



# 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, October 05, 2010

5:30 PM

Oakland City Hall, 3rd Floor

---

1 Pledge of Allegiance

*The Concurrent Meeting of the Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 5:36 p.m.*

2 Roll Call / ORA & Council

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

ORA\Councilmember Present: 8 - Councilmember Brooks, Councilmember 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)

*The following individuals spoke on this item:*

- Sanjiv Handa
- Simuel Ramey
- Kwame Abdul Nitoto

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

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

*Agency/Councilmember Quan took a point of personal privilege and requested that the meeting be adjourned in memory of Ervin Silver and Raymond Justice*

4.1 Subject: 2010 United Nations Day  
From: Councilmember Nadel  
Recommendation: Adopt A Resolution Declaring October 2010 United Nations Month And  
October 24th 2010 United Nations Day In The City Of Oakland And Authorizing The City Of  
Oakland To Serve As An Honorary Sponsor Of The United Nations Anniversary Flag Raising  
Ceremony  
[10-0048](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La  
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember  
Nadel, Councilmember Quan, Councilmember Reid and President of the  
Council Brunner  
[View Report.pdf](#)  
[82991 CMS.pdf](#)

S-4.2 Subject: National Let's Move Campaign  
From: Vice Mayor Quan  
Recommendation: Adopt A Resolution Related To The National Let's Move Campaign  
[10-0091](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La  
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember  
Nadel, Councilmember Quan, Councilmember Reid and President of the  
Council Brunner  
*Agency/Councilmember Quan made a motion seconded by  
Agency/Councilmember Kaplan to approve an urgency finding pursuant to  
Section 2.20.080 E(2) regarding Item s-4.2 that there is a need to take  
immediate action which came to the attention of the local body after the agenda  
was posted, and that the need to take immediate action relates to federal or  
state legislation.*  
[View Report.pdf](#)  
[82992 CMS.pdf](#)

5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF  
THE SEPTEMBER 21, 2010

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

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

6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS

(Requests to: Reschedule items from consent to Non-Consent to the next Council Agenda,  
Speak on Consent Calendar, Register Votes, Change order of Items, Reconsiderations, Pull  
Items held in Committee):

*As announced, item 7.10 regarding the Capital Improvements to the Asian  
Cultural Center would be rescheduled to the October 19, 2010 as a Consent  
Calendar item.*

*At the request of Councilmember Kaplan, seconded by Vice Mayor Quan, an  
item held in the Rules and Legislation Committee of September 30, 2010 was  
requested to be pulled from that committee and scheduled to the October 19,  
2010 Council agenda as a Non-Consent Item.*

Subject: Expenditure Limit Processes (Spending Cap)

From: Councilmembers Kaplan And Quan

Recommendation: Discussion And Action Regarding A Procedure To Clarify The Process For  
Determining When Expenditure Ceilings (Spending Caps) Under The Campaign Finance  
Reform Act (Oakland Municipal Code Section 3.12.220) Are Lifted

10-0084

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council on 10/19/2010**

[View Report.pdf](#)

**7. CONSENT CALENDAR (CC) ITEMS:**

7.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's  
Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis  
With Regard To The AIDS Epidemic  
[10-0067](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[View Report.pdf](#)  
[82993 CMS.pdf](#)

7.2-CC Subject: Medical Cannabis Health Emergency  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local  
Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In  
The City Of Oakland  
[10-0068](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[View Report.pdf](#)  
[82994 CMS.pdf](#)

7.3-CC Subject: Uptown Mixed-Income Project  
From: Community And Economic Development Agency  
Recommendation: Adopt A Resolution Approving A Final Map For Tract No. 8046 To Create  
Three Market-Rate And Three Affordable-Rate Condominiums To Facilitate Private  
Investment In The Uptown Mixed-Income Project By Low Income Housing Tax Credit  
Investors  
[10-0061](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[View Report.pdf](#)  
[82995 CMS.pdf](#)

---

7.4-CC Subject: City Center Project  
From: Community And Economic Development Agency  
Recommendation: Adopt An Ordinance Authorizing The City Of Oakland To Enter Into A Thirteenth Amendment To The Disposition And Development Agreement With Oakland T12 LLC, Regarding The City Center Project To Extend The Date To Complete An Office Development On Block T-12 Of The City Center Project By 36 Months Changing It From April 12, 2012 To April 12, 2015, With Two Additional Extension Options Of 12 Months Each  
[09-1609-1](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[13037 CMS.pdf](#)

7.5-CC Subject: Downtown Education Complex - Reconstruction  
From: Community And Economic Development Agency  
Recommendation: Adopt An Ordinance Conditionally Abandoning A Portion Of A Public Utilities Easement And A Sanitary Sewer Main Adjoining East 11th Street and 3rd Avenue To Facilitate Reconstruction Of The Downtown Education Complex By the Oakland Unified School District  
[09-1607-1](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[13038 CMS.pdf](#)

7.6-CC Subject: Public Works Construction Specifications 2009 - Repeal of Ordinance 12780  
From: Public Works Agency  
Recommendation: Adopt An Ordinance Adopting The "Standard Specifications For Public Works Construction, 2009 Edition" And Repealing Ordinance No. 12780 C.M.S. And All Resolutions Related Thereto  
[10-0010](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[View Report.pdf](#)  
[13039 CMS.pdf](#)

---

7.7-CC Subject: Jill Horowitz - 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 Jill Horowitz V. City Of Oakland, Alameda County Superior Court Case No. RG09-433992 In The Amount Of \$150,000.00 As A Result Of Tripping And Falling On Uneven Pavement In Oakland, California (Public Works Agency)  
[10-0080](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[View Report.pdf](#)  
[82996 CMS.pdf](#)

7.8-CC Subject: Anyika Nkululeko - 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 Anyika Nkululeko, In The Amount Of \$7,627.68, As A Result Of Property Damage Caused By Oakland Fire Department Personnel On August 31, 2009 (Oakland Fire Department)  
[10-0081](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[View Report.pdf](#)  
[82997 CMS.pdf](#)

7.9-CC Subject: Installation Of Mural Farmer Joe's Market  
From: Vice Mayor Quan  
Recommendation: Adopt A Resolution Authorizing A Grant Of \$10,000 From Councilmember Jean Quan's Pay-Go Funds To Artists Deborah Koppman And Amanda Lockwood For A Mural To Be Installed On Farmer Joe's Market InThe Dimond District  
[10-0075](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[View Report.pdf](#)  
[82998 CMS.pdf](#)

7.10 Subject: Capital Improvements To Asian Cultural Center - Quan Paygo Funds  
From: Vice Mayor Quan  
Recommendation: Adopt A Resolution Authorizing A Grant Of \$5,003.41 Of Jean Quan's  
Pay-Go Funds To The Oakland Asian Cultural Center To Be Used For Improvements At The  
Center  
[10-0079](#)

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council on 10/19/2010**  
[View Report.pdf](#)

7.11-CC Subject: Replacement Oak Trees  
From: Councilmember Patricia Kernighan  
Recommendation: Adopt A Resolution Authorizing An Allocation Of Up To \$350 From Cm  
Kernighan's District 2 Priority Project Funds To The Public Works Agency For Purchase Of  
Four Replacement Oak Trees For Mandana Boulevard  
[10-0006](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La  
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember  
Nadel, Councilmember Quan, Councilmember Reid and President of the  
Council Brunner  
[View Report.pdf](#)  
[83000 CMS.pdf](#)

7.12-CC Subject: Downtown Education Complex - Reconstruction  
From: Community And Economic Development Agency  
Recommendation: Adopt A Resolution Adopting Findings And Setting A Hearing To Receive  
Supporting Evidence And Public Comments On A Conditional Vacation Of A Portion Of A  
Public Utility Easement And A Conditional Abandonment Of A Portion Of A Sanitary Sewer  
Main Adjoining East 11th Street And 3rd Avenue To Facilitate Reconstruction Of The  
Downtown Education Complex By The Oakland Unified School District  
[09-1607](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La  
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember  
Nadel, Councilmember Quan, Councilmember Reid and President of the  
Council Brunner  
[View Report.pdf](#)  
[83001 CMS.pdf](#)

---

S-7.13-CC Subject: Sanitary Sewer Root Foaming  
From: Community And Economic Development Agency  
Recommendation: Adopt A Resolution (1) Rejecting All Bids, (2) Waiving Further  
Competitive Bidding And (3) Approving The Award Of A Negotiated Construction Contract  
To Root Tamers For The Sanitary Sewer Root Foaming Project (Project No. P188440) In  
Accord With Specifications For The Project And Contractor's Negotiated Bid Proposal In The  
Amount Of Three Hundred Twenty-Five Thousand Dollars (\$325,000.00)  
[10-0042](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La  
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember  
Nadel, Councilmember Quan, Councilmember Reid and President of the  
Council Brunner  
[View Report.pdf](#)  
[83002 CMS.pdf](#)

S-7.14-CC Subject: Broadway/MacArthur/San Pablo Redevelopment Plan Change  
From: Community And Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Amending The Procedures For The Formation Of The Project Area Committee  
For The Broadway/Macarthur/San Pablo Redevelopment Project Area To Expand The  
Membership To Include Representatives Of The Lowell Street/Golden Gate/Gaskill Area, And  
To Make Other Modifications; And  
[10-0050](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La  
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember  
Nadel, Councilmember Quan, Councilmember Reid and President of the  
Council Brunner  
[View Report.pdf](#)  
[83003 CMS.pdf](#)

2) An Agency Resolution Accepting The Preliminary Plan For An Amendment To The  
Broadway/ Macarthur/ San Pablo Redevelopment Plan Expanding The Project Area To  
Incorporate The Lowell Street/Golden Gate/Gaskill Area, Authorizing Preparation Of A  
Redevelopment Plan Amendment, And Authorizing Transmittal Of A Statement Of Preparation  
Of Plan Amendment To The State, County, And Taxing Entities  
[10-0050-1](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La  
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember  
Nadel, Councilmember Quan, Councilmember Reid and President of the  
Council Brunner  
[View Report.pdf](#)  
[View Report.pdf](#)  
[2010-0107 CMS.pdf](#)



S-7.15-CC Subject: Affordable Housing Development - Edes Development  
From: Community And Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Authorizing The Sale Of Real Property At 9507 Edes Avenue At A Nominal Price To Habitat For Humanity East Bay And Authorizing A Disposition And Development Agreement For The Development Of Twelve Units Of Affordable Housing On The Property;  
And  
[10-0052](#)

**This Matter was Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on October 19, 2010 as a Consent Calendar item. on the Consent Agenda.**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[View Report.pdf](#)  
[View Report.pdf](#)

2) A Resolution Authorizing Application For And Acceptance And Appropriation Of A \$470,000 Grant Under The California Department Of Housing And Community Development Building Growth And Equity In Neighborhoods Program To Assist The 9507 Edes Avenue Development And Authorizing Loans To Purchasers Of Units In The Edes Development  
[10-0052-1](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[83004 CMS.pdf](#)

---

S-7.16-CC Subject: Martin Luther King Jr. Way/Peralta - Streetscape Design  
From: Community and Economic Development Agency  
Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To Negotiate And Execute A Contract With Gates + Associates In An Amount Not To Exceed \$480,000 To Prepare Streetscape Plans And Design Documents For Martin Luther King Jr. Way Peralta Street In West Oakland  
[10-0051](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[View Report.pdf](#)  
[View Report.pdf](#)  
[2010-0108 CMS.pdf](#)

S-7.17-CC Subject: Vehicle Occupancy Protection And Bicycle Safety Program  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee On Behalf Of The City Of Oakland To: 1) Accept And Appropriate Grant Funds In An Amount Not To Exceed Four Hundred Ninety-One Thousand Three Hundred And Five Dollars (\$491,305) From The State Of California, Office Of Traffic Safety To The Oakland Police Department For The Fiscal Year 2011 Implementation Of The Vehicle Occupancy Protection And Bicycle Safety Program, And 2) Waive The Competitive Request For Proposal/Qualifications Process For The Purchase Of Services Associated With The Program From The East Bay Community Recovery Project In An Amount Not To Exceed Fifty Thousand Dollars (\$50,000), The Oakland Police Activities League In An Amount Not To Exceed Thirty Thousand Dollars (\$30,000), And The Alameda County Public Health Department - Community Health Academy, In An Amount Not To Exceed Twenty-Nine Thousand Three Hundred Eighty-Five Dollars (\$29,385)  
[10-0057](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[View Report.pdf](#)  
[83005 CMS.pdf](#)

S-7.18-CC Subject: 2010-2011 DUI Enforcement And Awareness 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 Two Hundred Forty-One Thousand Two Hundred Dollars (\$241,200) From The State Of California, Office Of Traffic Safety, For The 2010-2011 DUI Enforcement And Awareness Program To Be Conducted By The Police Department For The Project Term Of October 1, 2010 Through September 30, 2011  
[10-0058](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[View Report.pdf](#)  
[83006 CMS.pdf](#)

S-7.19-CC Subject: Animal Services Division - Funding Donations  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee, On Behalf Of The City Of Oakland, To Accept Donations In The Amount Of Two Hundred Sixty-Five Thousand Five Hundred And Nine Dollars (\$265,509) From The Estate Of Blanche Thomas, And Sixty-Six Thousand Five Hundred Dollars (\$66,500) From Maddie's Fund, And Appropriate Said Funds To The Oakland Police Department Animal Services Division To Help Fund Spay And Neuter Programs, Quality Of Life Projects For Animals, And Purchase Supplies/Equipment For The Volunteer Program  
[10-0059](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[View Report.pdf](#)  
[83007 CMS.pdf](#)

---

S-7.20-CC Subject: Negotiation Authorization - Workforce Investment Board Budget  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Accepting And Appropriating \$6,050,607 In Fiscal Year 2010-2011 Workforce Investment Act Title 1 Funds Plus An Additional \$1,093,462 In Federal And State Workforce Development Grant Funds, Allocating Such Funds In Accordance With The Oakland Workforce Investment Board Approved 2010-2011 Budget, And Authorizing The City Administrator To Enter Into Contracts With Workforce Development Service Providers Through A Competitive Procurement Process Without Returning To Council [TITLE CHANGE]

[10-0017](#)

**A motion was made that this matter be Adopted as Amended to revise the 2nd to the last "Resolved" in the resolution to read: " RESOLVED: That each contract for workforce development activities funded with Fiscal Year 2010-2011 WIA Title I funds shall have written performance benchmarks consistent with WIA regulations, and that the Cty shall expressly terminate the contract of any service provider that materially fails to meet 50 - 75% of contract performance benchmarks and reallocate such funds to other providers that meet their benchmarks, and be it further..." The motion carried by the following vote:**

**Votes:** ORA\Councilmember Noes: 1 - Councilmember Brooks  
ORA\Councilmember Ayes: 7 - Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[View Report.pdf](#)  
[View Report.pdf](#)  
[View Supplemental Report.pdf](#)  
[View Report.pdf](#)  
[83008 CMS.pdf](#)

### **Passed The Consent Agenda**

**A motion was made, seconded by Councilmember Kaplan, 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 Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner

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

**A motion was made by Councilmember De La Fuente, seconded by Councilmember Brooks, to \*Approve as Submitted the report of the City Attorney's office of 1 final decision made during Closed Session, with Council's approval of the Settlement of Nicole White and Patricia Wilson v. the City of Oakland for allegations of excessive force in serving a warrant. The motion carried by the following vote:**

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

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

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

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 6:42 p.m.*

- 9.1 Subject: West Oakland Redevelopment Plan Eminent Domain Property Acquisition  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Approving And Recommending Adoption Of A First Amendment To The West Oakland Redevelopment Plan To Modify The Authority Of The Agency To Acquire Property In The Clawson/McClymonds/Bunche Subarea Through Eminent Domain; And  
[09-1628](#)

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

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

[View Report.pdf](#)

[View Report.pdf](#)

[2010-0109 CMS.pdf](#)

2) An Ordinance Adopting The First Amendment To The West Oakland Redevelopment Plan To Modify The Authority Of The Agency To Acquire Property In The Clawson/McClymonds/Bunche Subarea Through Eminent Domain  
[09-1628-1](#)

**A motion was made by Councilmember Nadel, seconded by Councilmember De La Fuente, to Approved As Amended On Introduction to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on October 19, 2010 to limit the a The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[View Report.pdf](#)  
[View Supplemental Report.pdf](#)

*Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 8:36 p.m.*

9.2 Subject: Regulations On Laundromats  
From: Community And Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Alternative Ordinances:

1) An Ordinance Adopting Various Planning Code Text Amendments To Regulate Laundromats. In Addition, To Improve Consistency Among Chapters, Chapters 17.58, 17.73, 17.86, And 17.98 Are Being Revised To Add "Other Zoning Provisions," These Amendments Also Contain Regulations Not Related To Laundromats.(TITLE CHANGE); OR  
[09-1606](#)

**Not Approved**  
[View Report.pdf](#)  
[View Reports.pdf](#)  
[View Report.pdf](#)

2) An Ordinance Adopting Various Planning Code Text Amendments To Regulate Laundromats Including A Conditional Use Permit Requirement. In Addition, To Improve Consistency Among Chapters, Chapters 17.58, 17.73, 17.86, And 17.98 Are Being Revised To Add "Other Zoning Provisions," These Amendments Also Contain Regulations Not Related To Laundromats, OR

[09-1606-2](#)

**A motion was made by Councilmember De La Fuente, seconded by Councilmember Brooks, to Approved as Amended on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on October 19, 2010 to use a Minor Conditional Use permit instead of a Major Conditional Use permit and direct staff to examine the issues associated with existing laundromats and return to Council in the future. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Noes: 2 - Councilmember Kaplan and Councilmember Kernighan  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

3) An Ordinance Adopting Various Planning Code Text Amendments As A Clean-Up Item From Other Zoning Amendments, Sections 17.58, 17.73, 17.86, and 17.98 Are Herby Revised To Add "Other Zoning Provisions"

[09-1606-1](#)

**Not Approved**

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

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

[10-0044](#)

**Deferred to \*Public Safety Committee on 10/26/2010**

[View Report.pdf](#)

[View Report.pdf](#)

[View Report.pdf](#)

[View Report.pdf](#)

S-10.1      Subject:      Feasibility Determination for the Ninth Avenue Terminal  
From:          Community and Economic Development Committee Agenda  
Recommendation: Report and Consideration of Alternative Actions on Ninth Avenue Partners'  
Proposal and Possible Adoption of a Resolution to Not Accept Ninth Avenue Terminal  
Partners' Proposal for Reuse of the Ninth Avenue Terminal  
[09-1629](#)

*No Action was taken on this item.*

[View Report.pdf](#)

11            Subject:      Improving Language Access To City Services  
From:          Office Of The City Administrator/ Equal Access  
Recommendation: Receive A Status Report On The Implementation Of The Equal Access To  
Services Ordinance  
[09-1526](#)

**A motion was made by Councilmember De La Fuente, seconded by Councilmember Kernighan, that this matter be \*Received and Filed. The motion carried by the following vote:**

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

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

12            Subject:      Action Taken By Mayor During Council Recess 2010  
From:          Office Of The City Administrator  
Recommendation: Adopt A Resolution Ratifying Action Taken By The Mayor During The  
Oakland City Council 2010 Annual Recess In Conformance With Resolution No. 82580  
C.M.S., Dated March 10, 2010  
[10-0070](#)

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

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

[View Report.pdf](#)

[83009 CMS.pdf](#)



---

S-13      Subject:      2009-10 Fourth Quarter R & E Results & Year-End Projections  
From:          The Budget Office  
Recommendation: Receive A Report On Fiscal Year 2009 - 2010 Fourth Quarter Revenue And  
Expenditure Results And Year-End Projections For Four Selected Funds - General Purpose  
Fund (1010), Landscape And Lighting Assessment District Fund (2310), Equipment Fund  
(4100) And City Facilities Fund (4400); Overtime Analysis For The General Purpose Fund  
(1010) And All Funds  
[10-0049](#)

**A motion was made by Councilmember Reid, seconded by Councilmember Brooks, that this matter be \*Received and Filed. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner  
[View Report.pdf](#)  
[View Supplemental Report.pdf](#)

**Continuation of Open Forum**

**ADJOURNMENT OF COUNCIL SESSION**

**(Meeting shall conclude no later than 12:00 a.m., unless extended by Majority Vote of the Council)**

*There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Adele Clegg, Ervin Silver, Raymond Justice, Nathaniel Boyd Brown at 12:05 a.m.*

Americans With Disabilities Act

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

Office of the City Clerk - Agenda Management Unit

Phone: (510) 238-3226

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 839-6451

[TTD](#)

**MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30AM TO 5:00PM**

---

*City Clerk and Clerk of the Council*