President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and Councilmember Brunner  
*There were 15 speakers on this item.*

*Agency/Councilmember Brunner made a motion, seconded by Agency/Councilmember Nadel, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, De La Fuente, Kaplan, Kernighan, Nadel, Schaaf and President of the Council Reid - 7, Excused: Brooks - 1*

*Council approved the following recommendations of the Public Works Committee:*

*1) Action BE-8 on page 66 of the ECAP Objective as follows:*

- a) At the beginning add: An introductory phrase that states Coordinates with other jurisdictions to; and*
- b) At the end of BE-8 add: and request an accounting of current guidelines and expenditures from the public goods surcharge, AND*

*2) For action TLU on page 59:*

- a) Add language to end: \*and study adoption of a Transit Oriented Affordability Policy.*

*Staff was further directed to return to a future committee meeting with the following: 1) a list of potential short term actions that may still need council approval; and 2) a follow-up report on the accounting of how much permanent and affordable Housing is at the transit notes.*

*In addition the council made the following changes:*

*on page 66 in Action BE-8, adding "Coordinate with other jurisdictions in our region to" at the beginning of the existing sentence "and request an accounting of current guidelines, revenues, and expenditures from the public goods surcharge" add, "with intent to petition the CPUC for use of public goods surcharge funds."*

*Revise Action AD-15 to read: Explore how the City can achieve dedicated land for urban agriculture within Oakland City limits.*

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**ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:**

10 Number intentionally not used

11 Subject: OPD Equipment Purchases  
From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Thirty-Three Thousand Dollars (\$33,000) From The State Of California, Department Of Boating And Waterways, For Use By The Oakland Police Department Marine Unit For Equipment Purchases To Outfit And Maintain Marine Vessels Used For Public Safety And Other Homeland Security Projects On Oakland Waterways And The Port Of Oakland  
[10-0383](#)

**A motion was made by Councilmember Kernighan, seconded by Councilmember Schaaf, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

*There was 1 speaker on this item.*

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S-12

Subject: Locations Of New Parking Meters

From: Finance And Management Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Confirming Locations For Previously Approved New Meters As Required By  
Oakland Municipal Code Section 10.36.141

[10-0364](#)

A motion was made by Councilmember Schaaf, seconded by Councilmember Kaplan, that this matter be Adopted as Amended with the reduction of the number of meters in District #1 to 25%. CM Schaaf presented a proposed motion seconded by to:

1. Adopt the new meters identified in Alternative 2.
2. Reaffirm the Parking Principles adopted by the City Council in December 2009, and require that future new meter recommendations are more clearly aligned with these principles, including documentation of block occupancy rates during staff evaluations.
3. Direct staff to study differentiated pricing, including reduced pricing where consistent with our adopted principles, and return to Council- with recommendations.
- 4.. Direct staff to make all efforts to notify the public that these new meters will be installed, including, at minimum, providing posted notice on the affected streets that meters will be installed at least 14 days prior to installation.

Briefly summarized are the major principles of this approach are as follows:

**Draft Parking Principles for City of Oakland Commercial Districts:**

- Parking is part of a multi-modal approach to developing neighborhood transportation infrastructure.
- Users of commercial districts (shoppers, employees, visitors) have varied needs for access, via private auto, transit, bicycle and foot.
- Curbside parking must be balanced with multiple complementary and competing needs, including but not limited to delivery vehicles, taxis, car share vehicles, bus stops, bicycle parking and sidewalk widening.
- Parking should be actively managed to maximize efficient use of a public resource.
- Parking should be treated as an asset that helps bolster the economic vitality of neighborhood commercial areas
- Parking should be managed to achieve an approximate 85% maximum occupancy per block so that there will always be some parking available to shoppers and visitors
  
- Parking should be priced to achieve usage goals ("market pricing"); market prices may vary by area, by time of day and may be adjusted occasionally to reflect current use.
- Pricing and policies should encourage use of off-street parking lots where they are available.
- Parking should be easy for customers.

- Costs, rules and penalties should be easily comprehensible.
- Fees should be payable by a variety of fare media (prepaid cards, credit cards, cash and cell phones).
- If possible, and where appropriate, time limits should be avoided in favor of market pricing.
- The role of tickets should be minimized in generating parking revenue; it should be easier to pay parking fees, which may lower the incidence of tickets.
- Parking policy and regulations should help the City meet other transportation, land use and environmental goals.
- Pricing policies should encourage a "park once" approach, to minimize driving from store-to-store within a commercial district and adding to congestion and air pollution.
- Whenever possible, a portion of parking revenue should be reinvested directly back to neighborhood commercial district improvements, potentially through a mechanism such as a parking benefit district.

#### **Proposed Parking Study**

Staff proposes to proceed with a study that looks at the implications of using these general guidelines to review and refine Oakland's paid parking regulations for commercial areas.

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

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Noes: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 6 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Nadel, President of the Council Reid,  
Councilmember Schaaf and Councilmember Brunner  
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Subject: Locations Of New Parking Meters  
From: Finance And Management Agency  
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Section 10.36.140  
To Add Street Segments To The Established Parking Meter Zones Throughout The City Of  
Oakland (TITLE CHANGE)  
[10-0364-1](#)

**A motion was made by Councilmember Schaaf, seconded by Councilmember Kaplan, to Approved As Amended On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the March 15, 2011 meeting. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Excused: 1 - Vice Mayor Brooks  
ORA\Councilmember Noes: 1 - Councilmember Kernighan  
ORA\Councilmember Ayes: 6 - President Pro Tempore De La Fuente,  
Councilmember Kaplan, Councilmember Nadel, President of the Council Reid,  
Councilmember Schaaf and Councilmember Brunner  
*There were 2 speakers on this item.*

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**Continuation of Open Forum**

**ADJOURNMENT OF COUNCIL SESSION**

**(Meeting shall conclude no later than 12:00 a.m., unless extended by Majority Vote of the Council)**

*There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Paul Eugene Dickey, Frank Gilbert, and Bobby Joe Aranayda at 10:25 p.m.*

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*City Clerk and Clerk of the Council*