



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

Tuesday, December 21, 2010

5:30 PM

Oakland City Hall, 3rd Floor

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 5:49pm.

2 Roll Call / ORA & Council

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

ORA\Councilmember Present: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner

3 Open Forum / Citizens Comments

(Time Available: 15 minutes)

There were no speakers during Open Forum.

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

Agency/Councilmember De La Fuente took a point of personal privilege and requested that the meeting be adjourned in memory of Dahlia Gonzales

Agency/Councilmember Kernighan took a point of personal privilege and requested that the meeting be adjourned in memory of Frank Curroto

Agency/Councilmember Quan took a point of personal privilege and requested that the meeting be adjourned in memory of Jermaine Allen

- 4.1 Subject: Public Works Agency - Commendation
From: Councilmember Nadel
Recommendation: Adopt A Resolution Commending The Public Works Agency For Achieving Re-Accreditation By The American Public Works Association On October 15, 2010
[10-0209](#)

A motion was made by Councilmember Nadel, seconded by President of the Council Reid, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner

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- S-4.2 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](#)

***Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 1/18/2011**

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- 5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF THE December 7, 2010

A motion was made by President of the Council Reid, seconded by President Pro Tempore De La Fuente, to *Approve as Submitted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid 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):

As announced the following three items on the agenda would not be discussed:

Item 7.17 - Sewer Service Fund - from the Consent Calendar

Item 9.2 - the MacArthur Transit Village - Stage One Public Hearing, and

Item s -16 - Appointments to the Board of Port Commissioners

7. CONSENT CALENDAR (CC) ITEMS:

- 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
[10-0264](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De
La Fuente, Councilmember Kaplan, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, President of the Council Reid
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
[10-0263](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De
La Fuente, Councilmember Kaplan, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, President of the Council Reid
and Councilmember Brunner

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~~7.3~~ ~~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~~

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7.4-CC Subject: Election Results
From: Office Of The City Clerk
Recommendation: Adopt A Resolution Declaring The Results Of The City of Oakland General
Municipal Election Held On November 2, 2010
[10-0252](#)

This Matter was Adopted as Amended to conform the resolution to the certified results as presented by the County of Alameda Registrar of Voter report. on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner

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7.5-CC Subject: Michelle Taylor Abney - Retirement
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Commending Michelle Taylor Abney For 31 Years Of
Outstanding And Dedicated Service And Congratulating Her On Her Retirement
[10-0261](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner

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7.6-CC Subject: Peralta Hacienda Historical Park- Grant
From: Councilmember Ignacio De La Fuente
Recommendation: Adopt A Resolution Authorizing A Grant From Councilmember De La Fuente's Priority Project Funds To The Friends Of Peralta Hacienda Historical Park In The Amount Of \$14,000 To Fund Youth And After-School Programs And Support General Operating Expenses At Peralta Hacienda Historical Park (10-0262)
[10-0262](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner

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~~7.7~~ ~~Subject: Board Of Port Commissioners~~
~~From: Office Of The Mayor~~
~~Recommendation: Adopt A Resolution Appointing Junaid Mohiuddin As A Member Of The Board Of Port Commissioners~~
~~[10-0233](#)~~

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7.8-CC Subject: Regulations Of Menthol In Cigarettes
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution Declaring The City Of Oakland's Support Of The Food And Drug Administration (FDA) Regulation Of Menthol In Cigarettes And Flavoring In Other Tobacco Products
[10-0265](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner

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7.9-CC Subject: Wildfire Prevention and Assessment District Advisory Board - Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Donald J. Mitchell As A Member Of The
Wildfire Prevention And Assessment District Advisory Board
[10-0267](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner
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7.10-CC Subject: Measure Y Board Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Richard Carter, As A Member Of The
Violence Prevention And Public Safety Oversight Committee
[10-0268](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner
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7.11-CC Subject: Marla Lay V. City of Oakland - Settlement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Marla Lay V. City Of Oakland, Et Al., Alameda County
Superior Court Case No. RG09-466765 In The Amount Of \$150,000.00 As A Result Of A Trip
And Fall Accident Near 189 John Street (Office Of Public Works - OPW)
[10-0269](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner
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7.12-CC Subject: Tui Ko V. City of Oakland - Settlement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Claim Of Tui Ko, In The Amount Of \$9,358.00, As A Result Of
Property Damage Sustained In An Automobile Collision On December 9, 2009 (Public Works
Agency)
[10-0270](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De
La Fuente, Councilmember Kaplan, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, President of the Council Reid
and Councilmember Brunner

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S-7.13-CC Subject: Conditional And Revocable Permit - 23rd Street
From: Councilmember Nadel
Recommendation: Adopt A Resolution Revoking A Conditional And Revocable Permit
Granted To Rock Paper Scissors Collective And Granting A Conditional And Revocable
Permit To Oakland Art Murmur To Allow The First Friday Community Cultural Event To
Encroach Into 23rd Street Between Valley Street And Telegraph Avenue On The First Friday
Of Each Month Between The Hours Of 5:00 P.M. And 10:00 P.M.
[10-0172](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De
La Fuente, Councilmember Kaplan, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, President of the Council Reid
and Councilmember Brunner

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S-7.14-CC Subject: Residential Permit Parking Addition
From: Public Works Agency
Recommendation: Adopt A Resolution Adding To Residential Permit Parking (RPP) Area "C"
The South Side Of Birch Court From College Avenue To The End Of The Street And Both
Sides Of Manila Avenue From Clifton Street To Hudson Street To Restrict Street Parking
Within Said Street Segments To Two Hours Maximum, Monday Through Friday, Except For
Vehicles Displaying RPP Area "C" Permits
[10-0207](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De
La Fuente, Councilmember Kaplan, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, President of the Council Reid
and Councilmember Brunner

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S-7.15-CC Subject: Networkfleet Contract - Automated Vehicle Locators
From: Public Works Agency
Recommendation: Adopt A Resolution Waiving Advertising And Bidding Requirements Of The Oakland Municipal Code For The Purchase Of Automated Vehicle Locators And Installation And Data Services, So That The City Administrator May Enter Into A Contract With Its Current Supplier, Networkfleet, Inc., In An Amount Not To Exceed His \$100,000.00 Purchase Authority
[10-0206](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner

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S-7.16-CC Subject: Sale Of A City-Owned Surplus Vacant Lot
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing The Sale Of A City-Owned Surplus Vacant Lot APN: 048D-7282-020-00 Located Between 6031 Girvin Drive And 6041 Girvin Drive To Jonathan And Diana Stern, The Abutting Property Owner, For The Highest Sealed Bid Of One Hundred Eighty Thousand Dollars \$180,000
[10-0214](#)

This Matter was Approved On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the January 18, 2011 meeting on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner

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S-7.17 Subject: Sewer Service Fund
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing Amendments To The City Of Oakland's Biennial Budget For Fiscal Year 2010-11 Per Resolution No. 82102 C.M.S. In The Sewer Service Fund To Appropriate \$4.32 Million In Additional Revenues And Expenditures Related To The Sewer Service Charge, Which Was Increased Effective January 1, 2011 To Fund Additional Operation, Maintenance And Capital Improvements To The Sanitary Sewer System
[10-0219](#)

***Withdrawn with No New Date**

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S-7.18-CC Subject: Modification To OMC Sections
From: Office Of The City Attorney
Recommendation: Adopt An Ordinance Moving Oakland Municipal Code (OMC) Sections 2.04.016 And 2.04.017 To New OMC Chapter 2.07, "Grant Award Approval," Renumbering Said Sections To 2.07.100 And 2.07.110, Amending OMC Section 2.04.015 And Clarifying That The Purchasing Ordinance Does Not Apply To Grant Awards
[10-0249](#)

This Matter was Approved On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the January 18, 2011 meeting on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner
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S-7.19-CC Subject: Workforce Investment Youth And Adult Services - Contracts
From: Office Of The Mayor
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing Contracts For Youth Training And Employment Services Under The Workforce Investment Act (WIA) With: Children's Hospital Oakland In The Amount Of \$68,294; Lao Family Community Development, Inc. In The Amount Of \$142,641; Pivotal Point Youth Services In The Amount Of \$116,882; Youth Employment Partnership In The Amount Of \$214,632; Youth Uprising In The Amount Of \$64,297; Scotlan Family And Youth Center In The Amount Of \$102,212; East Bay Spanish Speaking Citizen's Foundation In The Amount Of \$65,088; And
[10-0255](#)

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: 7 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Reid
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2) A Resolution Authorizing Contracts Under The Workforce Investment Act (WIA) For Adult And Dislocated Worker Training And Employment Services With The Following One-Stop Affiliates: The Unity Council In The Amount Of \$315,000; The English Center In The Amount Of \$230,000; And Lao Family Community Development, Inc., In The Amount Of \$205,000
[10-0255-1](#)

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: 7 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Reid
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S-7.20-CC Subject: City's First-Time Homebuyer Loan Programs
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Combining Loan Funds for the Mortgage Assistance Program (MAP) and the Downpayment Assistance Program (DAP), Creating a Revolving Fund for Loan Repayments, and Changing the Loan Terms for the DAP
[10-0163](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner
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S-7.21-CC Subject: Purchase Of Real Property At 3614 Foothill Boulevard
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 3614 Foothill Boulevard, In The Central City East Redevelopment Project Area, From Maranatha, Church Of The Living God, A California Corporation, For \$340,000 And Authorizing Up To \$85,000 For Abatement, Demolition And Real Estate Closing Costs
[10-0193](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner
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S-7.22-CC Subject: Rebuilding Together Oakland Rehabilitation Grant
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Awarding A \$100,000 Grant For Fiscal Year 2010-2011, With \$50,000 From The Coliseum Redevelopment Project And \$50,000 From The Central City East Redevelopment Project, To Rebuilding Together Oakland To Rehabilitate Homes For Low-Income Seniors And Disabled Persons And Nonprofit Facilities In The Coliseum Redevelopment Project Area And The Central City East Redevelopment Project Area
[10-0221](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner

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S-7.23-CC Subject: West Oakland Redevelopment Project Extension
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing A One Year Extension Of The Project Area Committee For The West Oakland Redevelopment Project To November 18, 2011
[10-0222](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner

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7.24 Number not used

S-7.25-CC Subject: OCAP Annual Report and 2011 CSBG Resolution.
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Accept And Appropriate A Renewal Grant In An Anticipated Amount Of \$718,453 Annually In Community Services Block Grant (CSBG) Funds For Calendar Year 2011 From The State Of California Department Of Community Services And Development (CSD) And Any Additional CSBG Funding That May Become Available; And 2) Negotiate, Execute, And Amend Grant Agreements/Contracts With Service Providers For A Second Year Of Funding In Alignment With The City's 2010-2011 State Approved Community Action Plan Without Returning To Council
[10-0256](#)

This Matter was Adopted as Amended to the resolution to reflect the \$440,000 of distributed grant funding on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner
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S-7.26-CC Subject: Local Modifications to California Model Fire Code
From: Oakland Fire Department
Recommendation: Adopt An Ordinance Repealing Current Oakland Municipal Code Chapter 15.12, Fire Code, Making Findings To Substantiate Modifications To California Building Codes And Standards Due To Local Climatic, Geological Or Topographical Conditions, And Adopting And Making Local Amendments To The 2010 Edition Of The California Model Fire Code, California Code Of Regulation Title 24, Part 9, Including, But Not Limited To, National Fire Protection Association And Other Referenced Standards As Adopted By The California State Fire Marshall, And Recodifying Said Code At Oakland Municipal Code Chapter 15.12 As The Oakland Fire Code
[10-0104](#)

This Matter was Approved On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the January 18, 2011 meeting on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner
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S-7.27-CC Subject: Access To Financial And Program Records
From: Office Of The City Administrator
Recommendation: Adopt A Resolution (1) Direct The City Administrator To Provide The Violence Prevention And Public Safety Oversight Committee More Prompt And Responsive Access To Financial And Program Records From The City's Police, Fire and Human Services Agencies Than Previously Provided; And (2) Require That Before Measure Y Budget And Programming Recommendations Are Submitted To The Oakland City Council, Such Budget and Programming Recommendation Shall Be Sent To The Violence Prevention And Public Safety Oversight Committee [TITLE CHANGE]

[10-0116](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner

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S-7.28-CC Subject: OK Program Donation
From: Council Member Larry Reid
Recommendation: Adopt A Resolution Authorizing The \$500 Payment From Gale For Publishing Rights To The Juvenile Protection Ordinance Be Donated To The OK Program

[10-0187](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner

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S-7.29-CC Subject: Fuel And Maintenance Costs - Reimbursement
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Funds In An Amount Not To Exceed Fifteen Thousand Dollars (\$15,000.00) Annually For Three Years From The Port Of Oakland, Board Of Port Commissioners, To Reimburse The Police Department For Fuel And Maintenance Costs Associated With Use Of Marine Patrol Vessels By The Marine Unit For Law Enforcement And Port Security Of Oakland Waterways, And Authorizing The Department To Enter Into A Memorandum Of Understanding With The Port Of Oakland From January 1, 2011 To December 31, 2013 For Implementation Of This Agreement
[10-0197](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner
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S-7.30-CC Subject: Paul Coverdell Forensic Science Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland To (1) Accept And Appropriate Grant Funds In The Amount Of One Hundred Sixty-Six Thousand Three Hundred Sixty-Three Dollars (\$166,363) From The U.S. Department Of Justice, Office Of Justice Programs, National Institute Of Justice, For Implementation Of The Paul Coverdell Forensic Science Improvement Grants Program, And Appropriate Said Funds To The Police Department, And (2) Waive The City Of Oakland's Advertising And Competitive Bid Process
[10-0205](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner
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S-7.31-CC Subject: California Seat Belt Compliance Campaign
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 Thirteen Thousand Five Hundred Eighty-Two Dollars And Eight Cents (\$13,582.08) From The State Of California, Office Of Traffic Safety, To Be Administered Through The University Of California-Berkeley Traffic Safety Center, To The Oakland Police Department For Participation In The Implementation Of The California Seat Belt Compliance Campaign "Click It Or Ticket" Mini-Grant Program For Local Law Enforcement Agencies For The Program Periods Of November 15 Through 28, 2010 And May 23 Through June 5, 2011
[10-0212](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner
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S-7.32-CC Subject: NIMS/SEMS Multi-Hazards Emergency Response Plan
From: Oakland Fire Department
Recommendation: Adopt A Resolution Dispensing With The Advertising Requirement And Authorizing The City Administrator Or His Designee To Select A Vendor And Award A Contract For The Update And Revision Of The City Of Oakland's National Incident Management System/Standardized Emergency Response Plan (NIMS/SEMS) Multi-Hazards Emergency Response Plan In An Amount Not-To-Exceed \$149,500 Without Return To Council
[10-0155](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner
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S-7.33-CC Subject: Forensic DNA Unit Efficiency Improvement Grant Program
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To 1) Accept And Appropriate Grant Funds In An Amount Not To Exceed One Hundred Fourteen Thousand Six Hundred Dollars (\$114,600) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ), For Implementation Of The Fiscal Year 2010 Forensic DNA Unit Efficiency Improvement Grant Program In The Police Department, 2) Hire One, Part-Time, 18-Month Limited Duration Professional Staff Position For The Criminalistics Division In The Police Department, And 3) Approve A Waiver Of The Central Services Overhead Costs
[10-0154](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner
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S-7.34-CC Subject: Transitional Employment Program
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Public Entity Contract With The California Department Of Corrections And Rehabilitation And To Accept And Appropriate An Estimated \$2,350,000 To Establish A Transitional Employment Program For Oakland Residents On Parole From January 1, 2011 Through June 30, 2013
[10-0215](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner
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S-7.35-CC Subject: Redevelopment Agency's Fiscal Year 2009-2010 Report
From: Community and Economic Development Agency
Recommendation: Receive An Informational Report Presenting The Redevelopment Agency's
Fiscal Years 2009-2010 Annual Reports On Blight, Housing Activity, Loans, Property, And
Time Limits In Accordance With The Reporting Requirements Of The California Community
Redevelopment Law
[10-0143](#)

This Matter was *Received and Filed on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner
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Passed The Consent Agenda

A motion was made by President Pro Tempore De La Fuente, seconded by President of the Council Reid, to *Approve as Submitted, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid 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 President Pro Tempore De La Fuente, seconded by President of the Council Reid, to *Approve as Submitted the report of the City Attorney regarding the 1 item of Anticipated Litigation which included the suspension of RFPA Cultivation and dispensary processes to allow Council to review options that include but would not be limited to: 1) combining both cultivation and dispensary processes, and 2) reworking of the cultivation process to provide for revisions to the adopted ordinances for cannabis cultivation and dispensaries. Motion authorizing the direction was moved by Councilmember Brooks and seconded by Councilmember Kaplan and passed with a vote of 7 Ayes, 1 No - Nadel The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid 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 7.42 p.m.*

- 9.1 Subject: 2007-2014 Housing Element And Adopting The Housing Element
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution
Certifying The Environmental Impact Report For The 2007-2014 Housing Element And
Adopting The Housing Element, As Recommended By The Oakland City Planning
Commission
[10-0194](#)

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

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De
La Fuente, Councilmember Kaplan, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, President of the Council Reid
and Councilmember Brunner

There was one speaker on this item.

*Agency/Councilmember Reid made a motion, seconded by
Agency/Councilmember De La Fuente, to close the Public Hearing, and
hearing no objections, the motion passed by Ayes: Agency/Councilmember:
Brooks, De La Fuente, Kaplan, Kernighan, Nadel, Reid, Quan, and President of
the Council Brunner -8*

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9.2 Subject: MacArthur Transit Village Stage One
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution
Approving The MacArthur Transit Village (A) Stage One (1) Final Development Plan Permit,
Which Would Allow For Development Of A New BART Parking Garage And Site
Infrastructure, As Part Of The MacArthur Transit Village Planned Unit Development
(PUD060058), Pursuant To City Council Resolution No. 81422 C.M.S. Condition Of Approval
No. 27, And (B) Vesting Tentative Tract Map 8047, As Recommended By The Planning
Commission
[10-0108](#)

***Withdrawn with No New Date**

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[View Report pt. 2.pdf](#)
[83292 CMS.pdf](#)

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 Subject: Victory Court Ballpark Development Proposal
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing A Professional Service
Agreement In An Amount Not To Exceed \$750,000 With LSA Associates, Inc. For The
Preparation Of An Environmental Impact Report For The Victory Court Ballpark Development
Proposal
[10-0260](#)

**A motion was made by President of the Council Reid, seconded by
Councilmember Quan, that this matter be Adopted as Amended the
resolution by adding a RESOLVED that the contract is subject to
termination at any time, with remaining funds left unspent, should the
City's work with the Major League Baseball stop progressing towards a
satisfactory conclusion The motion carried by the following vote:**

Votes: ORA\Councilmember Noes: 2 - President Pro Tempore De La Fuente and
Councilmember Nadel
ORA\Councilmember Ayes: 6 - Vice Mayor Brooks, Councilmember Kaplan,
Councilmember Kernighan, Councilmember Quan, President of the Council
Reid and Councilmember Brunner
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[2010-0131 CMS.pdf](#)

- 11 Subject: Schedule Of Parking Fines - Amending OMC
From: Finance And Management Agency
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code (O.M.C.) Section 10.48.025 "Imposition Of County And State Surcharges" To Increase By \$3.00 The Pass-Through Surcharge To All O.M.C. Parking Violation Fines Including All California Vehicle Code (C.V.C.) Violation Citations To Offset And Remit To State/Alameda County Those Surcharges Imposed By California Government Code Sections 76000, 76100 And 70372(B) And C.V.C. Section 40255
[10-0130](#)

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

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner

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- 12 Subject: Permit Fees - Medical Cannabis Dispensaries
From: Councilmembers Kaplan and Reid
Recommendation: Adopt An Ordinance Amending The Master Fee Schedule (Ordinance Number 9336, As Amended) To Establish A Medical Cannabis Dispensary Permit Application Fee Of \$5,000 And An Annual Regulatory Fee For Permitted Medical Dispensaries Of \$60,000.
[10-0147](#)

***Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 2/1/2011**

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S-13 Subject: Cultural Services Grants
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into
Eighteen (18) Cultural Services Grants To Eighteen (18) Oakland-Based Nonprofit
Organizations Providing Arts And Cultural Services In Oakland During Fiscal Year 2010-2011
In A Total Amount Not To Exceed \$516,381.00
[10-0090-3](#)

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

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

Roll call was modified to show Council President Brunner out of her seat at 7:51pm. Pro Tempore Reid proceeded as Chair of the Council meeting.

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S-14 Subject: Lincoln Square - Alice Street Recreation Corridor
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Contract To The Lowest, Responsible,
Responsive Bidder, McGuire and Hester, In The Amount Of Seven Hundred Fifty-Four
Thousand Two Hundred Fifteen Dollars (\$754,215.00) For The Construction Of The Lincoln
Square - Alice Street Recreation Corridor Project In Accord With Plans And Specifications For
The Project (No. C329610) And Contractor's Bid Therefor
[10-0210](#)

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

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, President of the Council Reid and Councilmember Brunner

Roll call was modified to show Council President Brunner in chambers at 7:52 pm. Pro Tempore Reid continued to Chair the meeting.

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S-15 Subject: On-Call Construction Services
 From: Public Works Agency
 Recommendation: Adopt A Resolution Awarding Construction Contracts For As-Needed
 On-Call Construction Services To Fourteen Pre-Qualified Contractors Shown In Exhibit A For
 An Amount Not-To-Exceed Two Hundred And Fifty Thousand Dollars (\$250,000.00) Each For
 Tier I or \$500,000.00 For Tier II For A Three-Year Period, And Waiving The Advertising
 Requirements Of Oakland Municipal Code Chapter 2.04 For Specific On-Call Construction
 Jobs To Be Let To Said Contractors
 [10-0208](#)

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

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De
La Fuente, Councilmember Kaplan, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, President of the Council Reid
and Councilmember Brunner
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[83137 CMS.pdf](#)

S-16 Subject: Board Of Port Commissioners
 From: Office Of The Mayor
 Recommendation: Adopt A Resolution Appointing Junaid Mohiuddin As A Member Of The
 Board Of Port Commissioners
 [10-0233](#)

***Withdrawn with No New Date**
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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 memories of Dahlia Gonzalez, Frank
Curroto and Jermaine Allen at 7:54 p.m.*

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