



# 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, October 18, 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 5:49 pm*

2 Roll Call / ORA & Council

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

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 26 speakers during open forum.*

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

*Agency/Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Lois Wylie, Frank Rose, and Al Davis. Council President Reid asked to be associated with this Tribute.*

*Agency/Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Jimmie Neal Jackson*

*Agency/Councilmember Kernighan took a point of personal privilege and requested that the meeting be adjourned in memory of Hyman Richmond*

*Agency/Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Gordon McDowell Limbrick*

- 4.1 Subject: Firestorm 20th Anniversary Commemoration  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution To Commemorate The 20th Anniversary Of The  
Oakland-Berkeley Hills Fire Storm  
[11-0063](#)

**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 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  
October 4, 2011

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

- 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):

*There was no action necessary for this item.*

#### **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  
[11-0066](#)

**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: 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  
[11-0067](#)

**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: Salary Ordinance Amendments - UM2 Unit Designation  
From: Department Of Human Resource Management  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Change The Bargaining Unit Designation From UMI To UM2 For The Classifications Of City Council Office Administrator; Production Control Parking Supervisor; Recreation General Community Restoration Emergency Coordinator; Computer Operations Emergency Services Manager, Assistant; Supervisor; Supervisor; Planning Supervisor; Financial Analyst, PPT; Recreation Services Manager, Assistant To; Library Automation Supervisor; Recycling Supervisor; Police Program & Performance Auditor; Solid Waste/Recycling Program Supervisor; Volunteer Program Coordinator, Supervising; Environmental Program Supervisor; Chief Conservator; Community Housing Services Manager; Development/ Redevelopment Program Manager; Financial Analyst, Principal; Spatial Data Administrator; City Architect, Assistant; Inspection Services Manager; Librarian, Administrative; Real Estate Service Manager; Support Services Administrator  
[11-0032](#)

**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-CC Subject: Salary Ordinance Amendments - UK2 Unit Designation  
From: Department Of Human Resource Management  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Change The Bargaining Unit Designation From U31 To UK2 For The Classifications Of Budget Director; Controller; City Attorney, Assistant; Human Resources Manager; And To Change The Bargaining Unit Designation From UMI To UK2 For The Classifications Of Affirmative Action Manager; Risk Manager; Revenue & Tax Administrator; And Treasury Manager  
[11-0035](#)

**This Matter was \*Withdrawn and Rescheduled 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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7.5-CC Subject: Settlement Agreement - Wong  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Sylvia Wong In The Amount Of \$12,979.92, As A Result Of Property Damage Sustained Caused By An Obstructed City Sewer Main. (Public Works Agency)  
[11-0080](#)

**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 - Gutierrez  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Desiree Gutierrez V. Bay Area Rapid Transit District And The City Of Oakland, Alameda County Superior Court Case No. Rg09-472656, In The Amount Of One Hundred Four Thousand, Three Hundred Fifty Three Dollars And Forty One Cents (\$104,353.41) As A Result Of A Trip And Fall Accident At The Entrance To The Lake Merritt Station On March 20, 2009 (Public Works Agency)  
[11-0079](#)

**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: Commending Community Leader And Labor Leader Award Winners  
From: Councilmember Schaaf  
Recommendation: Adopt A Resolution Commending Shirley Burnell And Sharon Cornu As The First Recipients Of The Community Leader And Labor Leader Awards By The East Bay Alliance For A Sustainable Economy  
[11-0064](#)

**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: Oakland Army Base Temporary Winter Shelter Grant  
From: Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Waive The Competitive Process And Enter Into An Agreement For The Period Of October 15, 2011 Through May 15, 2012 In An Amount Not To Exceed \$301,000 With Anka Behavioral Health, Inc. To Open And Operate The Oakland Army Base Temporary Winter Shelter (OABTWS) From November 15, 2011 Through April 30, 2012; And (2) Enter Into A Six Month Lease For \$1.00 A Year With The Oakland Redevelopment Agency For Use Of Building 821 At The Army Base From November 1, 2011 Through April 30, 2012; And (3) Allocate \$100,000 From Various Reprogram Funds And Allocate Not Less Than \$125,000 From Alameda County, And \$76,000 From The City Of Berkeley To Establish And Operate The Temporary Winter Shelter At The Oakland Army Base

[11-0037](#)

**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: Oakland Community Action Partnership Bylaws  
From: Department Of Human Services  
Recommendation: Adopt A Resolution From The Department Of Human Services' Oakland Community Action Partnership (OCAP) Amending The Community Action Agency's Bylaws To (1) Expand The Agency's Service Territory To Include Alameda County (Excluding Berkeley) And To (2) Increase The Administering Board's Membership To Eighteen (18) To Receive An Additional \$510,056 In 2011 Alameda County Community Services Block Grant (CSBG) Anti-Poverty Funds From The State Of California Department Of Community Services And Development (CSD)

[11-0055](#)

**This Matter was Adopted as Amended amend the OCAP by-laws to include additional language which sets criteria for the Board of Supervisors of Alameda County based on incidents of poverty in each area 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, seconded by President Pro Tempore De La Fuente, 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

A motion was made by Councilmember Kaplan, seconded by President Pro Tempore De La Fuente, to \*Approve as Submitted the report of the City Attorney of 1 Final decision made during closed session regarding the case of Amaro vs. the City of Oakland authorizing settlement of \$1.7 million dollars regarding allegations of excessive force and confirmation of no non-confidential closed session discussion. 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

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 6:50 p.m.*

*3 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

9.1 Subject: Zoning Text Amendments  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion, Adopt An Ordinance, Recommended By The Planning Commission, To: Adopt Zoning Text Amendments Including Minor Changes To Update Table 4.10.01 Of The Land Use Regulations Of The Wood Street Zoning District Consistent With The Rest Of The Oakland Planning Code, And Substantive Changes To 1) Divide Development Area 2 Into 2a And 2b. Development Area 2a Would Encompass The Pacific Cannery Lofts (PCL) Project And 2b Would Encompass The "Icehouse" Building; 2) Amend Table 4.10.01 To Conditionally Allow The Following Activities In The Following Development Areas: Development Area 2b - The "Icehouse" Property: A) General Wholesale Sales; B) Research Service; C) Research And Development; D) General Warehousing Storage And Distribution; And E) Self Mini Storage. Development Area 5 - The 16th Street Train Station Building: A) Recreational Assembly, Development Area 9 - The 16th Street Station Plaza: A) Community Assembly; B) Recreational Assembly; And C) Group Assembly.

[11-0059](#)

**A motion was made by Councilmember Nadel, seconded by Councilmember Kaplan, 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 November 1, 2011 meeting. 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 7:08 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*



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9.2 Subject: Renaming Business Assistance Center  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution  
Changing The Name Of The City Of Oakland Business Assistance Center To The "Michael L.  
McPherson Oakland Business Assistance Center"  
[11-0072](#)

**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 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 7:12 p.m.*

*No individuals spoke on this item.*

*Agency/Councilmember Brunner made a motion, seconded by  
Agency/Councilmember De La Fuente, to close the Public Hearing continue the  
matter to the November 15, 2011 City Council Agenda, and hearing no  
objections, the motion passed by Ayes: Agency/Councilmember: Brooks,  
Brunner, De La Fuente, Kaplan, Kernighan, Nadel, Schaaf, and President Reid  
-8*

S-9.3 Subject: Emergency Interim Ordinance - Demolition Permits  
From: Councilmember Jane Brunner  
Recommendation: Adopt An Emergency Interim Ordinance Amending The Oakland  
Municipal Code, Chapter 15.36 "Demolition Permits" In Order To Add Restrictions On The  
Demolition Of A Structure Without A Building Permit For A Replacement Structure, Where  
The Owner Intends To Create A Vacant Lot  
[11-0103](#)

**Continued to Concurrent Meeting of the Oakland Redevelopment Agency /  
City Council on 11/15/2011**  
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**ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:**

10 THIS NUMBER INTENTIONALLY NOT USED

11 Subject: Parcel Tax Allocation  
From: Council President Reid And Council Members Kaplan And Kernighan  
Recommendation: Adopt A Resolution Amending Resolution No. 83444 C.M.S., Passed June 30, 2011, Which Authorized The City Of Oakland's 2011-2013 Biennial Budget, To Amend The Fy 2011-2013 General Fund Budget To Direct The Allocation Of The Proceeds Of The Five Year Temporary Fiscal Emergency Special Parcel Tax, (Measure I), To Take Effect If Measure I Is Approved By The Voters In The November 2011 Special Election  
[11-0068](#)

**A motion was made by Councilmember Kaplan, seconded by Councilmember Nadel, that this matter be Adopted as Amended to take \$100,000 from the allocation to Street lighting and move the \$100,000 to youth violence prevention for Restorative Justice. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Absent: 1 - President Pro Tempore De La Fuente  
ORA\Councilmember Noes: 2 - Vice Mayor Brooks and Councilmember Brunner  
ORA\Councilmember Ayes: 5 - 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](#)

**A motion was made by President Pro Tempore De La Fuente, seconded by Councilmember Brunner, that this matter be Adopted as Bifurcated as to the approval of Victor Uno to the Port Commission. 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  
*Agency/Councilmember De La Fuente made a motion, seconded by Agency/Councilmember Brunner, to approve the appointment of Jakada Imani, and upon call of the roll, the motion passed by Ayes: Agency/Councilmember: Brunner, De La Fuente, Kaplan, Kernighan, and Schaaf - 5 Noes: Brooks, Nadel and Council President Reid - 3*  
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13            Subject:    Mayor's Recess Ratification  
              From:        Office Of The City Administrator  
              Recommendation: Adopt A Resolution Ratifying Action Taken By The Mayor During The  
              Oakland City Council 2011 Annual Recess In Conformance With Council's Rules Of  
              Procedures, Resolution No. 82580 C.M.S., Dated March 10, 2010  
              [11-0057](#)

**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 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 Lois Wylie, Frank Rose, Al Davis, Jimmie Neal Jackson, Hyman Richmond and Gordon McDowell Limbrick at 8:58 p.m.*

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