



# 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, February 15, 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 6:09pm.*

2 Roll Call / ORA & Council

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

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

3 Open Forum / Citizens Comments

(Time Available: 15 minutes)

*There were 5 speakers during Open Forum.*

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

*Agency/Council President Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Samuel Wallace and Ken Harvey. Vice Mayor Brooks and President Pro Tempore De La Fuente requested association with this requested Tribute.*

*Agency/Councilmember Brunner took a point of personal privilege and requested that the meeting be adjourned in memory of Gerald McKay. President Pro Tempore De La Fuente requested association with this requested Tribute.*

4.1 Subject: American Heart Month  
From: Council President Larry Reid  
Recommendation: Adopt A Resolution Proclaiming The Month Of February 2011 As  
"American Heart Month" For Oakland  
[10-0388](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and President of the Council Brunner  
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*Agency/Councilmember De La Fuente made a motion seconded by Agency/Councilmember Kaplan to approve an urgency finding pursuant to Section 2.20.080 E(2) regarding Item S-4.2 that there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action relates to a purely ceremonial or commendatory action.*

S-4.2 Subject: Teen Dating Violence Awareness And Prevention Month  
From: Mayor Jean Quan  
Recommendation: Adopt A Resolution Proclaiming The Month Of February 2011 As Teen Dating Violence Awareness And Prevention Month  
[10-0416](#)

**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 Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and President of the Council Brunner  
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- 5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF  
February 1, 2011

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

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

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

*Item 7-22 will be withdrawn from this agenda and rescheduled to the March 1, 2011 City Council agenda.*

**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  
[10-0374](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and President of the Council Brunner  
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- 7.2-CC Subject: Medical Cannabis Health Emergency  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland  
[10-0375](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and President of the Council Brunner  
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7.3-CC Subject: Landmarks Preservation Advisory Board Appointment  
From: Office of the Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Thomas Biggs, Anna Naruta And Daniel Schulman As Members Of The Landmarks Preservation Advisory Board  
[10-0370](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and President of the Council Brunner  
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7.4-CC Subject: Budget Advisory Committee Appointment  
From: Office of the Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Bruce Nye To The Budget Advisory Committee  
[10-0371](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and President of the Council Brunner  
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7.5-CC Subject: Children's Fairyland Board Appointment  
From: Office of the Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Karen Boyd And Nashwa Enam To The Children's Fairyland Board  
[10-0372](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and President of the Council Brunner  
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7.6-CC Subject: Police And Fire Retirement Board Appointment  
From: Mayor Jean Quan  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of The Director  
Of The Finance And Management Agency To Serve In The Mayor's Place And Stead As A  
Member Of The Police And Fire Retirement Board  
[10-0379](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and  
President of the Council Brunner  
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7.7-CC Subject: Small Business Symposium Grant- Pay-Go Funds  
From: Council President Larry Reid  
Recommendation: Adopt A Resolution Authorizing A Grant Of \$26,595.68 From Council  
President Larry Reid's Pay-Go Funds To The Oakland Business Development Corporation For  
Expenses Incurred In Conducting The Small Business Symposium Held On May 28, 2010  
[10-0389](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and  
President of the Council Brunner  
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7.8-CC Subject: Opposition to Governor's Medi-Cal Programs  
From: Councilmember Kernighan  
Recommendation: Adopt A Resolution Declaring The City Of Oakland's Opposition To  
Governor Jerry Brown's Proposal To Eliminate The Medi-Cal Adult Day Health Care Program  
From The State Budget And Urging The Governor And State Legislature To Maintain Funding  
Of The Adult Day Health Care Program  
[10-0393](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and  
President of the Council Brunner  
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7.9-CC Subject: Children's Fairyland Board Appointment  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Georgia  
Richardson To The Children's Fairyland Board  
[10-0399](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and  
President of the Council Brunner  
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7.10-CC Subject: Commission On Aging Appoinments  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Karen  
Smulevitz And Donna Griggs As Members Of The Commission On Aging  
[10-0394](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and  
President of the Council Brunner  
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7.11-CC Subject: Landmarks Preservation Advisory Board Appointment  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Mary E.  
MacDonald As Member Of The Landmarks Preservation Advisory Board  
[10-0395](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and  
President of the Council Brunner  
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7.12-CC Subject: Parks And Recreation Advisory Commission Appointment  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Wade  
Finlinson To The Parks And Recreation Advisory Commission  
[10-0396](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and  
President of the Council Brunner  
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7.13-CC Subject: Housing, Residential Rent And Relocation Board Appointment  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Michael  
Bowie And Gregory Minor To The Housing, Residential Rent And Relocation Board  
[10-0397](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and  
President of the Council Brunner  
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7.14-CC Subject: Library Advisory Commission Appointment  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Carolyn  
Mixon And Steve G. Tidrick As Members Of The Library Advisory Commission  
[10-0398](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and  
President of the Council Brunner  
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7.15-CC Subject: Settle The Case Of Frederick J. Gums  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Frederick J. Gums V. City Of Oakland, Et Al., United  
States District Court No. C-09-05536-EDL, City Attorney File No. 27196 In The Amount Of  
\$7,500.00 (Police Department)  
[10-0406](#)

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

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

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7.16-CC Subject: 2004 Audit And Program Status Report  
From: Finance and Management Agency  
Recommendation: Receive An Informational Report Presenting The Measure Y - Violence  
Prevention and Public Safety Act Of 2004 Audit And Program Status Report  
[10-0279](#)

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

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

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7.17-CC Subject: 2009-2010 Comprehensive Annual Financial Report  
From: Finance And Management Agency  
Recommendation: Receive An Informational Report Presenting The City's Fiscal Year  
2009-2010 Comprehensive Annual Financial Report (CAFR) And The Oakland  
Redevelopment Agency (ORA) Audit Report, And The Management Letter  
[10-0280](#)

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

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

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7.18-CC Subject: Wildfire Prevention Assessment District Audit Report  
From: Finance And Management Agency  
Recommendation: Receive An Informational Report Presenting The Oakland Wildfire  
Prevention Assessment District Audit Report  
[10-0281](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and President of the Council Brunner  
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7.19-CC Subject: San Francisco Bay Regional Water Board - Settlement  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Administrative Civil Liability Complaint No. R2-2009-0078 ("ACL") Brought By The San Francisco Bay Regional Water Board ("Regional Water Board") Against The City Of Oakland In The Amount Of \$280,000.00 In Fines And Costs Plus Up To \$20,000 To Be Paid To The San Francisco Estuary Partnership For Monitoring Of The City's Separate Environmental Project ("SEP") Which SEP Is A Condition Of The Settlement (Public Works Agency)  
[10-0403](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and President of the Council Brunner  
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7.20-CC Subject: Settlement Of Save Mart Supermarkets V. City Of Oakland  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Approving Settlement Of Save Mart Supermarkets V. City Of Oakland (Alameda Superior Court Case No. RG10514461), By Permitting The City To Retain Transfer Taxes, Penalties And Interest In The Amount Of \$553,764.61 In Exchange For Plaintiff's Dismissal Of Lawsuit Challenging Imposition Of The Transfer Taxes, Penalties And Interest And The City's Waiver Of Claims To Additional Payments From Save Mart (Finance And Management Agency; Real Property Transfer Taxes)  
[10-0404](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and President of the Council Brunner  
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7.21-CC Subject: The Writ Petitions Of Family Bridges - Settlement  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Writ Petitions Of Family Bridges, Et Al. V. Dan Lindheim, And The City Of Oakland, Alameda County Superior Court Case No. RG08409445, Our File No. X03237 And Echo Et Al. V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG08409443, Our File No. X03238 By Entering Into A Settlement Agreement And Paying Attorneys' Fees In The Amount Of Four Hundred Thousand Dollars (\$400,000) (City Administrator)

[10-0405](#)

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

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

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7.22 Subject: Stipulated Order For Preliminary Relief  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Approving The Stipulated Order For Preliminary Relief And The Payment Of \$10,000.00 In Attorney's Fees And Costs To The San Francisco Bay Keeper, Intervenor, Plaintiff, In The Case Of United States. Et Al. Vs. The City Of Alameda, Et

[10-0407](#)

**\*Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/1/2011**

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S-7.23-CC Subject: Purchase For Redevelopment - 8280 MacArthur  
From: Community And Economic Development Agency  
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 8280 Macarthur Boulevard In The Central City East Redevelopment Project Area From Yan Li Liang For \$230,000.00, Less The Cost Of Any Environmental Site Remediation, And Authorizing Up To \$15,000 For Real Estate Closing Costs, And \$50,000 For Demolition Costs

[10-0305](#)

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

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

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S-7.24-CC Subject: 2006 Affordable Housing Bond Fund  
From: Community And Economic Development Agency  
Recommendation: Adopt An Agency Resolution Allocating Up To \$92,000 From The  
Agency's 2006 Affordable Housing Bond Fund To Pay Liability Insurance Premiums For Seven  
Affordable Rental Properties In Oakland  
[10-0272](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and  
President of the Council Brunner  
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S-7.25-CC Subject: Amending OMC 9.08.260  
From: Councilmember Kernighan  
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Section 9.08.260  
To (1) Prohibit The Sexual Exploitation Of Women And Children, (2) Prohibit Business  
Owners From Allowing Prostitution On Their Property, (3) Declare Prostitution Related  
Offenses Local Crimes, And (4) Clarify Terms Related To Prostitution Offenses  
[10-0349](#)

**This Matter was Approved On Introduction and Scheduled for Final  
Passage to the Concurrent Meeting of the Oakland Redevelopment Agency  
/ City Council, to be heard at the March 1, 2011 meeting on the Consent  
Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and  
President of the Council Brunner  
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S-7.26-CC Subject: Declaring Vehicles A Public Nuisance  
From: Councilmember Kernighan  
Recommendation: Adopt An Ordinance Adding Chapter 9.56 To The Oakland Municipal Code, Declaring Vehicles A Public Nuisance And Authorizing Impoundment Of Such Vehicles When They Are Used To Solicit An Act Of Prostitution, For Pandering, Pimping, Or Illegal Dumping  
[10-0349-1](#)

**This Matter was Approved On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the March 1, 2011 meeting on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and President of the Council Brunner  
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S-7.27-CC Subject: Purchase Of Protective Clothing - OFD  
From: Oakland Fire Department  
Recommendation: Adopt Resolution: 1) Authorizing The Acceptance And Appropriation Of Grant Funds From The U.S. Department Of Homeland Security's Federal Emergency Management Agency (FEMA) Assistance To Firefighters Grant Program For The Period Of December 17, 2010 To December 16, 2011 In The Amount Of Two Hundred Seventy-Two Thousand Dollars (\$272,000) For The Purchase Of Firefighter Protective Clothing And 2) Waiving Advertising And Increasing The Amount Of The Existing Term Agreement With All Star Fire Equipment Inc. By Three Hundred Forty Thousand Dollars (\$340,000) To Purchase Additional Firefighter Protective Clothing For A New Total Amount Not To Exceed One Million, Four Hundred Forty-Seven Thousand, Eight Hundred Forty Eight Dollars (\$1,447,848)  
[10-0360](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and President of the Council Brunner  
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S-7.28-CC Subject: 2010 COPS Technology Grant Program  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept Grant Funds In An Amount Not To Exceed Two Hundred And Fifty Thousand Dollars (\$250,000) From The U.S. Department Of Justice, Office Of Community Oriented Policing Services (USDOJ/COPS), Fiscal Year 2010 COPS Technology Grant Program, For Implementation Of The Automatic Vehicle Licensing (AVL) And Global Positioning System (GPS) Programs, And Appropriate Said Funds To The Police Department  
[10-0300](#)

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

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

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S-7.29-CC Subject: Electronic Data Transfer Services  
From: Oakland Police Department  
Recommendation: Adopt Resolution Authorizing The City Administrator Or His Designee, On Behalf Of The City Of Oakland To 1) Waive The Competitive Request For Proposals (RFP) Process, And 2) Enter Into A Contract With Leadsonline For The Period Of July 1, 2010 Through June 30, 2011, Plus Two One-Year Extension Options, In An Amount Not To Exceed Thirty-Two Thousand Two Hundred Forty-Two Dollars (\$32,242) Annually For Providing Electronic Data Transfer Services  
[10-0301](#)

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

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

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**Passed The Consent Agenda**

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

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

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

**A motion was made by Councilmember Schaaf, seconded by Councilmember Kaplan, to \*Approve as Submitted the report from the City Attorney of final decisions made during Closed Session and attached to these minutes as Attachment A. The motion carried by the following vote:**

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

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

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

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 7:00 p.m.*

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

**A motion was made by President of the Council Brunner, seconded by President Pro Tempore De La Fuente, 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 March 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 Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and President of the Council Brunner  
*There were 6 speakers on the item.*

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- ~~9.2~~ ~~-Subject: General Plan Land Use Diagram~~  
~~From: Community And Economic Development Agency~~  
~~Recommendation: Adopt A Resolution To Correct, Refine And Clarify The General Plan Land Use Diagram To Generally Reflect Existing Land Use, And Conform To The Intent Of The Previously Adopted General Plan.~~  
~~[10-0297](#)~~

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

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[View Supplemental #2.pdf](#)

*Upon the reading of Item 9.4 by the City Clerk, the Public Hearing was opened  
at 7:13 p.m.*

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

**A motion was made by Councilmember Kaplan, seconded by  
Councilmember Nadel, 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 March 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 Kaplan, Councilmember Kernighan,  
Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and  
President of the Council Brunner  
*There was 1 speaker on this item.*

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

10 Number intentionally not used

11 Subject: Mentoring Programs  
From: Offices of the Mayor And The City Administrator  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Enter Into Periodic Agreements With The Oakland Unified School District (OUSD) Internship Program And The East Bay Regional Occupational Program (EBROP) To Provide Mentoring Programs Through The Office Of The City Administrator (OCA), Oakland Fire Department (OFD), The Public Works Agency (PWA), And The Office Of Parks & Recreation (OPR) And Any Other City Agencies/Departments That Join The Program, For Youth Ages 14-20 Years  
[10-0386](#)

**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 Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and President of the Council Brunner  
*There were 4 speakers on this item.*

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[83211 CMS.pdf](#)

12 Subject: R.M. Harris Contract - Award  
From: Public Works Agency  
Recommendation: Adopt A Resolution Awarding A Construction Contract To R.M. Harris Company, The Lowest, Responsive, Responsible Bidder, For The Seismic Retrofit Of Park Boulevard Viaducts (Project No. C346910), In The Amount Of One Million Six Hundred Nineteen Thousand One Hundred Eighty-Four Dollars (\$1,619,184.00)  
[10-0400](#)

**A motion was made by Councilmember Schaaf, 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 Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and President of the Council Brunner  
*There was 1 speaker on this item.*

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[83212 CMS.pdf](#)

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S-13      Subject:     Sustainable Communities Strategy (SCS)  
From:        Community And Economic Development Agency  
Recommendation: Receive An Informational Report To Provide An Overview Of The  
Association Of Bay Area Government's And Metropolitan Transportation Commission's  
Process For Development Of Sustainable Communities Strategy (SCS) Pursuant To Senate Bill  
375 And Its Relationship To Local Land Use Policies, Implementation Needs And Quality Of  
Life, Including Key Policy Considerations For The City Of Oakland  
[10-0332](#)

**A motion was made by President of the Council Brunner, seconded by  
President Pro Tempore De La Fuente, that this matter be \*Received and  
Filed. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De  
La Fuente, Councilmember Kaplan, Councilmember Kernighan,  
Councilmember Nadel, Councilmember Reid, Councilmember Schaaf and  
President of the Council Brunner  
*There was 1 speaker on this item.*

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S-14      Subject:     Tiger II Planning Grant Funds  
From:        Community And Economic Development Agency  
Recommendation: Adopt An Agency Resolution Accepting And Appropriating \$2,000,000 Of  
Transportation Investment Generating Economic Recovery (TIGER) II Planning Grant Funds  
From The United States Department Of Transportation For The Oakland Army Base  
Infrastructure Master Plan And The West Oakland Area Plan, And Appropriating Up To  
\$3,010,000 From The Oakland Army Base Joint Infrastructure Development Fund (9572), Up  
To \$90,000 From The Oakland Army Base Operations Fund (9570), And Up To \$310,000  
From The West Oakland Operations Fund  
(9590) As Matching Funds  
[10-0273](#)

**A motion was made by President of the Council Brunner, seconded by  
Councilmember Schaaf, that this matter be Adopted with direction to staff  
to return with either a commitment from the Port of Oakland to contribute  
to the projects or a workplan that focuses on City infrastructure projects.  
The motion carried by the following vote:**

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

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[2011-0006 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 the following individuals Samuel Wallace, Ken Harvey, and Gerald McKay at 8:23 p.m.*

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If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

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*City Clerk and Clerk of the Council*