



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>

Tuesday, January 06, 2009

6:00 PM

Oakland City Hall, 3rd Floor

1 Pledge of Allegiance

A meeting of the Joint Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 6:12 PM.

2 Roll Call / ORA & Council

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ORA\Councilmember Present: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner

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

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The following individuals spoke under Open Forum:

- Scott Peterson
- Paulette V. Hogan
- Sanjiv Handa
- Bakari Olatunji
- Shanrika Turney
- John Wilson

4 Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.

A motion was made by Councilmember Brooks seconded by Councilmember Reid to pull item 10.17 CC and reschedule to the January 20, 2009 City Council Agenda as a Non-Consent item.

Councilmember Brooks requested to speak on item 10.21 CC

- 5 Motion for 'Members' Requests for Reconsideration' of an Action taken at the preceding Council Meeting, shall be scheduled for the next-succeeding City Council meeting as a non-consent item. (Motion Maker must have voted on prevailing side)

No Action Taken

- 6 Requests from Councilmember(s) to schedule an Action Item considered by Committee but not forwarded to Council, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.

No Action Taken

- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on December 9, 2008

A motion was made by Councilmember Reid, seconded by Councilmember De La Fuente, to *Approve the Minutes. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Kaplan
ORA\Councilmember Ayes: 7 - Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

8. PRESENTATION OF CEREMONIAL MATTERS

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Agency/Councilmember Kernighan took a point of personal privilege and requested that the meeting be adjourned in memory of Woon Lam

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

Agency/Councilmembers Reid and Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Eveilo Grillo, Sr.

Agency/Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Oscar Grant, III

Agency/Councilmembers Brooks, Kaplan and Reid took a point of personal privilege and requested that the meeting be adjourned in memory of C. Diane Howell

10. CONSENT CALENDAR (CC) ITEMS:

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10.1-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
[07-1897](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, President of the Council Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Councilmember Reid and
Councilmember De La Fuente

The following individual spoke on this item:

- Paulette V. Hogan

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10.2-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
[07-1898](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, President of the Council Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Councilmember Reid and
Councilmember De La Fuente

The following individual spoke on this item:

- Paulette V. Hogan

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10.3-CC Subject: Brown Act Amendments To The Sunshine Ordinance
From: Public Ethics Commission
Recommendation: Adopt An Ordinance Amending Chapter 2.20 Of The Oakland Municipal
Code To Conform The Definition Of "Meeting" To Provisions Of The Ralph M. Brown Act
[07-1695-1](#)

**This Matter was Approved on Introduction for Final Passage on the
Consent Agenda.**

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, President of the Council Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Councilmember Reid and
Councilmember De La Fuente

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10.4-CC Subject: Dogs On Leashes - Mosswood Park
From: Office of Parks and Recreation
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 6.04 -
"Animal Control Regulations Generally", Section 6.04.080 (A)(1), To Permit Dogs On A Six
Foot Leash On Designated Paths Through Mosswood Park
[07-1759](#)

**This Matter was Approved on Introduction for Final Passage on the
Consent Agenda.**

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, President of the Council Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Councilmember Reid and
Councilmember De La Fuente
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10.5-CC Subject: Studio One Art Center - Landmark Designation
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Designating Studio One Art Center (Historic Name:
Ladie's Relief Society Children's Home) At 365 45th Street As A Landmark Pursuant To Section
17.136.070 Of The Oakland Planning Code
[07-1790](#)

**This Matter was Approved on Introduction for Final Passage on the
Consent Agenda.**

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, President of the Council Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Councilmember Reid and
Councilmember De La Fuente
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10.6-CC Subject: The Altenheim - Landmark Designation
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Designating The Altenheim At 1720 MacArthur
Boulevard As A Landmark Pursuant To Section 17.136.070 Of The Oakland Planning Code
[07-1791](#)

**This Matter was Approved on Introduction for Final Passage on the
Consent Agenda.**

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, President of the Council Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Councilmember Reid and
Councilmember De La Fuente
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10.7-CC Subject: Taxi Cab Ordinance Amendment
From: City Council
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.64 "TAXICABS" To A) Move The Administration Of Taxi Permits From The Oakland Police Department To The City Administrator's Office And B) Move The Initial And Annual Inspection Of Taxis From The Oakland Police Department To The Public Works Agency
[07-1875](#)

A motion was made by Councilmember Quan, seconded by Councilmember De La Fuente, that this matter be Approved as Amended for Re-Introduction to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on January 20, 2009. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

Council amended the ordinance as re-introduced to include language to replace the Chief of Police with the appropriate staff person responsible for carrying out the duties set forth by the Ordinance.

The following individuals spoke on this item:

- Paulette V. Hogan

- Sanjiv Handa

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10.8-CC Subject: Simon Gibson - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Montclair Physical Therapy And Wellness (Simon Gibson) In The Amount Of Six Thousand One Hundred Twenty Dollars And No Cents (\$6,120.00), As A Result Of Property Damage Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On November 12, 2007. (Public Works Agency)
[07-1899](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

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10.9-CC Subject: Barry And Sasaki Junko Feigelman - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Barry And Sasaki Junko Feigelman In The Amount Of Sixty Thousand Dollars (\$60,000.00), As A Result Of Property Damage Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On March 1, 2008. (Public Works Agency)
[07-1900](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

The following individual spoke on this item:

- *Sanjiv Handa*
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10.10-CC Subject: Yvonne Eldridge - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Yvonne Eldridge, In The Amount Of \$25,092.22, As A Result Of Property Damage Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On May 27th, 2008 (Public Works Agency)
[07-1901](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

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10.11-CC Subject: Douglas And Michelle Moir - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Douglas & Michelle Moir In The Amount Of Twenty One Thousand Nine Hundred Thirty Two Dollars And 02/100 Cents (\$21,932.02), As A Result Of Property Damage Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On October 10, 2008. (Public Works Agency).
[07-1902](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

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10.12-CC Subject: Conditional And Revocable Permit - 2400 Webster Street
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting Randal M. Lee, Et Al., A Revocable And Conditional Permit To Allow An Existing Building At 2400 Webster Street To Encroach Into The Public Right-Of-Way
[07-1803](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

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10.13-CC Subject: Stop Sign Installation / No Stopping Zone
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Approving The Installation Of 1) A Stop Sign On Peterson Street At Glascock Street; 2) Stop Signs On 23rd Avenue At East 29th Street; And 3) A No Stopping Anytime Zone On Foothill Boulevard, North Side, From MacArthur Boulevard To A Point 250 Feet East
[07-1843](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

The following individual spoke on this item:

- Sanjiv Handa

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10.14-CC Subject: Walking And Bicycling Safety Improvements
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Of Oakland To Accept And Appropriate Nine Hundred Twenty Thousand Three Hundred Dollars (\$920,300.00) In Federal Cycle 2 Safe Routes To School (SRTS) Grant Funds For Walking And Bicycling Safety Improvements At Bret Harte Middle School, Manzanita Community And SEED Elementary Schools, And Peralta Elementary, La Escuela Internacional, And Pacific Boychoir Schools
[07-1844](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

The following individual spoke on this item:

- Sanjiv Handa

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10.15-CC Subject: Fremont Pool Improvement Project
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or The City Administrator's Designee, To Award A Construction Contract To Bay Construction, Inc., For The Fremont Pool Improvement Project (No. P353410) In The Amount Of Three Hundred Ten Thousand Dollars (\$310,000.00)
[07-1845](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

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10.16-CC Subject: Gallagher And Burk - Street Resurfacing
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To
Gallagher & Burk, Inc., For Citywide Street Resurfacing Fiscal Year 2007-2008 (Project No.
G339610), In The Amount Of One Million Eight Hundred Ninety-Five Thousand And Seventy
Dollars (\$1,895,070.00)
[07-1805](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, President of the Council Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Councilmember Reid and
Councilmember De La Fuente

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10.17-CC Subject: Equal Access Ordinance
From: Office of the City Administrator
Recommendation: Receive A Status Report On The Implementation Of The Equal Access To
Services Ordinance And Recommendations For Improving Language Access To City Services
For Oakland's Limited English Speaking Population For The Period July 1, 2007 Through June
30, 2008
[07-1750](#)

*A motion was made by Councilmember Brooks seconded by Councilmember
Reid to pull this item and reschedule it to the January 20, 2009 City
Council Agenda as a Non-Consent item.*

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10.18-CC Subject: Two-Year Lease Agreement - David And Kathleen Stone
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And
Execute A Two-Year Lease Agreement With An Additional Two-Year Option With David And
Kathleen Stone For A Portion Of Their Real Property Located At 2405 Monterey Boulevard For
Use As A Golf Course Fairway For An Amount Of Not To Exceed \$6,011.16 For The First Year
[07-1848](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, President of the Council Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Councilmember Reid and
Councilmember De La Fuente

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10.19-CC Subject: Contract Approval for Engineer Services 2009-2011
From: The Budget Office
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award And Execute A Two-Year Contract With Francisco & Associates, Inc. In An Amount Not To Exceed \$143,000 To Perform Engineering Services For The Landscaping And Lighting Assessment District (LLAD), The Wildfire Prevention Assessment District (WPAD), The Emergency Services Retention Act Of 1997 (Measure M), The Paramedic Services Act Of 1997 (Measure N), The Library Services Retention And Enhancement Act Of 1994 (Measure Q), The Violence Prevention And Public Safety Act Of 2004 (Measure Y) And The Rockridge Library Community Facilities District Of 1992 For The Fiscal Years 2009-2010 And 2010-2011, And Authorizes The City Administrator To Extend The Contract For Two Additional Years Without Return To Council
[07-1850](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente
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10.20-CC Subject: Tax Defer PERS Members Paid Contributions
From: Finance and Management Agency
Recommendation: Adopt A Resolution Authorizing Implementation Of The Provisions Of Section 414(H)(2) Of The Internal Revenue Code To Tax Defer Member Paid Contributions To The California Public Employees' Retirement System (PERS)
[07-1851](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente
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10.21-CC Subject: Oakland Ice Center - First Year Report
From: Community and Economic Development Agency
Recommendation: Receive An Informational Report On San Jose Arena Management's First Year
Of Management Of The Oakland Ice Center
[07-1726](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

The following individual spoke on this item:

- Sanjiv Handa

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10.22-CC Subject: Business Retention, Expansion And Support Services
From: Community and Economic Development Agency
Recommendation: Action On A Report On The Interim Plan To Provide Business Retention,
Expansion And Support Services Pending The Conclusion Of A Competitive Request For
Proposals (RFP) Process, And A Recommendation To Authorize \$40,000 For Such Services
[07-1793](#)

This Matter was Approved on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

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10.23-CC Subject: Central City East Neighborhood Projects Program
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Adopting The Central City East Neighborhood
Project Initiative Program And Allocating \$160,000 From Central City East Redevelopment
Project Funds To The Program
[07-1794](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

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10.24-CC Subject: Urban Search And Rescue Team Training
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With The State Of California Fire And Rescue Training Authorization For A January 17-18, 2009 Mobilization Exercise In Exchange For Reimbursement In The Amount Of One Hundred Thousand Dollars (\$100,000.00) For Personnel And Supply Expenses Incurred In Training Of The Oakland Fire Department Urban Search And Rescue (USAR) Team And To Appropriate Said Funds
[07-1801](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente
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10.25-CC Subject: Frances Smith - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Frances Smith V. City Of Oakland, Et Al., Alameda County Superior Court No. RG07308877, Our File No. 25630, In The Amount Of \$37,500.00 (Public Works Agency - Trip And Fall)
[07-1912](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente
The following individual spoke on this item:
- *Sanjiv Handa*
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10.26-CC Subject: Haynes, Owens And Russell - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Shawn Haynes, Bianca Owens And Ariesha Russell V.
City Of Oakland, Et Al., Alameda County Superior Court No. RG07324200, Our File No.
25672, In The Amount Of \$57,728.00 (Oakland Police Department - Auto Accident)
[07-1913](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, President of the Council Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Councilmember Reid and
Councilmember De La Fuente

The following individual spoke on this item:

- *Sanjiv Handa*
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10.27-CC Subject: Fruitvale / San Antonio Mental Health Project
From: Council President De La Fuente
Recommendation: Adopt A Resolution Authorizing A Grant From Councilmember De La
Fuente's Priority Project Funds To The Oakland Unified School District In The Amount Of
\$10,000 To Fund The Fruitvale / San Antonio Mental Health Pilot Project
[07-1904](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, President of the Council Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Councilmember Reid and
Councilmember De La Fuente

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Passed The Consent Agenda

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, President of the Council Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Councilmember Reid and
Councilmember De La Fuente

- 11 An oral report from the Agency Counsel / City Attorney of final decisions made during Closed Session

A motion was made by Councilmember Quan, seconded by Councilmember Kernighan, to *Approve as Submitted the report from the Office of the City Attorney of two final decisions made during Closed Session. Please refer to Attachment A for the details of the final decision. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

*The following individual spoke on this item:
- Sanjiv Handa*

- 12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 2.20.130 of the Sunshine Ordinance

A motion was made by Councilmember Brooks, seconded by Councilmember De La Fuente, to *Approve as Submitted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

**COMMENCING AT 7:00 P.M. OR AS SOON AS REASONABLY PRACTICAL
THEREAFTER:**

- 13 Reconsideration of Ordinances pursuant to Charter Section 216

14. Consideration of items with statutory Public Hearing Requirements:

14.1 Subject: Rockridge Business Improvement District - Annual Assessment
From: Community and Economic Development Agency
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 2009-2010
[07-1727-1](#)
[Play Video](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was opened at 7:08 PM.

*The following individuals spoke on this item:
- Sanjiv Handa*

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

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14.2 Subject: Montclair Business Improvement District - Annual Assessment
From: Community and Economic Development Agency
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 2009-2010
[07-1728-1](#)

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

Votes: ORA\Councilmember Absent: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kaplan, President of the
Council Brunner, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and Councilmember De La Fuente
*Upon the reading of Item 14.2 by the City Clerk, the Public Hearing was
opened at 7:12 PM.*

*The following individuals spoke on this item:
- Sanjiv Handa*

*Agency/Councilmember Quan 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: De
La Fuente, Kaplan, Kernighan, Nadel, Reid, Quan, and President of the
Council Brunner -7; Absent: Agency/Councilmember: Brooks-1
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14.3 Subject: Neighborhood Project Initiative Program
 From: Office of the City Administrator
 Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces
 Of Legislation:

1) A Resolution Accepting And Appropriating Redevelopment Agency Funds Under The
Cooperation Agreement In An Amount Not To Exceed \$160,000 For (1) Improvements To The
Teen Center At 5818 International Boulevard, And (2) Purchase And Installation Of Surveillance
Cameras In Businesses Along International Boulevard Within The Coliseum Redevelopment
Project Area Under The Neighborhood Project Initiative (NPI) Program; And

[07-1789](#)

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

Votes: ORA\Councilmember Abstained: 1 - Councilmember Kaplan
ORA\Councilmember Ayes: 7 - Councilmember Brooks, President of the
Council Brunner, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

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2) An Agency Resolution Allocating Funding In An Amount Not To Exceed \$240,000 Under The Coliseum Redevelopment Neighborhood Project Initiative (NPI) Program For (1) Improvements To The Fruitvale Masonic Temple At 1249 Avenida De La Fuente (2) Improvements To The Teen Center At 5818 International Boulevard And (3) Purchase And Installation Of Surveillance Cameras In Businesses Along International Boulevard, Authorizing A Contribution Of Agency Funds In An Amount Not To Exceed \$160,000 To The City Under The Cooperation Agreement For The Teen Center Improvements And The Cameras, And Authorizing A Grant Agreement With Fruitvale Development Corporation For The Masonic Temple Improvements

[07-1789-1](#)

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

Votes: ORA\Councilmember Abstained: 1 - Councilmember Kaplan
ORA\Councilmember Ayes: 7 - Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente
Upon the reading of Item 14.3 by the City Clerk, the Public Hearing was opened at 7:17 PM.

The following individuals spoke on this item:

- Sanjiv Handa

Agency/Councilmember Quan 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, De La Fuente, Kernighan, Nadel, Reid, Quan, and President of the Council Brunner -7; Abstained: Agency/Councilmember: Kaplan-1
[2009-0002 CMS.pdf](#)

ACTION ON NON-CONSENT ITEMS:

15 Subject: Oakland Tourism Business Improvement District
From: Office of the City Administrator
Recommendation: Adopt A Resolution To Establish The Oakland Tourism Business Improvement District (OTBID) Proposed By The Oakland Convention & Visitors Bureau, Declare The Results Of The Majority Protest Proceedings, And Authorizing The City Administrator To Negotiate And Enter Into A Professional Services Agreement With The Oakland Convention & Visitors Bureau To Operate The OTBID
[07-1393-1](#)

A motion was made by Councilmember De La Fuente, seconded by Councilmember Quan, that this matter be Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on February 3, 2009. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

The following individual spoke on this item:

- Sanjiv Handa
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16 Subject: Committee Assignments
From: The Office of the Council President
Recommendation: Adopt A Resolution Pursuant To Rule 4 Of The Council's Rules Of Procedure (Resolution #79006 C.M.S.) Confirming The City Council President's Appointments Of The Members And Chairpersons Of The Following Committees: Public Works, Finance & Management, Community & Economic Development, Life Enrichment, Public Safety, Rules & Legislation, Education Partnership And City-Port Liaison Committee
[07-1903](#)

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

Votes: ORA\Councilmember Noes: 1 - Councilmember Nadel
ORA\Councilmember Ayes: 7 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

The following individual spoke on this item:

- Sanjiv Handa
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[81749 CMS.pdf](#)

17 Subject: 2008 Sobriety Checkpoint Program
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In The Amount Of Sixty Five Thousand Twenty One Dollars And Forty Eight Cents (\$65,021.48) From The Regents Of The University Of California, Berkeley, School Of Public Health, Traffic Safety Center, Serving As The Fiscal Agent For The State Of California, Office Of Traffic Safety, For The 2008 Sobriety Checkpoint Program To Be Conducted By The Police Department For The Project Term Of October 1, 2008 Through September 30, 2009

[07-1909](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

The following individual spoke on this item:

- Sanjiv Handa

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18 Subject: Community Choice Aggregation
From: Public Works Agency
Recommendation: Adopt A Resolution Receiving The East Bay Cities Community Choice
Aggregation Business Plan And Directing The City Administrator To Re-Allocate Three
Hundred Ninety Thousand Dollars (\$390,000.00) To Implementing The Energy And Climate
Action Plan

[07-1687](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

Staff was directed to schedule a Community Choice Aggregation workshop including the Energy and Climate Action Plan for the Fall and write a letter of support for P.G.&E. to the California Public Utilities Commission to assist in receiving the 12 million dollars. Council did not approve the re-allocation of the \$390,000.000 but decided to hold said funds in abeyance until the Energy and Climate Action Plans is brought forward

The following individual spoke on this item:

- Sanjiv Handa

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19 Subject: Sidewalk Repair Priority Plan
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Establishing A Five Year Prioritization Plan For The City
Of Oakland's Sidewalk Repair Program And Allocating Sidewalk Repair Funds To Specific
Categories Of Repair Each Year
[07-1711](#)
[Play Video](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember
Brooks, President of the Council Brunner, Councilmember Kernighan,
Councilmember Nadel, Councilmember Quan, Councilmember Reid and
Councilmember De La Fuente

Council amended the Resolution by adding the following:

*Be it further resolved that within each Council District, not more than 15% of
the resources dedicated to corridors may be shifted to residential sidewalks
where there is a need. Prior to making such adjustments, the City Administrator
will consult with the Council office for the district in question and if necessary
bring the issue to the Council.*

*Council also amended the funding split for sidewalk repairs as follows:
50% on prioritized corridors
40% on selected low priority repairs (residential areas)
10% on mitigating ADA complaints and trip and fall claims*

The following individual spoke on this item:

- Sanjiv Handa
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[81751 CMS.pdf](#)

20 Subject: Sidewalk Safety And Maintenance - Liability
From: Office of the City Attorney
Recommendation: Adopt An Ordinance Of The City Of Oakland Adding Chapter 12.22 To The
Oakland Municipal Code To Establish Landowner Responsibility And Liability For Sidewalk
Safety And Maintenance
[07-1731](#)

***Rescheduled to Concurrent Meeting of the Oakland Redevelopment
Agency / City Council on 2/3/2009**

The following individual spoke on this item:

- Sanjiv Handa
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[View Supplemental Report.pdf](#)

21 Subject: Oakland Retail Enhancement Strategy - Implementation
From: Community and Economic Development Agency
Recommendation: Action On A Report And Recommendations To Accept The Oakland Retail
Enhancement Strategy And To Authorize Actions Included In The Implementation Plan (TITLE
CHANGE)
[07-1175](#)
[Play Video](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, President of the Council Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and Councilmember De La Fuente

Council approved the committee's recommendation and requested the following additional information on: 1) Retail retention; 2) Restaurant marketing; 3) Land banking; and 4) Nurturing new retail areas. Staff was also requested to bring back a report on the use of redevelopment funds and rezoning as part of the Planning Department's report.

The following individual spoke on this item:

- Sanjiv Handa
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22

Subject: Permitted Bingo Operations - Annual Hall Fees
From: Office of the City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.10, "Bingo" To: 1) Require A Bingo Hall Permit When The Bingo Hall Operator Is A Separate Entity From The Bingo Game Operator, 2) Specify Application Requirements For Bingo Halls, 3) Prohibit Bingo Hall Operators From Charging Bingo Game Operators More Than Fair Market Value For The Facilities, Goods And Services Provided By The Halls, 4) Prohibit Bingo Hall Operators From Transactions With Bingo Game Operators When Specified Familial And/Or Business Relationships Exist Between The Two Entities, 5) Subject Bingo Hall Operators To Audit Of Their Oakland Bingo Activities, 6) Specify That The Annual Bingo Hall Permit Fee, Audit Fee, And Police Services Fee Are Established By The Master Fee Schedule, 7) Establish That The Bingo Game Operators' Fee For Law Enforcement And Public Safety Costs Is Established By The Master Fee Schedule, 8) Require That Most Profits Or Proceeds Be Donated To Oakland Charitable Causes Annually, 9) Require Bingo Game Permittees To Conduct Traditional Called Bingo Every Day That Electronic Bingo Is Available, 10) Prohibit Use Of Illegal Bingo Machines, 11) Provide For Administrative Penalty For Violations, 12) Prohibit Door Prize Bingo Games, 13) Add Criteria For Denial, Suspension, Revocation, Or Conditional Approval Of Permits, And 14) Increase The Maximum Game Pay-Out From \$250 To \$500 (TITLE CHANGE); And
[07-1233](#)

***Rescheduled to Concurrent Meeting of the Oakland Redevelopment
Agency / City Council on 2/3/2009**

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2) An Ordinance Amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), As Amended, To Move The Annual Bingo Hall Fee From Chapter 5.10 To The Master Fee Schedule, To Establish A Monthly Fee For Bingo Game Operators To Offset The City's Costs Of Law Enforcement And Public Safety, And To Include In The Annual Bingo Hall Permit Fee That Portion Of Law Enforcement And Public Safety Costs Attributable To Bingo Halls; And Reschedule To The March 24, 2009 Public Safety Committee Agenda

Reason: Based On Additional Discussions With Bingo Operators, Staff Plans To Make Changes To The Proposed Amendments. Also, Staff Will Submit The Annual Bingo Report For 2008 In Conjunction With The Revised Proposals.

[07-1233-1](#)

***Rescheduled to Concurrent Meeting of the Oakland Redevelopment
Agency / City Council on 2/3/2009**

Subject: Additional Fees For Administrative Costs Related To Bingo Ordinance
From: Office Of The City Auditor
Recommendation: Recieve An Informational Report From The Office of the City Auditor
Requesting A Legal Analysis On Additional Fees For Administrative Costs Related To Bingo
Ordinance
[07-1233-2](#)

***Rescheduled to Concurrent Meeting of the Oakland Redevelopment
Agency / City Council on 2/3/2009**

Subject: Use Of Bingo Profits For Charitable Purposes In The City Of Oakland
From: Office Of The City Attorney
Recommendation: Receive A Legal Opinion From The Office Of The City Attorney On The Use
Of Bingo Profits For Charitable Purposes Within The City Of Oakland
[07-1233-3](#)

***Rescheduled to Concurrent Meeting of the Oakland Redevelopment
Agency / City Council on 2/3/2009**

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

**(Meeting shall conclude no later than 10:30 p.m., unless extended by Majority Vote of the
Council)**

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*There being no further business, and upon the motion duly made, the
Agency/Council adjourned the meeting in memory of Woon Lam, Joan Dunbar,
Evelio Grillo, Sr. , C. Diane Howell, and Oscar Grant, III at 9:35 PM*

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