



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, November 15, 2011

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 6:17 pm

2 Roll Call / ORA & Council
COUNCIL MEMBERS:

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

3 Open Forum / Citizens Comments
(Time Available: 15 minutes)

There were 11 speakers during Open Forum.

4 ACTIONS ON SPECIAL ORDERS OF THE DAY
(Ceremonial Presentations, Reports/Presentations from the Mayor, Council Acknowledgements/Announcements):

Agency/Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Edward Gibson

Agency/Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Luis Garibai

- 4.1 Subject: Restorative Justice Day And Week
From: Councilmember Nadel
Recommendation: Adopt A Resolution Declaring The Week Of November 14, 2011
Restorative Justice Week And November 15, 2011 Restorative Justice Day In The City Of
Oakland And Recognizing The Work Of Restorative Justice Leaders And Practitioners
Throughout The City Of Oakland
[11-0125](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Schaaf, 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 Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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- 5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF November 1, 2011.
NO ACTION WAS NECESSARY OR THIS ITEM.

- 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):
Item 12 and item 17 will be withdrawn and rescheduled to the December 6, 2011 City Council agenda

7. CONSENT CALENDAR (CC) ITEMS:

- 7.1-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
[11-0128](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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7.2-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 Human Immunodeficiency Virus ("HIV")/Acquired Immunodeficiency
Syndrome ("AIDS") Epidemic
[11-0127](#)

This Matter was Adopted on the Consent Agenda.

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

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7.3-CC Subject: Library Advisory Commission Appointment - Gonzales
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Shanthi
Gonzales As A Member Of The Library Advisory Commission
[11-0122](#)

This Matter was Adopted on the Consent Agenda.

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

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7.4 ~~Subject: Budget Advisory Committee Appointment - Nye~~
~~From: Office Of The Mayor~~
~~Recommendation: Adopt A Resolution Confirming The Mayor's Re-Appointment Of Bruce~~
~~Nye To The Budget Advisory Committee~~
~~[11-0123](#)~~

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7.5-CC Subject: University Of Michigan Proposal 2 - Amicus Brief
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing The City Attorney, On Behalf Of The City Of Oakland, To Join In An Amicus (Friend Of The Court) Brief In The United States Court Of Appeals For The Sixth Circuit Case Of Coalition To Defend Affirmative Action, Et Al., V. Regents Of University Of Michigan (Case Nos. 08-1387/1389/1534/09-111) Asking The Court To Affirm The Decision Of A Three-Judge Panel Invalidating Michigan's Proposal 2, Which Liked California's Proposition 209 Prohibits Consideration Of Race Or Gender In Public Employment, Education And Contracting

[11-0132](#)

This Matter was Adopted on the Consent Agenda.

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

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7.6-CC Subject: Settlement Agreement - Wadley And Schultz
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Renee E. Wadley V. Kevin Schultz, Et Al., Alameda County Superior Court Case No. RG10529060, City Attorney's File No. 27605, In The Amount Of Fifty-Five Thousand Dollars (\$55,000.00). (PWA - Trip & Fall)

[11-0130](#)

This Matter was Adopted on the Consent Agenda.

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

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7.7-CC Subject: Settlement Agreement - Dickerson
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Desmond Dickerson V. City Of Oakland, Et Al., United
States District Court No. C-10-00435-JSW, Our File No. 2644, In The Amount Of \$22,000.00
(Oakland Police Department - Excessive Force)
[11-0131](#)

This Matter was Adopted on the Consent Agenda.

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

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S-7.8-CC Subject: Contract Award - Sanitary Sewers Rehabilitation
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Pacific
Trenchless, Inc. The Lowest Responsive And Responsible Bidder, For The Rehabilitation Of
Sanitary Sewers In The Easement Between Moore Drive And Aitken Drive, Easement Between
Saroni Drive And Arrowhead Drive, And Easement Between Glencourt Drive And Homewood
Drive (Project No. C329125) In Accord With Plans And Specifications For The Project And
Contractor's Bid In The Amount Of Two Hundred Fifty-three Thousand Six Hundred Four
Dollars (\$253,604.00)
[11-0100](#)

This Matter was Adopted on the Consent Agenda.

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

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S-7.9-CC Subject: Contract Increase - 12th St Reconstruction Project
From: Public Works Agency
Recommendation: Adopt A Resolution Waiving The Competitive Request For Proposal ("RFP") Selection Requirement And Authorizing The City Administrator To Amend The Contract With Rajappan & Meyer Consulting Engineers, Inc. To Add Additional Design And Engineering Services For The 12th Street Reconstruction Project And To Increase The Contract From Five Million Eight Hundred Thousand Dollars (\$5,800,000.00) To A Total Contract Amount Not-to- Exceed Six Million Eighty Thousand Dollars (\$6,080,000.00)
[11-0099](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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S-7.10-CC Subject: Contract Increase - 10th St Bridge Project
From: Public Works Agency
Recommendation: Adopt A Resolution Waiving The Request For Proposal ("RFP") Competitive Selection Requirement And Authorizing The City Administrator To Amend The Contract With Rajappan & Meyer Consulting Engineers, Inc. To Add Additional Design And Engineering Services For The 10th Street Bridge Project And To Increase The Contract From One Million Two Hundred Thousand Dollars (\$1,200,000.00) To A Total Contract Amount Not-to-Exceed One Million Six Hundred Thousand Dollars (\$1,600,000.00)
[11-0098](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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S-7.11-CC Subject: Contract Award - Sanitary Sewers Rehabilitation
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To B-Side, Inc. The Lowest Responsive And Responsible Bidder, For The Rehabilitation Of Sanitary Sewers In The Easement Between Mastland Drive And Ascot Drive (Project No. C329124) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Two Hundred Thirty-Two Thousand Thirty-Seven Dollars (\$232,037.00)
[11-0101](#)

This Matter was Adopted on the Consent Agenda.

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

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S-7.12-CC Subject: Revocable And Conditional Permit - 5th And Kirkham
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting Oakland Housing Investors LP A Revocable And Conditional Permit To Allow Electrical Transformers And Concrete Vaults To Encroach Under The Public Sidewalk Along 5th Street And Kirkham Street For A New Building Located At 1396 5th Street
[11-0058](#)

This Matter was Adopted on the Consent Agenda.

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

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S-7.13-CC Subject: West Bay Builders Contract Award - Coliseum Way Bridge
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To West Bay Builders, Inc., The Lowest, Responsive, Responsible Bidder, For The Seismic Retrofit Of Coliseum Way Bridge (Project No. C346810), In Accord With The Project Plans And Specifications And The Contractor's Bid In The Amount Of Two Million Four Hundred Forty Nine Thousand Three Hundred Sixty-Two Dollars And Eighty-Four Cents (\$2,449,362.84)
[11-0056](#)

This Matter was Adopted on the Consent Agenda.

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

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S-7.14-CC Subject: Phoenix Electric Contract Award - Lakeshore/Lake Park Avenue
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Phoenix Electric, The Lowest Responsive And Responsible Bidder, For The Construction Of The Lakeshore/Lake Park Avenue Complete Streets Project (Project Nos. C390010, C390030, C242315) In Accord With The Project Plans And Specifications And The Contractor's Bid In The Amount Of Eight Hundred Forty-Six Thousand, Three Hundred And Thirty-Six Dollars (\$846,336.00)
[11-0043](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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S-7.15-CC Subject: Salary Ordinance Amendments - New FTE
From: Department Of Human Resource Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Full Time Equivalent Classifications Of Forensic Technician; Outreach Developer; Treasury Analyst I; And Treasury Analyst II; And To Change The Title Of Treasury Analyst To Treasury Analyst III And Increase The Salary Schedule For The Retitled Treasury Analyst III Classification
[11-0034](#)

A motion was made that this matter be Approved On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the December 6, 2011 meeting. 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 Schaaf and President of the Council Reid
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S-7.16-CC Subject: Rockridge BID - Annual Assessment
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For
Fiscal Year 2012/2013 For The Rockridge Business Improvement District, Approving The
Annual Report Of The Rockridge Business Improvement District Advisory Board, And
Scheduling A Public Hearing For December 6, 2011
[11-0091](#)

This Matter was Adopted on the Consent Agenda.

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

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S-7.17-CC Subject: Montclair BID - Annual Assessment
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For
Fiscal Year 2012/2013 For The Montclair Business Improvement District, Approving The
Annual Report Of The Montclair Business Improvement District Advisory Board, And
Scheduling A Public Hearing For December 6, 2011
[11-0092](#)

This Matter was Adopted on the Consent Agenda.

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

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S-7.18-CC Subject: Rent Adjustment Program Amendment
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Approving An Amendment To The Rent Adjustment
Program Regulations Revising Regulation 10.2.2 (3) (Appendix A) Regarding Justifying Rent
Increases For Capital Improvements To Correct Hazardous Or Uninhabitable Conditions
[11-0073](#)

This Matter was Adopted on the Consent Agenda.

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

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S-7.19-CC Subject: Justice Assistance Grant
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 Six Hundred And Seventy Four Thousand Five Hundred And Ninety Two Dollars (\$674,592) From The U.S. Department Of Justice, Office Of Justice Programs, Bureau Of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Local Program For The Period Of July 1,2011 Through June 30, 2012 To Supplement Frontline Policing Services, And Appropriate Said Funds To The Police Department

[11-0087](#)

This Matter was Adopted on the Consent Agenda.

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

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S-7.20-CC Subject: Sole-Source Contract - Crossroads Software
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To 1) Waive The Advertising And Bidding Requirements And The Request For Proposal/Qualifications Process And 2) Award A Professional Service Contract To Crossroads Software, Inc. For The Online Dissemination Of Traffic Collision Reports For The Period December 1, 2011 Through December 31, 2014 With No More Than Two Discretionary One-Year Extensions

[11-0088](#)

This Matter was Adopted on the Consent Agenda.

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

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S-7.21-CC Subject: COPS Hiring Recovery Program
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 from the U.S. Department of Justice, Office of Community Oriented Policing Services (USDOJ/COPS) COPS Hiring Recovery Program (CHRP) To the Oakland Police Department to Fund the Hiring of Twenty-Four (24) Police Officers
[11-0089](#)

This Matter was Adopted on the Consent Agenda.

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

A motion was made by Councilmember Kaplan, seconded by Vice Mayor Brooks, 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 Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

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

**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 7:10 p.m.

2 individuals spoke on this item.

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

-8

9.1 Subject: Moratorium On Second Hand Dealers
From: President Pro Tempore De La Fuente
Recommendation: Adopt An Interim Ordinance, Adopted As An Urgency Measure Pursuant To California Government Code Section 65858, Establishing A Temporary Moratorium On The Establishment Or Expansion Of Businesses Engaged In And/ Or Conducting Buying, Selling, And/Or Exchanging Old Gold, Old Silver, Platinum Or Articles Of Platinum, Silverware, Secondhand Jewelry Or Other Precious Metals Or Stones (Second Hand Jewelry Dealers), To Take Effect Immediately Upon Adoption
[11-0124](#)

A motion was made by President Pro Tempore De La Fuente, seconded by Councilmember Schaaf, 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 Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 7:32 p.m.

No individuals spoke on this item.

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

9.2 Subject: West Oakland Redevelopment Project Implementation Plan
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Authorizing A One-Year Extension Of The Project Area Committee For The West Oakland Redevelopment Project To November 18, 2012
[11-0084](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brunner, 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 Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at 7:35 p.m.

2 individual(s) spoke on this item.

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

- 9.3 Subject: Mills Act Contracts - Trestle Glen And 16th
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Approving Two (2) Mills Act Contracts Between The City Of Oakland And The Properties At 850 Trestle Glen Road (Estimated - \$1,885/ Property Tax Reduction), And 510 16th Street (Estimated - \$7,838/year Property Tax Reduction), Pursuant To Ordinance No. 12987 C.M.S., To Provide These Owners With Property Tax Reductions In Exchange For Their Agreement To Repair And Maintain Their Historic Property In Accordance With Submitted Work Programs
[11-0086](#)

A motion was made by Councilmember Kaplan, seconded by Councilmember Schaaf, 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 Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid
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ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: Cure And Correct - Port Commission Appointments
From: Member Of The Public - Sanjiv Handa
Recommendation: Hearing Pursuant To Oakland Municipal Code Section 2.20.270(D) To (A)
Consider Whether To "Cure And Correct" An Alleged Violation Of The Sunshine Ordinance
Resulting From Complaints That All Public Speakers Were Not Given An Opportunity To
Speak Before Council Passed A Motion Appointing Victor Uno And Jakada Imani To The Port
Board Of Commissioners At The Council's October 18, 2011 Meeting; And (B) If So, Whether
To Affirm Or Supersede The Challenged Action After First Taking Public Testimony
[11-0117](#)

**A motion was made by Councilmember Schaaf, seconded by
Councilmember Kaplan, that this matter be *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 Brunner, Councilmember Kaplan, Councilmember
Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the
Council Reid

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12 Subject: Port Commission Appointments - Uno And Imani
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Victor Uno
And Jakada Imani To The Board Of Port Commissioners
[11-0019](#)

**Withdrawn and Rescheduled to Meeting of the Oakland City Council on
12/6/2011**

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13 Subject: Oakland Army Base Demolition And Remediation Contracting
 From: Council President Reid And Vice Mayor Brooks
 Recommendation: Adopt An Ordinance Amending Ordinance 12389 C. M. S. To Add Local
 And Small Local Business Contracting Requirements To Oakland's Local And Small Local
 Business Enterprise Program Specific To The Demolition And Remediation Carried Out At
 The Oakland Army Base
[11-0045](#)

A motion was made by Vice Mayor Brooks, 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 December 6, 2011 meeting in accordance with the amendments approved November 1, 2011. The motion carried by the following vote:

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

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14 Subject: Parameters Of Mayor's Authority - Oaths Of Office
 From: Member Of The Public - Sanjiv Handa
 Recommendation: Receive A Report From The City Attorney On The Legal Authority Of The
 Mayor To Administer Oaths Of Office And Consideration Of Creating A City Council Policy
 On The Parameters Of The Mayor's Exercise Of Any Such Authority
[11-0118](#)

No Action Taken

No report was submitted.

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S-15 Subject: Fire Chief Salary Adjustment
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution In Conformance With The Requirements Of Ordinance
No. 12918 C.M.S. To Authorize The City Administrator To Approve An Initial Salary For The
Position Of Director, Fire Services Agency (Fire Chief) That Exceeds The Mid-Point, And Not
To Exceed The Top Of The Salary Range Of \$211,382 Annually And Temporarily Adjusted To
\$194,196 Annually To Reflect An 8.85% Reduction For Fiscal Year 2011-2012
[11-0096](#)

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

Votes: ORA\Councilmember Noes: 3 - President Pro Tempore De La Fuente,
Councilmember Nadel and Councilmember Schaaf
ORA\Councilmember Ayes: 5 - Vice Mayor Brooks, Councilmember Brunner,
Councilmember Kaplan, Councilmember Kernighan and President of the
Council Reid
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S-16 Subject: 2010 Raiders Ticket Surcharge
From: Office Of Parks And Recreation
Recommendation: Adopt A Resolution Decreasing Estimated Revenue And Offsetting
Expenditures From The 2010 Raiders Ticket Surcharge To Reflect Actual Revenues Collected
And Authorizing A Transfer Of \$136,665.54 Which Is The Actual Revenue Collect From The
Non-Departmental Citywide Activities Budget To The Office Of Parks And Recreation Budget
To Benefit Citywide Youth Activities
[11-0093](#)

A motion was made by President Pro Tempore De La Fuente, seconded by Councilmember Nadel, 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 Brunner, Councilmember Kaplan, Councilmember
Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the
Council Reid
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S-17 Subject: Small Local Business Enterprise Program
 From: Department Of Contracting And Purchasing
 Recommendation: Discussion And Action On A Report To:

(1) Adopt Changes To The City Of Oakland's Local And Small Local Business Enterprise (L/SLBE) Program, As Recommended By The Fairness In Purchasing and Contracting Disparity Study
[09-1651-1](#)

***Withdrawn and Rescheduled to Concurrent Meeting of the Oakland
Redevelopment Agency / City Council on 12/6/2011**

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2) Adopt An Ordinance Amending Ordinance No. 12389 C. M. S., Which Authorized Oakland's Local And Small Local Business Enterprise (L/SLBE) And Other Social Equity Policies, Revising The L/SLBE Program To Change Business Size Standards, Local And Small Local Business Participation Requirements, Establish New Small Business Categories, Add Bid Discounts And Preference Points And Establish Mandatory And Optional Prequalification Processes For Oakland Certified Small Local Businesses (Preferred Small Local Business Program)
[09-1651](#)

***Withdrawn and Rescheduled to Concurrent Meeting of the Oakland
Redevelopment Agency / City Council on 12/6/2011**

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S-18 Subject: Pacific Renaissance Settlement - Payment Timeline Extension
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Amending City Resolution Nos. 80841 And 82505 C.M.S., Which Authorized Settlement Of The Pacific Renaissance Plaza Lawsuit, To Amend The Affordable Housing Agreement To Extend The Timeline For Repaying The City's Legal Costs By Five Years, And Provide For Partial Upfront Payment Of \$1,000,000 Towards Repayment Of The City's Legal Expenses

[11-0116](#)

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

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

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[83632 CMS.pdf](#)

2) An Agency Resolution Amending Agency Resolution Nos. 2007-71 And 2010-11 C.M.S., Which Authorized Settlement Of The Pacific Renaissance Plaza Lawsuit, ' To Amend The Affordable Housing Agreement To Extend The Timeline For Repaying The City's Legal Costs By Five Years, And Provide For Partial Upfront Payment Of \$1,000,000 Towards Repayment Of The City's Legal Expenses

[11-0116-1](#)

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

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

[2011-0065 CMS.pdf](#)

S-19 Subject: Evaluating Lighting Levels in Crime Hot Spots
From: Vice Mayor Desley Brooks
Recommendation: Receive A Report From The Public Works Department In Coordination
With The Oakland Police Department Evaluating The Lighting Levels In East And West
Oakland Crime Hot Spots; And Authorization To Increase Lighting In Those Areas Where
Lighting Is Found To Be Lower Than The City's Lighting Standards And/Or Where The Police
Department Deems Additional Lighting Is Warranted
[11-0038](#)

A motion was made by Vice Mayor Brooks, seconded by Councilmember Kaplan, that this matter be *Approve with the following amendments correcting the subject line to clarify that no changes will be made to the Dark Skies "Ordinance" and accepting the changes from the November 8, 2011 Public Safety Committee accordingly:

to approve the Hot Spot Lighting Program in concept and direct staff to continue their conversation with the California Energy Commission to provide an analysis of potential savings from PG&E LED turnkey program and our current sodium based lighting program which could provide the monies for repayment and bring all of this information back in one month along with staff's recommendations for additional locations for lighting installations and identification of a funding source in December of 2011

The motion carried by the following vote:

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

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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 Edward "Boo" Gibson and Luis Garibai at 8:58 pm

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