



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

*Special 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>

Tuesday, November 09, 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 5:43 pm.

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 - Councilmember Brooks, Councilmember Kaplan, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente

3 Open Forum / Citizens Comments

(Time Available: 15 minutes)

There were two speakers during open forum.

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

4.1 Subject: Oakland Municipal Academy

From: Councilmember Kernighan

Recommendation: Adopt A Resolution Recognizing The First Graduating Class Of The City Of Oakland's Oakland Municipal Academy

[10-0128](#)

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

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

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S-4.2 Subject: Lincoln Elementary - Commendation
From: Office of Councilmember Kernighan
Recommendation: Adopt A Resolution Commending Lincoln Elementary School For Its
Selection As A 2010 National Blue Ribbon School Award Honoree By the United States
Department Of Education
[10-0198](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
De La Fuente
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5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF
THE OCTOBER 19, 2010

***Approve as Submitted**

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):
*At the request of the Mayor's office item 7.22 was withdrawn from the consent
calendar.*

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
[10-0151](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
De La Fuente
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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
[10-0150](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
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7.3-CC Subject: Jose Buenrostro, Sr., Et Al. V. City Of Oakland, Et Al.,
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Jose Buenrostro, Sr., Et Al. V. City Of Oakland, Et Al.,
United States District Court Case No. 009-00786-JSW, City Attorney's File No. 26782, In The
Amount Of Five Hundred Thousand Dollars And No Cents (\$500,000.00) As A Result Of A
Civil Right Action Alleging Wrongful Death Action (Oakland Police Department)
[10-0152](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
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7.4-CC Subject: Maria Avelar V. City Of Oakland,
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Maria Avelar V. City Of Oakland, Alameda County
Superior Court Case No. RG08-414228, In The Amount Of \$15,000.00 As A Result Of An
Alleged Dangerous Condition Of Public Property In The Street At 15th Avenue And East 21st
Street July 4, 2007 (Public Works Agency)
[10-0153](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
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7.5-CC Subject: Annual Assessment - Rockridge Improvement District
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For
Fiscal Year 2011-2012 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 7, 2010
[10-0110](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
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7.6-CC Subject: Annual Assessment - Montclair Business Improvement District
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For
Fiscal Year 2011-2012 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 7, 2010
[10-0111](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
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7.7-CC Subject: Exclusive Negotiating Agreement Deposit - Sunfield Development
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Amending Resolution No. 2010-0093 C.M.S.
To Reduce The Exclusive Negotiating Agreement Deposit Requirements With Sunfield
Development, LLC From \$50,000 To \$25,000 For The Foothill And Seminary Development
Opportunity Site
[10-0140](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
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7.8-CC Subject: Temporary Construction Easements - 42nd/High Improvement Project
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing The City Administrator Or His Designee To Acquire Property Rights, Including Fee Interests, Permanent Easements, And Temporary Construction Easements, For Ten Parcels For The 42nd Avenue And High Street Access Improvement Project Without Returning To Council
[10-0053](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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7.9-CC Subject: Chabot/OUSD Conditional Assignment Agreement
From: Community and Economic Development Agency
Recommendation: Adopt A City Ordinance Authorizing The City Administrator To Negotiate And Execute A Conditional Assignment Agreement With The Chabot Space And Science Center ("Chabot") And The Oakland Unified School District (The "District") To: (1) Subordinate The City's Right To Assume The Ground Lease For The Property; And (2) Consent To A Restructuring Of The District's Loan To Chabot
[10-0060](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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7.10-CC Subject: California Model Housing Code Amendments
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Adopting Local Amendments To The 2010 Edition Of The California Housing Law, California Code Of Regulations (CCR), Title 25, Division 1, Chapter 1, Subchapter 1, Division 32, And Amending Oakland Municipal Code Chapter 15.08
[09-1654](#)

A motion was made to DO NOT USE - Approved as Amended on Introduction for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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7.11-CC Subject: California Model Building Codes - Amendments
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Adopting Local Amendments To The 2010 Editions Of The California Model Building Codes, California Code Of Regulations (CCR), Title 24, Part 2 (Building), Part 2.5 (Residential), Part 3 (Electrical), 4 (Mechanical), And 5 (Plumbing), Part 6 (Energy), And Part 11 (Green Building), And Amending Oakland Municipal Code Chapter 15.04
[09-1655](#)

A motion was made to DO NOT USE - Approved as Amended on Introduction for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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7.12-CC Subject: Medical Cannabis Cultivation Permit Fee
From: Councilmembers Kaplan and Reid
Recommendation: Adopt An Ordinance Amending The Master Fee Schedule (Ordinance Number 9336, As Amended) To Establish A Medical Cannabis Cultivation Permit Application Fee Of \$5,000 And An Annual Medical Regulatory Fee Of \$211,000 For Permitted Medical Cannabis Cultivation Facilities
[10-0064](#)

A motion was made to Approved As Amended On Introduction on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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7.13-CC Subject: Rent Relief To Oakland Golf LLC
From: Office Of Parks And Recreation
Recommendation: Adopt A Resolution To Approve Fifty Percent (50%) Of The Minimum Rent Relief To Oakland Golf LLC For The Operation Of The Metropolitan Golf Links During Fiscal Year July 1, 2010 Through June 30, 2011 In The Amount Of \$138,103 As Authorized In The First Sublease And Operating Agreement Approved By Resolution No. 81274 C.M.S. On May 6, 2008
[10-0045](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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7.14 Subject: 319 Chester Street - Sale Of Property DDA
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing A Disposition And Development Agreement With The Alliance For West Oakland Development For The Sale At No Cost, And Development Of Affordable Housing On, One City-Owned Parcel At 319 Chester Street
[10-0096](#)

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7.15-CC Subject: Rehabilitate And Stabilize Wallace Street Properties
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:
1) An Agency Resolution Amending Resolution No. 2008-0087 C.M.S.To Rescind A Contribution Of Central City East Redevelopment Funds In The Amount Of \$500,000 To The City Of Oakland Under The Cooperation Agreement For Engineering And Slope Stabilization Work At 2621, 2631, And 2633 Wallace Street; And Reallocating Such Funds To A Grant To The Adjoining Property Owners, James G. Gong And Ying S. Gong, In An Amount Not To Exceed \$500,000 Under An Owner Participation Agreement To Perform Such Work; And
[10-0106](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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2) A Resolution Amending Resolution Number 81550 C.M.S. To Return A Contribution Of Remaining Redevelopment Funds In The Amount Of \$500,000 For Engineering And Slope Stabilization Of Properties Located At 2621, 2631, And 2633 Wallace Street
[10-0106-1](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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7.16-CC Subject: East Bay Task Force On Human Trafficking
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Grant Funding In The Amount Not To Exceed One Hundred Thousand Dollars (\$100,000) From The U.S. Department Of Justice, Office Of Justice Programs, Bureau Of Justice Assistance, Fiscal Year 2010 Law Enforcement Response To Human Trafficking Grant Program For Continued Implementation And Operation Of The East Bay Task Force On Human Trafficking In The Police Department
[10-0112](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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7.17-CC Subject: Parking Access & Control Systems - Lease Agreement
From: Finance And Management Agency
Recommendation: Adopt A Resolution Awarding A Lease Financing To Chase Equipment Finance, Inc. In An Amount Not-To-Exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00) To Acquire Parking Access And Control Systems And Authorizing The Execution And Delivery Of A Lease Purchase Agreement, Escrow Agreement And Related Documents
[10-0170](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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7.18-CC Subject: Wildfire Prevention Assessment- District 1 Appointment
From: Council President Brunner
Recommendation: Adopt A Resolution Appointing David Kessler As The District 1
Representative To The Wildfire Prevention Assessment District (WPAD) Advisory Board For
The Seat Previously Held By Robert Sieben, For The Term Beginning April 30, 2009 To May
1, 2011
[10-0173](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
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7.19-CC Subject: Chabot Space And Science Center - Board Appointment
From: Council President Brunner
Recommendation: Adopt A Resolution Appointing Marisol Lopez As A Member Of The
Chabot Space And Science Center Board Of Directors For The Term Beginning January 1,
2011 And Ending December 31, 2014
[10-0069](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
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7.20-CC Subject: Wildfire Prevention Assessment District Appointment
From: Office Of Council President Brunner
Recommendation: Adopt A Resolution Appointing Dr. Robert Sieben As A District 1
Representative On The Wildfire Prevention Assessment District For The Seat Previously Held
By Barry Pilger, For The Term Beginning July 1, 2010 And Ending June 30, 2014
[10-0174](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
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7.21-CC Subject: Violence Prevention And Public Safety Oversight Committee
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Brandon
Sturdivant And Nyeisha Dewitt As Members Of The Violence Prevention And Public Safety
Oversight Committee
[10-0175](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
De La Fuente
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7.22 Subject: Community Policing Review Board Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Victor Littles And Sarah Lynne Cohen As
Members Of The Citizen's Police Review Board
[10-0178](#)

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7.23-CC Subject: Housing, Residential Rent And Relocation Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Craig
Castellanet And Gregory Minor As Members Of The Housing, Residential Rent And
Relocation Board
[10-0179](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
De La Fuente
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7.24-CC Subject: Budget Advisory Committee Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Nicolas C. Heidorn As A Member Of The
Budget Advisory Committee
[10-0180](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
De La Fuente
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7.25-CC Subject: Public Ethics Commission Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Amy V.
Dunning As A Member Of The Public Ethics Commission
[10-0181](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
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7.26-CC ~~Subject: Business Tax Board Of Review Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointments Of David
Jones, Sabrina Jones, Charles R. "Chip" Conradi, And Sabrina Landreth As Members Of The
Business Tax Board Of Review
[10-0182](#)~~

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
De La Fuente
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7.27-CC Subject: Wildfire Prevention Assessment District Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Dinah Benson And Reappointing Delores
McDonough As Members Of The Wildfire Prevention And Assessment District Advisory
Board
[10-0183](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
De La Fuente
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7.28-CC Subject: Oakland Housing Authority Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Janny
Castillo And Adhi Nagraj And The Reappointment Of Moses Mayne Jr. As Members Of The
Oakland Housing Authority Board Of Commissioners
[10-0184](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, Council President Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor
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~~7.29-CC~~ ~~Subject: Head Start Advisory Panel Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Robert Beggs And Dr. Linda Perez As
Members Of The Head Start Advisory Panel
[10-0185](#)~~

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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S-7.30-CC Subject: Travel Authorization
From: Office of Councilmember Brooks
Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To Denver, Colorado To Attend The National League Of Cities' Congress Of Cities And Exposition From November 30, 2010 To December 4, 2010
[10-0200](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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S-7.31-CC Subject: Rate Increase - California State University System
From: Councilmember Reid
Recommendation: Adopt A Resolution Opposing The Proposed 15% Rate Increase For The California State University System
[10-0191](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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S-7.32-CC Subject: Travel Authorization
From: Office Of Council President Brunner
Recommendation: Adopt A Resolution Authorizing Council President Jane Brunner To Travel To Baltimore, MD And Washington D.C. For The Young Elected Officials Policy Academy On Foreclosure & Neighborhood Stabilization On December 2 & 3, 2010
[10-0201](#)

This Matter was Adopted on the Consent Agenda.

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

A motion was made by Vice Mayor De La Fuente, seconded by Pro-Tem Reid, 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 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente

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

A motion was made by Vice Mayor De La Fuente, seconded by Pro-Tem Reid, to *Approve as Submitted the report of the City Attorney of no final decision and non-confidential discussion in Closed Session. The motion carried by the following vote:

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

**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 6.58 p.m.

9.1 Subject Tall Monopole Wireless Telecommunications Facility - Appeal
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying Appeal No. A10223 And Upholding The Decision Of The Planning Commission To Deny Case No. CM10131 For A 41'-5"-Tall Monopole Wireless Telecommunications Facility In The Open Space Zone Section Of Public Right-Of-Way On Skyline Blvd. North Of The Roberts Park Street Entrance
[10-0062](#)

A motion was made by Vice Mayor De La Fuente, seconded by Councilmember Brooks, that this matter be Adopted and directing staff to return with a rental policy. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Kaplan
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
2 individual spoke during the public hearing.

Agency/Councilmember De La Fuente made a motion, seconded by Agency/Councilmember Brooks, 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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Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 7:04 p.m.

9.2 Subject: Wireless Telecommunications Facility - Skyline Blvd.
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying Appeal No. A10224 And Upholding The Decision Of The Planning Commission To Deny Case No. CM10140 For A 36'-4"-Tall Monopole Wireless Telecommunications Facility In The Open Space Zone Section Of Public Right-Of-Way On Skyline Blvd. North Of The Chabot Space And Science Center Street Entrance
[10-0063](#)

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

Votes: ORA\Councilmember Abstained: 1 - Councilmember Kaplan
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
2 individual spoke during the public hearing.

Agency/Councilmember De La Fuente made a motion, seconded by Agency/Councilmember Brooks, 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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ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 Subject: Medical Marijuana Cultivation Facility
From: Office Of The City Administrator
Recommendation: Action On A Report Regarding Proposed Request For Permit Applications (RFP) To Operate A Medical Cannabis Cultivation Facility Pursuant To Oakland Municipal Code Chapter 5.81
[10-0044](#)

A motion was made by Vice Mayor De La Fuente, seconded by Councilmember Kaplan, that this matter be Approved as Amended to the application to require the collection of business taxes since the inception of the business be paid at the time of application for a new permit, with approval of Option B. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kaplan, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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11 Subject: Medical Cannabis Dispensaries
 From: Councilmembers Reid And Kaplan
 Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.80
 "Medical Cannabis Dispensary Permits" To Increase The Total Number Of Dispensary Permits
 From Four (4) To Eight (8), And Increase Fees, Delete And Move Section 5.80.90
 "Performance Standards" To City Administrator Guidelines, And Add Appeal Timeline
 [09-1619](#)

A motion was made by Vice Mayor De La Fuente, seconded by Pro-Tem Reid, to Approved As Amended On Introduction to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on December 7, 2010 to correct the numbering of section 5.80.090 to read 5.80.100 and directing staff to return to council for the approval of Section C. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kaplan, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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12 Subject: Implementation Of The Municipal Identification Card
 From: Offices Of The City Clerk, Councilmembers Quan And De La Fuente
 Recommendations: Action On A Report And Recommendations Regarding The Responses To
 The RFQ To Implement A Program To Issue A Municipal Identification Card With Additional
 Financial And City Systems Card Services Components
 [10-0094](#)

A motion was made by Vice Mayor De La Fuente, seconded by Councilmember Quan, that this matter be Approved. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kaplan, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
There were 41 speakers on the item.

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13 Subject: Central City East Homeownership Rehabilitation Program
 From: Community And Economic Development Agency
 Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Amending Resolution No. 2006-0036 C.M.S. To Modify The Central City East Homeownership Rehabilitation Program (CCEHRP) To Include Interior And Structural Repairs And Increase The Maximum Loan Amount From \$75,000 To \$150,000, And Authorizing The Agency Administrator To Make Loans For The Program Without Returning To The Agency;

[10-0097](#)

A motion was made that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kaplan, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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2) An Agency Resolution Adopting The West Oakland Vacant Housing Acquisition/ Rehabilitation/ New Construction Program, And Allocating \$735,000 For The Program From Fiscal Year 2010-2011 Low And Moderate Income Housing Funds And Authorizing The Agency Administrator To Make Loans For The Program Without Returning To The Agency;

[10-0097-1](#)

A motion was made that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kaplan, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
[2010-0115 CMS.pdf](#)

3) An Agency Resolution Adopting The West Oakland Automatic Gas Shut-Off Valve Program, And Allocating \$210,000 For The Program From Fiscal Year 2010-2011 Low And Moderate Income Housing Funds And Authorizing The Agency Administrator To Make Loans For The Program Without Returning To The Agency; And

[10-0097-2](#)

A motion was made that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kaplan, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
[2010-0116 CMS.pdf](#)

4) An Agency Resolution Adopting The West Oakland Owner Rehabilitation Program, And Allocating \$1,939,000 For The Program From Fiscal Year 2010-2011 Low And Moderate Income Housing Funds And Authorizing The Agency Administrator To Make Loans For The Program Without Returning To The Agency
[10-0097-3](#)

A motion was made that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kaplan, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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[2010-0117 CMS.pdf](#)

14 Subject: Rehabilitation of 8603 and 8701 Hillside Street
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing An Owner Participation Agreement With Alvernaz Partners, LLC, For The Rehabilitation Of 8603 And 8701 Hillside Street In The Central City East Redevelopment Project Area, Including Agency Funding In An Amount Not To Exceed \$275,000.00, And Rescinding Agency Resolution No. 2009-0091 C.M.S. Authorizing Previous Funding For The Project
[10-0105](#)

A motion was made that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kaplan, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente
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[2010-0118 CMS.pdf](#)

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 Joseph Tucker at 9:14 p.m.

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City Clerk and Clerk of the Council