



# 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  
Successor Agency and the 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, December 18, 2012**

**5:30 PM**

**City Council Chambers, 3rd Floor**

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1 Pledge of Allegiance

*The Concurrent Meeting of the Oakland City Council and Successor Redevelopment Agency was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 5:52p.m.*

2 Roll Call / City 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 - President Pro Tempore De La Fuente, Vice Mayor Reid, Councilmember Brunner, Vice Mayor Nadel, Council President Kernighan, Councilmember Brooks, President Pro Tempore Kaplan and Councilmember Schaaf

3 Open Forum / Citizens Comments

(Time Available: 15 minutes)

*There were 33 speakers during Open Forum.*

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

*Council President Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Nancy Johnson, Ralph Neary, and the Sandy Hook victims. Councilmember Brooks requested association with the tribute for Ralph Neary.*

*Councilmember Schaaf took a point of personal privilege and requested that the meeting be adjourned in memory of Rejoice Stovall Moss, Jay Rose, and the 123 Victims of violence.*

*Mayor Quan took a point of personal privilege and requested that the meeting be adjourned in memory of Dave Brubeck and Dan Inouye. She further requested association with the tribute of Rejoice Stovall Moss.*

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4.1 Subject: Honoring Ignacio De La Fuente  
From: Council President Larry Reid  
Recommendation: Adopt A Resolution Honoring President Pro Tem Ignacio De La Fuente  
For 20 Years For Exemplary Service To The People Of Oakland As A Distinguished Member  
Of The Oakland City Council  
[12-0201](#)

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

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

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4.2 Subject: Honoring Jane Brunner  
From: Council President Larry Reid  
Recommendation: Adopt A Resolution Honoring Jane Brunner For 16 Years For Exemplary  
Service To The People Of Oakland As A Distinguished Member Of The Oakland City Council  
[12-0200](#)

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

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

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4.3 Subject: Honoring Nancy Nadel  
From: Council President Larry Reid  
Recommendation: Adopt A Resolution Honoring Vice Mayor Nancy Nadel For 16 Years For Exemplary Service To The People Of Oakland As A Distinguished Member Of The Oakland City Council  
[12-0203](#)

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

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

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4.4 Subject: Honoring Ron Snyder  
From: Council President Reid  
Recommendation: Adopt A Resolution Honoring Ron Synder For Almost 40 Years Of Exemplary Dedication And Outstanding Community Service  
[12-0209](#)

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

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

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4.5 Subject: Jeffrey P. Levin - Commendation  
From: Council President Reid and Councilmember Brunner  
Recommendation: Adopt A Resolution Commending Jeffrey P. Levin, Housing Policy &  
Programs Manager, For Over 28 Years Of Service As An Affordable Housing Professional  
With The City Of Oakland  
[12-0215](#)

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

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

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4.6 Subject: Recognizing The Apollo Class of 1981 & Establishing January 2013 As Martin  
Luther King, Jr. Month  
From: Councilmember Brunner  
Recommendation: Adopt A Resolution Recognizing The Apollo Class Of 1981 From Oakland  
Technical High School, On The 30th Year Observance Of California's Dr.Martin Luther King,  
Jr. Holiday, For Their Significant Role In The Creation Of The Martine Luther King Jr. Day  
Holiday, And Their Further Effort To Estabhlsh January As National King Month, By  
Establishing "Oakland's Martin Luther King, Jr. Month" Beginning January 2013.  
[12-0214](#)

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

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

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5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF DECEMBER 4,  
2012

**A motion was made by Vice Mayor Nadel, seconded by Council President Kernighan, to \*Approve as Submitted. The motion carried by the following vote:**

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

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 this time a motion was made by Councilmember Brunner, seconded by Councilmember Brooks to pull item 7.3 from the consent calendar and place it on the Non-Consent portion of the January 15, 2013 Special City Council Agenda.*

*At this time a motion was made by Councilmember Brooks, seconded by Pro Tem De La Fuente to pull item 7.3 from the consent calendar and place it on the Non-Consent portion of the January 15, 2013 Special City Council Agenda.*

*At this time it was also noted that item 7.4 would not be discussed.*

#### **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 Human Immunodeficiency Virus ("HIV")/Acquired Immunodeficiency Syndrome ("AIDS") Epidemic  
[12-0196](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember Brunner, Council President Kernighan, President Pro Tempore De La Fuente and Councilmember Brooks  
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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  
[12-0197](#)

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

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

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7.3-CC      Subject:    Mobile Food Vending Regulations Extensions  
              From:        Department Of Planning And Building  
              Recommendation: Adopt The Following Pieces Of Legislation:  
                          1) An Ordinance Extending Interim Regulations With Minor Amendments For Permitting  
                          Mobile Food Vending Group Sites Within A Limited Area Of The City Of Oakland Defined, In  
                          Part, By City Council Districts 1,2,3, And 4. The Interim Regulations Contained Herein Shall  
                          Remain In Place And Be Effective Until The City Council Adopts New Permanent Mobile  
                          Food Vending Regulations.

[12-0136](#)

**This Matter was \*Withdrawn and Rescheduled on the Consent Agenda.**

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

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2) An Ordinance Amending The Master Fee Schedule (Ordinance No. 13133 C.M.S. As  
Amended) To Reduce The Interim Food Vending Group Site Operation Date Fee

[12-0136-1](#)

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

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

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7.4-CC      Subject:    Oakland Coliseum Board Of Commissioners - Reid  
From:        Council President Pat Kernighan  
Recommendation: Adopt A Resolution Appointing Council Member Larry E. Reid As A  
Member Of The Oakland-Alameda County Coliseum Authority Board Of Commissioners  
Replacing Outgoing Council Member Ignacio De La Fuente Beginning January 21, 2013 And  
Ending January 20, 2015  
[12-0198](#)

**This Matter was No Action Taken on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan,  
Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember  
Brunner, Council President Kernighan, President Pro Tempore De La Fuente  
and Councilmember Brooks  
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7.5-CC      Subject:    Settlement - Ruth Ann Binder  
From:        Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Claim Of Ruth Ann Binder, In The Amount Of \$10,158.02, As A  
Result Of Property Damage Sustained Caused By A City Tree (Public Works Agency)  
[12-0199](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan,  
Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember  
Brunner, Council President Kernighan, President Pro Tempore De La Fuente  
and Councilmember Brooks  
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7.6-CC      Subject:    Settlement - Dan Kitamura  
From:        Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Claim Of Dan Kitamura, In The Amount Of \$40,533.61, As A  
Result Of Property Damage Sustained Caused By An Obstructed City Sewer Main. (Public  
Works Agency)  
[12-0207](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan,  
Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember  
Brunner, Council President Kernighan, President Pro Tempore De La Fuente  
and Councilmember Brooks  
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7.7-CC      Subject:      Settlement - John Weston Osborn  
From:          Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of John Weston Osborn V. City Of Oakland, Alameda  
County Superior Court Case No. RG11587945 In The Amount Of \$13,300.00 (Police  
Department)  
[12-0205](#)

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

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

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7.8-CC      Subject:      Settlement - Paul Crum  
From:          Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Paul Crum V. City Of Oakland, Alameda County  
Superior Court Case No. RG12622606 In The Amount Of \$15,000.00 As A Result Of  
Wrongful Termination (Office Of Public Works - OPW)  
[12-0206](#)

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

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

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7.9-CC      Subject:      Settlement Agreement - Laube  
From:        Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To  
Compromise And Settle The Case Of Chloe Ann Laube V. City Of Oakland, Et Al, Alameda  
County Superior Court Case No. RG11609016, In The Amount Of \$55,000.00 As A Result Of  
A Fall At The Redwood Heights Recreation Center On January 27, 2011 (Parks & Recreation)  
[12-0211](#)

**This Matter was Withdrawn and Rescheduled to the \* Special Meeting of  
the Oakland City Council, to be heard at the January 22, 2013 meeting on  
the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan,  
Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember  
Brunner, Council President Kernighan, President Pro Tempore De La Fuente  
and Councilmember Brooks  
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7.10-CC      Subject:      Port Of Oakland Conflict Of Interest Code  
From:        Office Of The City Attorney  
Recommendation: Adopt A Resolution Approving A Conflict Of Interest Code For Designated  
Employees And Consultants Of The Port Of Oakland  
[12-0204](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan,  
Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember  
Brunner, Council President Kernighan, President Pro Tempore De La Fuente  
and Councilmember Brooks  
*There was one speaker on this item.*  
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7.11-CC Subject: Conflict Of Interest Code Amendment  
From: Office Of The City Attorney  
Recommendation: Adopt An Ordinance Amending The City Of Oakland's Conflict Of Interest Code (Ordinance Number 11562 C.M.S Adopted March 23, 1993, As Amended, Oakland Municipal Code Chapter 3.16) Enacting A Conflict Of Interest Code For City Of Oakland Employees, Members Of Boards And Commissions, And Consultant Positions To Update The Designation Of Positions Covered By The Code  
[12-0202](#)

**This Matter was Approved On Introduction and Scheduled for Final Passage to the \* Special Meeting of the Oakland City Council, to be heard at the January 22, 2013 meeting on the Consent Agenda.**

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

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S-7.12-CC Subject: Montclair Garage Management  
From: Department Of Public Works  
Recommendation: Adopt A Resolution Waiving Formal Advertising And Request For Proposals/Request For Qualifications ("RFP/RFQ") And Authorizing The City Administrator To 1) Extend The Existing Contract On A Month-To-Month Basis For A Period Not-To-Exceed Twelve Months From December 31, 2012 Through December 31, 2013 At A Compensation Rate Of Up To \$15,900.00 A Month (Including A \$900.00 Per Month Management Fee And Up To \$15,000.00 A Month In Garage Operating Expenses) And 2) Negotiate A New Contract For An Initial Period Of Three Years, With A Two-Year Extension, Contingent Upon Satisfactory Evaluation Of Performance, With The Montclair Village Association For The Operation And Management Of Montclair Garage Located On 6235 La Salle And Scout Lot Located On 2250 Mountain Boulevard  
[12-0177](#)

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

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

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S-7.13-CC Subject: Encroachment Permit - 2101 Telegraph  
From: Department Of Planning And Building  
Recommendation: Adopt A Resolution Granting 2101 Telegraph Avenue Associates A  
Conditional And Revocable Permit To Allow An Existing Under Sidewalk Basement And  
Portions Of The Building Facade Of The Hamilton Hotel Apartments Located At 2101  
Telegraph Avenue To Encroach Into The Public Right-Of-Way Along Telegraph Avenue And  
21st Street  
[12-0184](#)

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

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

*There was one speaker on this item.*

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S-7.14-CC Subject: Civil Service Board Recommendations  
From: Department Of Human Resources Management  
Recommendation: Adopt A Resolution Recommending To The Civil Service Board The  
Exemption Of The Following Classifications From The Operation Of The Civil Service:  
Engineer, Civil Principal; Performance Audit Manager; Manager, Crime Laboratory; And  
Controller  
[12-0145](#)

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

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

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S-7.15-CC Subject: Salary Schedule Amendment -Mayor's Office Classifications  
From: Department Of Human Resources Management  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Change The Title Of Administrative Assistant To The Mayor To Special Assistant To The Mayor I; And To Change The Title Of Special Assistant To The Mayor To Special Assistant To The Mayor II; And To Add Permanent Part Time And Part Time Designations For The Classifications Of Special Assistant To The Mayor I And Special Assistant To The Mayor II; And To Add The Classification Of Special Assistant To The Mayor III; And To Remove The Classifications Of Mayor's Public Service Employee 14 (CONF), Mayor's Public Service Employee 51, Mayor's Public Service Employee 51 PPT, Mayor's Public Service Employee 51 Pt, Public Service Employee 14, Public Service Employee 14 Pt, Public Service Employee 51, Public Service Employee 51 PPT, Public Service Employee 51 PT, Public Service Employee 51 (CONF), And Public Service Employee 51 PPT (CONF)  
[12-0178](#)

**A motion was made to Approved As Amended On Introduction and Scheduled for Final Passage to the \* Special Meeting of the Oakland City Council, to be heard at the January 22, 2013 meeting on the Consent Agenda.**

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

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S-7.16-CC Subject: Ordinance Nos. 13125 And 13130 C.M.S. Correction  
From: Department Of Human Resources Management  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Make Corrections To Ordinance No. 13125 C.M.S. And Ordinance No. 13130 C.M.S.  
[12-0179](#)

**A motion was made to Approved As Amended On Introduction and Scheduled for Final Passage to the \* Special Meeting of the Oakland City Council, to be heard at the January 22, 2013 meeting on the Consent Agenda.**

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

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S-7.17-CC Subject: 2011 - 2012 ORSA Annual Report  
From: Office Of Neighborhood Investment  
Recommendation: Receive An Informational Report Presenting The Oakland Redevelopment  
Successor Agency (Agency) Fiscal Year 2011-2012 Annual Reports On Blight, Housing  
Activity, Loans, Property, And Time Limits In Accordance With The Reporting Requirements  
Of The California Community Redevelopment Law  
[12-0188](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan,  
Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember  
Brunner, Council President Kernighan, President Pro Tempore De La Fuente  
and Councilmember Brooks  
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S-7.18-CC Subject: CalTrans Purchase Agreement  
From: Office Of Neighborhood Investment  
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Negotiate And  
Execute A Purchase And Sale Agreement With Caltrans For The Sale Of An Approximately  
3-Acre Fee-Owned Parcel And 3-Acre Easement Area Located At The Former Oakland Army  
Base For 5,750,000, Less Any Costs For Required Easements; And  
[12-0118](#)

**This Matter was Approved On Introduction and Scheduled for Final  
Passage to the \* Special Meeting of the Oakland City Council, to be heard  
at the January 22, 2013 meeting on the Consent Agenda.**

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

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2) A Successor Agency Resolution Authorizing The Agency Administrator To Negotiate And Execute A Purchase And Sale Agreement With Caltrans For The Sale Of An Approximately 3-Acre Fee-Owned Parcel And 3-Acre Easement Area Located At The Former Oakland Army Base For \$5,750,000, Less Any Costs For Required Easements  
[12-0118-1](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember Brunner, Council President Kernighan, President Pro Tempore De La Fuente and Councilmember Brooks  
[2012-012 ORSA.pdf](#)

S-7.19-CC Subject: Affordable Housing Trust Fund Project Fund Staffing  
From: Department Of Housing And Community Development  
Recommendation: Adopt A Resolution Appropriating \$966,709 From The Affordable Housing Trust Fund For Housing Development Project Funding And \$240,000 From The Affordable Housing Trust Fund For Project Staffing  
[12-0183](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember Brunner, Council President Kernighan, President Pro Tempore De La Fuente and Councilmember Brooks  
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S-7.20-CC Subject: Owner Participation Agreement - SKS Broadway  
From: Office Of Neighborhood Investment  
Recommendation: Adopt The Following Pieces Of Legislation:  
1) An Oakland Redevelopment Successor Agency Resolution Authorizing An Amendment To An Owner Participation Agreement With SKS Broadway LLC To Extend Development Deadlines For A Mixed-Use Project At 1100 Broadway; And  
[12-0185](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember Brunner, Council President Kernighan, President Pro Tempore De La Fuente and Councilmember Brooks  
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2) An Ordinance Authorizing An Amendment To A Purchase And Sale Agreement With SKS Broadway LLC For Sale Of The Public Parking Garage At 409 - 12th Street To Extend Purchase Deadlines  
[12-0185-1](#)

**This Matter was Approved On Introduction and Scheduled for Final Passage to the \* Special Meeting of the Oakland City Council, to be heard at the January 22, 2013 meeting on the Consent Agenda.**

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

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S-7.21-CC Subject: Housing Board Policy Committee  
From: Department Of Housing And Community Development  
Recommendation: Adopt A Resolution Authorizing The Housing, Residential Rent And Relocation Board To Establish A Standing Policy Committee  
[12-0175](#)

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

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

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S-7.22-CC Subject: Anti-Poverty Community Services Block Grant Renewal  
From: Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Accept, Appropriate, And Allocate A Renewal Grant In An Anticipated Amount Of \$1,281,473 In Anti-Poverty Community Services Block Grant (CSBG) Funds For Calendar Year 2013 From The State Of California Department Of Community Services And Development (CSD) For Oakland And The Surrounding Alameda County (Excluding Berkeley); 2) Accept Any Additional CSBG Funding That May Become Available For Existing Programming Without Returning To Council; 3) Waive All Central Services Overhead Charges Associated With The Grant; 4) Extend And Amend Calendar Year 2012 Grant Agreements And Contracts In Amounts Not To Exceed \$50,000 Total For Each Agreement; And 5) Negotiate, Execute, Extend And Amend Calendar Year 2013 Grant Agreements And Contracts With Service Providers In Alignment With The City's 2012-2013 State Approved Community Action Plan In Amounts Not To Exceed \$50,000 Each  
[12-0190](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember Brunner, Council President Kernighan, President Pro Tempore De La Fuente and Councilmember Brooks  
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S-7.23-CC Subject: California Environmental Protection Agency Grant Funds  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate Grant Funds From The California Environmental Protection Agency (CalEPA) To The Oakland Fire Department (OFD) In The Amount Of Seventy-Eight Thousand Seven Hundred And Fifty-Six Dollars (\$78,756) To Purchase California Electronic Reporting System (CERS) Compatible Software and Computers To Provide A Means For Business Workshops For Oakland Companies To Submit Hazardous Materials Reporting Information To The Certified Unified Program Agency (CUPA) As Required By AB 2286  
[12-0170](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember Brunner, Council President Kernighan, President Pro Tempore De La Fuente and Councilmember Brooks  
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S-7.24-CC Subject: Cal Fire Grant Funds - US&R Training  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Apply For, Accept, And Appropriate Funds From The State Of California Fire And Rescue Training Authority (CFRTA) To The Oakland Fire Department In The Amount Of One-Hundred Thousand Dollars (\$100,000) For A Scheduled Mobilization Exercise To Meet Personnel And Supply Expenses For The Training Of The Oakland Fire Department's Urban Search And Rescue (US&R) Team  
[12-0159](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember Brunner, Council President Kernighan, President Pro Tempore De La Fuente and Councilmember Brooks  
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S-7.25-CC Subject: MHN Contract Extension - Counseling Services  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Exercise The Option To Extend The Contract With Managed Health Network (MHN) To Continue Providing Psychological Counseling Services For Sworn Members Of The Police Department And Their Dependents For An Additional Term, For The Period Of December 1, 2012 Through June 30, 2014, In The Amount Of \$100,000 (One Hundred Thousand Dollars)  
[12-0167](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember Brunner, Council President Kernighan, President Pro Tempore De La Fuente and Councilmember Brooks  
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S-7.26-CC Subject: Juvenile Accountability Block Grant  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee,  
To: 1) Enter Into A Grant Program Administration Agreement With The State Of California,  
Corrections Standards Authority, For Juvenile Accountability Block Grant (JABG) Funds; 2)  
Accept, Appropriate, And Administer JABG Direct Allocation Funds Fiscal Year 2012-2013  
To The Oakland Police Department In The Amount Of \$42,227 For The School Safety Policing  
Project For The Period July 1, 2012 - June 30, 2013; And 3) Waive The Central Services  
Overhead (CSO) Charges Of \$1,541  
[12-0189](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan,  
Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember  
Brunner, Council President Kernighan, President Pro Tempore De La Fuente  
and Councilmember Brooks  
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S-7.27-CC Subject: Juvenile Justice And Delinquency Prevention  
From: Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator 1) To Accept And  
Appropriate A Second Chance Act Juvenile Offender Reentry Evaluation Grant In An Amount  
Not To Exceed \$750,000 From The U.S. Department Of Justice, Office Of Juvenile Justice  
And Delinquency Prevention (OJJDP) And 2) To Enter Into Two Year Grant Agreements With  
Various Public And Non Profit Partners Named In The Grant For An Estimated Amount Not  
To Exceed \$576,800 From January 1, 2013 Through December 31, 2014  
[12-0186](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan,  
Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember  
Brunner, Council President Kernighan, President Pro Tempore De La Fuente  
and Councilmember Brooks  
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S-7.28-CC Subject: Contract Award - Resource Development Associates  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And  
Execute A Contract Between The City Of Oakland And Resource Development Associates In  
An Amount Not To Exceed Three Hundred And Five Thousand Dollars (\$305,000) Annually  
For Outcome And Process Evaluation Services For Measure Y Violence Prevention And  
Community Policing Programs With Two One-Year Options To Renew For The FY 2012-15  
Funding Cycles  
[12-0161](#)

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

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

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

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

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

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

**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 8:36 p.m.*

*0 individuals spoke on this item.*

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

- 9.1 Subject: 2013-2014 Rockridge Business Improvement District Assessment  
From: Office Of Economic And Workforce Development  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Confirming The Annual Report Of The Rockridge Business Improvement District Advisory Board And Levying The Annual Assessment For The Rockridge Business Improvement District For Fiscal Year 2013/14  
[12-0139-1](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember Brunner, Council President Kernighan, President Pro Tempore De La Fuente and Councilmember Brooks  
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*Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 8:37 p.m.*

*0 individuals spoke on this item.*

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

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9.2           Subject:    2013-2014 Montclair Business Improvement District Assessment  
              From:       Office Of Economic And Workforce Development  
              Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution  
              Confirming The Annual Report Of The Montclair Business Improvement District Advisory  
              Board And Levying The Annual Assessment For The Montclair Business Improvement District  
              For Fiscal Year 2013/14  
              [12-0138-1](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember Brunner, Council President Kernighan, President Pro Tempore De La Fuente and Councilmember Brooks  
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*Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at 8:38 p.m.*

*3 individuals spoke on this item.*

*Agency/Councilmember Schaaf made a motion, seconded by Agency/Councilmember Kernighan, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: De La Fuente, Kaplan, Kernighan, Nadel, Schaaf, and President Reid -6*

*Noes: Brooks, Brunner - 2*

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9.3           Subject:     Wireless Telecommunication Facility Appeal  
              From:       Department Of Planning And Building  
              Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution  
Denying The Appeal (A12-172) Of The Decision Of The Oakland Planning Commission, To  
Grant Approval Of An Application For A Major Conditional Use Permit And Regular Design  
Review To Make Alterations To An Existing Wireless Telecommunication Facility Located In  
A Commercial Zone Property, At 5745 Thornhill Drive (Planning Case File: CMD12-056)  
[12-0210](#)

**A motion was made by Councilmember Schaaf, seconded by Council President Kernighan, that this matter be Adopted as Amended to revise the condition 14 to specify post monitor testing be performed at appellants residence and apartment below monitor with the permission of the tenants. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Noes: 2 - Councilmember Brunner and Councilmember Brooks  
ORA\Councilmember Ayes: 6 - President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Council President Kernighan and President Pro Tempore De La Fuente  
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*Upon the reading of Item 9.4 by the City Clerk, the Public Hearing was opened at 9:19 p.m.*

*0 individuals spoke on this item.*

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

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9.4 Subject: Safeway Project Appeal  
From: Department Of Planning And Building  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeals A12-146 & A12-148, And Approving The Major Conditional Use Permits, Design Review And Minor Variances For A Revised Project Based Upon An Agreement Between The Appellants And The Applicant That Includes A New Safeway Grocery Store Of No More Than 45,500 Square Feet And Retail Of No More Than 9,500 Square Feet Under Case Numbers CMDV09-107, TPM-09889, ER09-0006 And Certification Of The EIR And Addendum For The College Avenue Safeway Project Located At 6310 College Avenue(TITLE CHANGE)  
[12-0085](#)

**A motion was made by Councilmember Brunner, seconded by Councilmember Brooks, that this matter be Adopted as Amended per the settlement agreement distributed by Councilmember Brunner. The motion carried by the following vote:**

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

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*Upon the reading of Item 9.5 by the City Clerk, the Public Hearing was opened at 9:54 p.m.*

*67 individuals spoke on this item.*

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

*-8*

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9.5 Subject: New Dog Play Area Appeal  
From: Department Of Planning And Building  
Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Upholding The Appeal (A12-062), Of The Decision Of The Oakland Planning Commission, And Granting Approval Of An Application For A Minor Conditional Use Permit For The Creation Of A New Dog Play Area At Lakeview Park (Planning Case File No. Cull-208); Or

[11-0624](#)

**Continued to Meeting of the Oakland City Council on 2/5/2013**

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2) A Resolution Denying The Appeal (A12-062), Of The Decision Of The Oakland Planning Commission And Denying The Application For A Minor Conditional Use Permit For The Creation Of A New Dog Play Area At Lakeview Park (Planning Case File No. Cull-208)

[11-0624-1](#)

*A substitute motion was made by Councilmember Brunner, Seconded by Councilmember Kernighan to continue the item until April 15, 2013 to allow the City Administrator and Mayor to return with a proposal for alternative site and funding sources. The motion failed with a vote of 3 Ayes, 5 Noes - Brooks, De La Fuente, Kaplan, Nadel, Schaaf.*

*Vice Mayor Nadel made a motion, seconded by Councilmember Schaaf to uphold the appeal and approve the application for a dog play area. The motion tied with a vote of 4 Ayes, 4 Noes - Brunner, Brooks, Kernighan, Reid. Pursuant to Rule 29 of Resolution 82580 C.M.S. Council's Rules of Procedure, this item will return to the next regularly scheduled City Council agenda to allow the mayor to cast the tie breaking vote.*

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

*Councilmember Brooks made a motion seconded by Councilmember Kaplan to approve the urgency finding on item 10 for the following reasons 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 is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting; The motion passed with a vote of 7 Ayes, 1 No - Schaaf*



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10           Subject:     Goldman Sachs Debarment  
              From:       Councilmember Desley Brooks  
              Recommendation: Motion Requesting The City Administrator To Initiate Debarment  
              Proceedings Pursuant To Oakland Municipal Code (OMC) Chapter 2.12 Against Goldman  
              Sachs, And To Provide A Report Status Of The Proceedings At The Second Council Meeting  
              In March 2013  
              [12-0218](#)

**A motion was made by Councilmember Brooks, seconded by President Pro Tempore Kaplan, that this matter be \*Approve as Submitted. The motion carried by the following vote:**

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

11           Subject:     November 6, 2012 Election Results  
              From:       Office Of The City Clerk  
              Recommendation: Adopt A Resolution Declaring The Results Of The City Of Oakland  
              General Municipal Election Held On Tuesday, November 6, 2012  
              [12-0208](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan,  
Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember  
Brunner, Council President Kernighan, President Pro Tempore De La Fuente  
and Councilmember Brooks  
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12            Subject:    Architectural Services Agreements  
                 From:            Public Works Agency  
                 Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator, Or Her Designee, To Enter Into Professional Services Agreements In An Amount Not To Exceed One-Hundred Fifty Thousand Dollars (\$150,000.00) Each With 1) Architecture Dimensions, 2) Devi-Dutta-Choudhury, 3) Hibser Yamauchi Architects, And 4) Vargas Greenan Architecture For On-Call Architectural Services Over A Period Of Three Years

[12-0157](#)

**A motion was made by Councilmember Brooks, seconded by Vice Mayor Reid, that this matter be Not Adopted. The motion carried by the following vote:**

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

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2) A Resolution Authorizing The City Administrator, Or Her Designee, To Enter Into Professional Services Agreements In An Amount Not To Exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00) Each With 1) Byrens Kim Design Works, 2) Dougherty & Dougherty Architects, 3) Group 4 Architects Research, 4) Mve Institutional , Inc., 5) Muller Caulfield Architects, 6) Murakami & Nelson, 7) Noll & Tam Architects, 8) RPR Architects, And 9) Shah Kawasaki Architects For Oncall Architectural Services Over A Period Of Three Years

[12-0157-1](#)

*A motion was made by Councilmember Brooks, seconded by Council President Reid to direct staff to do an "expedited RFP process," allowing all current bids to stand while expanding outreach and allowing new proposals to be submitted. Once the new proposals have submitted staff is directed to evaluate all proposals in the expanded pool and provide recommendations to Council. The motion passed with a vote of 8 Ayes.*

*At this time a motion was made by Councilmember Kernighan, Seconded by Councilmember Nadel to extend the Meeting of the Oakland City Council past midnight. The motion passed with a vote of 8 ayes.*

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13 Subject: Modification of the Taxi Vehicle Permit (Medallion) Fee  
From: Vice Mayor Reid and Pro Tempore De La Fuente  
Recommendation: Adopt An Ordinance Amending Ordinance No. 13078 C.M.S., The Master Fee Schedule, As Amended, To Modify The Annual Fee Of The Taxi Vehicle Permit (Medallion) Assessed By The Office Of The City Administrator  
[12-0216](#)

**A motion was made by President Pro Tempore De La Fuente, seconded by Vice Mayor Reid, that this matter be Approved On Introduction and Scheduled for Final Passage to the \* Special Meeting of the Oakland City Council, to be heard at the January 22, 2013 meeting. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Noes: 3 - Councilmember Schaaf, Vice Mayor Nadel and Council President Kernighan

ORA\Councilmember Ayes: 5 - President Pro Tempore Kaplan, Vice Mayor Reid, Councilmember Brunner, President Pro Tempore De La Fuente and Councilmember Brooks

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S-14 Subject: Graffiti Enforcement  
From: Vice Mayor Nadel And The Office Of The City Attorney  
Recommendation: Adopt An Ordinance Amending And Restating Oakland Municipal Code Chapter 8.10 To Provide Comprehensive Enforcement Of Vandalism By Defacement Of Property (Graffiti) Through Oakland And State Law, Establishing New Remedies Against Violators, Providing For Restorative Justice For Offenders, A Fund For Rewards And To Assist Victims, And Incorporating State Law Allowing For Liens Against Property Of Offenders  
[12-0112](#)

**A motion was made by Vice Mayor Nadel, seconded by President Pro Tempore Kaplan, to Approved As Amended On Introduction and Scheduled for Final Passage to the \* Special Meeting of the Oakland City Council, to be heard at the January 22, 2013 meeting to include "tagging and tagger" in the definition The motion carried by the following vote:**

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

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S-15 Subject: Cityworks Contract Amendment  
From: Public Works Agency  
Recommendation: Adopt A Resolution: (1) Amending The Contract With Azteca Systems, Inc., For The Purchase Of Licensing, Software Maintenance Services And Software Upgrades For The City's Cityworks Computerized Maintenance Management System, (2) Increasing The Contract Amount By \$550,000.00 And Extending The Contract For An Additional Five-Year Term, And (3) Authorizing The City Administrator To Waive Advertising, Competitive Bidding And The Request For Proposals/Qualifications Requirements  
[12-0131](#)

**A motion was made by President Pro Tempore Kaplan, seconded by Council President Kernighan, that this matter be Adopted as Amended to approve an increase of \$328,000 The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember Brunner, Council President Kernighan, President Pro Tempore De La Fuente and Councilmember Brooks  
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S-16 Subject: Army Base Interim Leasing Report  
From: Office Of Neighborhood Investment  
Recommendation: Receive An Informational Report Regarding The Oakland Army Base Interim Leasing Program  
[12-0143](#)

**A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Brunner, that this matter be \*Received and Filed. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember Brunner, Council President Kernighan, President Pro Tempore De La Fuente and Councilmember Brooks  
*The Council indicated that the vacation dates should not be prior to May 31, 2013.*  
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S-17      Subject:    Tenant Leases In The City Administration Building Complex  
From:        Office Of Neighborhood Investment  
Recommendation: Adopt An Ordinance, Amending Ordinance No. 12079 C.M.S., Authorizing  
The City Administrator To Negotiate And Execute Tenant Leases In The City Administration  
Building Complex  
[12-0181](#)

**A motion was made by Council President Kernighan, seconded by  
President Pro Tempore Kaplan, that this matter be Approved On  
Introduction and Scheduled for Final Passage to the \* Special Meeting of  
the Oakland City Council, to be heard at the January 22, 2013 meeting.  
The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan,  
Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember  
Brunner, Council President Kernighan, President Pro Tempore De La Fuente  
and Councilmember Brooks  
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S-18      Subject:    Allocating Funds From The Measure Y Reserve  
From:        Department Of Human Services  
Recommendation: Adopt A Resolution Allocating \$590,000 From The Measure Y Reserve  
From Fiscal Year 2012-2013 Through Fiscal Year 2014-2015 For Various Non-Profit  
Agencies, Consistent With The Current Measure Y Program Strategy Areas.  
[12-0180](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan,  
Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember  
Brunner, Council President Kernighan, President Pro Tempore De La Fuente  
and Councilmember Brooks  
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*Councilmember Kaplan made a motion seconded by Councilmember Schaaf to  
approve the urgency finding on item S-19 for the following reasons: 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 is  
required to avoid a substantial adverse impact that would occur if the action  
were deferred to a subsequent special or regular meeting the motion passed  
with a vote of 8 ayes.*

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S-19      Subject:      Sales And Use Tax Records Representative  
From:          Office Of The City Attorney  
Recommendation: Adopt A Resolution Of The City Council Of The City Of Oakland  
Designating And Authorizing Douglas R. Boyd Of The Law Office Of Douglas R. Boyd A  
Counsel, As A City Representative To Examine Sales And Use Tax Records  
[12-0217](#)

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

**Votes:** ORA\Councilmember Abstained: 1 - Councilmember Brooks  
ORA\Councilmember Ayes: 7 - President Pro Tempore Kaplan,  
Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember  
Brunner, Council President Kernighan and President Pro Tempore De La Fuente  
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S-20      Subject:      Billboard Franchise Revenue Allocation  
From:          Office Of Economic And Workforce Investment  
Recommendation: Adopt A Resolution Appropriating And Allocating Revenue Generated  
From The Oakland Army Base Billboard Franchise And Lease Agreement To The West  
Oakland Job Resource Center And Other Oakland Army Base Community Benefits-Related  
Uses Including Staff  
[12-0195](#)

**A motion was made by Council President Kernighan, seconded by Vice Mayor Nadel, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - President Pro Tempore Kaplan,  
Councilmember Schaaf, Vice Mayor Reid, Vice Mayor Nadel, Councilmember  
Brunner, Council President Kernighan, President Pro Tempore De La Fuente  
and Councilmember Brooks  
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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 Council adjourned the meeting in memory of Nancy Johnson, Ralph Neary, The victims in Newtown, CT, Rejoice Stovall, Jay Rose, the Oakland residents killed by violence, Dave Ruback, and Dan Inouye at 2:04 a.m.*

Americans With Disabilities Act

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Office of the City Clerk - Agenda Management Unit

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