



# 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

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**Tuesday, January 17, 2012**

**5:30 PM**

**Oakland City Hall, 3rd Floor**

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1 Pledge of Allegiance

*The Concurrent Meeting of the Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 6:04 pm*

2 Roll Call / ORA & Council

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

3 Open Forum / Citizens Comments

(Time Available: 15 minutes)

*There were 15 speakers during Open Forum.*

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

4.1 Subject: National Blood Donor Month

From: Councilmember Brunner

Recommendation: Adopt A Resolution Proclaiming The Month Of January As "National Blood Donor Month" For Oakland And Urging All Citizens To Pay Tribute To Those Among Us Who Donate For Others In Need

[11-0197](#)

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

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

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- 4.2 Subject: Press Room Reopening  
From: Council President Larry Reid  
Recommendation: Adopt A Resolution Re-Opening The Press Room Located On The First Floor Of City Hall (1 Frank Ogawa Plaza, Oakland, California 94612) And Naming The Press Room As The Sanjiv Handa City Of Oakland Press Room (In His Memory)  
[11-0220](#)

**A motion was made by Vice Mayor Brooks, seconded by President of the Council Reid, that this matter be Adopted. The motion failed by the following vote:**

**Votes:** ORA\Councilmember Abstained: 2 - Councilmember Brunner and Councilmember Kernighan  
ORA\Councilmember Noes: 2 - President Pro Tempore De La Fuente and Councilmember Nadel  
ORA\Councilmember Ayes: 4 - Vice Mayor Brooks, Councilmember Kaplan, Councilmember Schaaf and President of the Council Reid  
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- 5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF December 20, 2011

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

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

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

*At the request of the City Administrator, item 13 regarding the Broadway Shuttle Agreement Extension is withdrawn with no new date.*

**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  
[11-0207](#)

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

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

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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  
[11-0208](#)

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

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

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7.3-CC      Subject:     Authorizing Sale Of 319 Chester Street  
From:        Community And Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Authorizing The Sale Of A City-Owned Parcel At 319 Chester Street To The Alliance For West Oakland Development For The Purchase Price Of \$94,000.00, Authorizing Seller Financing For The Purchase Price, Authorizing A \$400,000.00 Construction Loan, And Authorizing A Disposition And Development Agreement With The Developer To Develop The Parcel With A Two-Family Home

[10-0096](#)

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

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

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2) An Ordinance, As Recommended By The City Planning Commission, Rezoning From Open Space/Active Minipark (.OS-AMP) To Mixed Housing Type Residential (Rm-2) The Property At 319 Chester Street, Oakland Ca. (Case No. RZLLI-053; APN 004-0103-035-00)

[10-0096-1](#)

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

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

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7.4-CC Subject: Settlement Agreement - OUSD  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Oakland Unified School District In The Amount Of \$89,000.00 As A Result Of Property Damage Sustained Due To A Sewer Back Up And Spill On November 11, 2010 (Public Works - Maintenance Services)  
[11-0221](#)

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

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

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7.5-CC Subject: Settlement Agreement - Pamer Town Car Service  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Property Damage Claim Of Scottsdale Insurance Company As Subrogee Of Pamer Town Car Service, In The Amount Of \$12,831.38, As A Result Of Property Damage Sustained In A Traffic Collision With A City Vehicle On June 23, 2011. (Oakland Fire Department)  
[11-0222](#)

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

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

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7.6-CC Subject: Settlement Agreement - Ayrault  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Bonnie Ayrault V. City Of Oakland, Alameda County Superior Court Case No. RG11-555472 In The Amount Of \$142,000.00 As A Result Of A Trip And Fall Accident On 16th Street & Telegraph Avenue. (Office Of Public Works - OPW)  
[11-0223](#)

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

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

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S-7.7-CC Subject: Change Order Limit Increase - 12th St Reconstruction Project  
From: Public Works Agency  
Recommendation: Adopt A Resolution Waiving Advertising And Competitive Bidding And Increasing The Change Order Limit For The Contract With McGuire & Hester For The 12th Street Reconstruction Project (Project No. C241610) From Ten Percent To Twenty Percent Of The Original Contract Amount For A Total Contract Amount Not-To-Exceed Thirty-Eight Million Four Hundred Forty-Three Thousand Seven Hundred One Dollars And Seventy-Seven Cents (\$38,443,701.77)  
[11-0097](#)

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

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

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

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

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

**A motion was made by Vice Mayor Brooks, seconded by President Pro Tempore De La Fuente, to \*Approve as Submitted the report of the City Attorney of no final decisions made during closed session and no non-confidential closed session discussion. The motion carried by the following vote:**

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

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

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

*Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 7:30 p.m.*

- 9.1      Subject:    Emergency Interim Ordinance - Demolition Permits  
From:        Councilmember Jane Brunner  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Emergency Interim Ordinance Amending The Oakland Municipal Code, Chapter 15.36 "Demolition Permits" In Order To Add Restrictions On The Demolition Of A Structure Without A Building Permit For A Replacement Structure, Where The Owner Intends To Create A Vacant Lot  
[11-0103](#)

**Continued to Concurrent Meeting of the Oakland Redevelopment Agency /  
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**ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:**

- 10        Subject:    Measure Y Violence Prevention Strategy Report  
From:        Department Of Human Services  
Recommendation: Receive A Report And Request For The City Council To Approve Recommendations For Funding Measure Y Violence Prevention Program Strategies And The Request For Proposal Process For The Funding Cycle For Fiscal Years 2012-2015  
[11-0075](#)

**A motion was made by Councilmember Kernighan, seconded by Councilmember Schaaf, that this matter be \*Approve with the following amendments. The motion carried by the following vote:**

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

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11 Subject: Two Tier Retirement Amendment - Safety  
From: Department Of Human Resources  
Recommendation: Adopt The Following Pieces Of Legislation:  
1) A CalPERS Resolution Of Intention To Approve An Amendment To The Contract Between The City Of Oakland And The Board Of Administration Of The California Public Employees' Retirement System (CalPERS) To: 1) Provide New City Of Oakland Safety Members Different Level Of Benefits (California Government Code Section 20475), 3% At 55 Full Formula And Government Code Section (California Government Code Section 21363.1), Three-Year Final Compensation (California Government Code Section 20037) Applicable To Local Safety Members Entering Membership For The First Time In The Safety Classification After The Effective Date Of This Amendment To Contract; And 2) Include For City Of Oakland Fire Members A 4% Employees Cost Sharing Of Additional Benefits For Second Tier Local Fire Members (California Government Code Section 20516) ; And  
[11-0191](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid  
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2) An Ordinance Of The City Of Oakland To Approve An Amendment To The Contract Between The City Of Oakland And The Board Of Administration Of The California Public Employees' Retirement System (CalPERS) To: 1) Provide New City Of Oakland Safety Members Different Level Of Benefits (California Government Code Section 20475), 3% At 55 Full Formula And Government Code Section (California Government Code Section 21363.1), Three-Year Final Compensation (California Government Code Section 20037) Applicable To Local Safety Members Entering Membership For The First Time In The Safety Classification After The Effective Date Of This Amendment To Contract; And 2) Include For City Of Oakland Fire Members A 4% Employees Cost Sharing Of Additional Benefits For Second Tier Local Fire Members (California Government Code Section 20516)  
[11-0191-1](#)

**A motion was made by Councilmember Kaplan, seconded by Councilmember Nadel, that this matter be Approved On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the February 21, 2012 meeting. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid  
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12           Subject:    Parking Grace Period  
              From:       Councilmember Jane Brunner  
              Recommendation: Adopt A Resolution Establishing A Five-Minute Grace Period For Parking  
              At Public Pay-And-Display Parking Meters In The City Of Oakland  
              11-0139

**\*Withdrawn with No New Date**

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S-13           Subject:    Broadway Shuttle Agreement Extension  
              From:       Community And Economic Development Agency  
              Recommendation: Adopt A Resolution Authorizing An Extension Of An Agreement With AC  
              Transit To Operate the Broadway Shuttle Until December 31, 2013  
              11-0229

**\*Withdrawn with No New Date**

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S-14           Subject:    Zero Waste System Design  
              From:       Public Works Agency  
              Recommendation: Adopt A Resolution Adopting The Recommended System Design To Meet  
              The Adopted Zero Waste Strategy - Develop A New Waste Management System Design In  
              Preparation Of Oakland's Next Collection And Disposal Contracts  
              11-0104

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

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

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*Agency/Councilmember Nadel made a motion seconded by Agency/Councilmember Kaplan to approve the urgency finding on item S-15 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.*

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S-15      Subject:      16th Street Train Station Matching Funds  
From:          Community And Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing An Owner Participation Agreement With  
The 16th Street Train Station LLC To Grant Up To \$1,300,000 In Matching Funds For Phased  
Improvements To The Historic 16th Street Train Station, Including Improvements To The  
Baggage Wing  
[11-0231](#)

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

**Votes:** ORA\Councilmember Noes: 1 - Councilmember Schaaf  
ORA\Councilmember Ayes: 7 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel and President of the Council Reid  
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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 Agency/Council adjourned the meeting in memory of Sanjiv Handa, Francis McCarthy, George Livingston, Robert Wasserman, and Deanna Despain at 11:21 p.m.*

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*City Clerk and Clerk of the Council*