



City of Oakland Meeting Minutes

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

*** Concurrent Meeting of the Oakland Redevelopment
Successor Agency and the City Council
Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612**

City of Oakland Website: <http://www.oaklandnet.com>

Tuesday, February 05, 2013

5:30 PM

City Council Chambers, 3rd Floor

1 Pledge of Allegiance

*The Concurrent Meeting of the Oakland City Council and Successor
Redevelopment Agency was held on the above date. Opening with the Pledge of
Allegiance, the meeting was convened at 6:10 pm*

2 Roll Call / City Council

ORA\Councilmember Present: 7 - Councilmember Gibson McElhaney,
Councilmember Kalb, Vice Mayor Reid, Council President Kernighan,
Member Brooks, President Pro Tempore Kaplan and Member Schaaf

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

There were 17 speakers during open forum.

4 **ACTIONS ON SPECIAL ORDERS OF THE DAY**

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

*Councilmember Gibson-McElhaney took a point of personal privilege and
requested that the meeting be adjourned in memory of Kiante Campbell.*

*Mayor Quan took a point of personal privilege and requested that the meeting
be adjourned in memory of Jim Jackson.*

5 **APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF January 22, 2012**

***Approve as Submitted**

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):

There were no actions necessary for this item.

7. CONSENT CALENDAR (CC) ITEMS:

7.1-CC Subject: Medical Cannabis Health Emergency
 From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local
 Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In
 The City Of Oakland
 [12-0267](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 7 - Councilmember Gibson McElhaney,
 Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf,
 Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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7.2-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
 From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Renewing And Continuing The City Council's
 Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis
 With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired Immunodeficiency
 Syndrome ("AIDS") Epidemic
 [12-0266](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 7 - Councilmember Gibson McElhaney,
 Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf,
 Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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7.3-CC Subject: Broadway/Valdez District Specific Plan
From: Department of Planning and Building
Recommendation: Adopt An Ordinance, As Recommended By The City Planning Commission, To 1) Extend The D-Br Broadway Retail Frontage District Interim Combining Zone Regulations In Oakland Planning Code Chapter 17.101c Until Final City Council Adoption Of The Broadway/Valdez District Specific Plan And New Zoning Regulations; 2) Make Minor Changes To The D-BR Zone Text, Including The Establishment Of A Pilot Program In A Portion Of The D-BR Combining Zone Only To Allow A New Residential Facility Type Called Micro Living Quarters With An Average Size Of 175 Square Feet Per Living Quarter And The Potential For Accessory Ground Floor Work/Live Units; And 3) Modify The Zoning Map To Remove The D-Br Combining Zone From Existing RM Mixed Housing Type Residential Zones. The D-BR Zone Is Currently Located From 23rd St. In The South; Highway 580 In The North; Webster St. And Lots On Or Near Broadway In The West; And Brook St., Portions Of Valdez St., 27th St., And Harrison St. In The East
[12-0221](#)

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

Votes: ORA\Councilmember Ayes: 7 - Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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7.4-CC Subject: Mobile Food Vending Regulations Extensions
From: Department Of Planning And Building
Recommendation: Adopt An Ordinance Extending Interim Regulations With Minor Amendments For Permitting Mobile Food Vending Group Sites Within A Limited Area Of The City Of Oakland Defined, In Part, By City Council Districts 1, 2, 3, And 4. The Interim Regulations Contained Herein Shall Remain In Place And Be Effective Through July 1, 2013, Or Until The City Council Adopts New Permanent Mobile Food Vending Regulations, Whichever Comes First
[12-0136](#)

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

Votes: ORA\Councilmember Ayes: 7 - Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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7.5-CC Subject: Settlement Agreement - Dunn
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Joyce Dunn v. City Of Oakland, Alameda County
Superior Court Case No. RG11-606266 In The Amount Of \$34,500.00 As A Result Of A Trip
And Fall Accident On 25th Street (OPW)
[12-0265](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 7 - Councilmember Gibson McElhaney,
Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf,
Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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7.6-CC Subject: Settlement Agreement - Alderson
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of John Alderson v. City Of Oakland, Alameda County
Superior Court Case No. RG11-581103 In The Amount Of \$100,000.00 As A Result Of
Wrongful Termination (Office Of Public Works - OPW)
[12-0264](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 7 - Councilmember Gibson McElhaney,
Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf,
Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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7.7-CC Subject: Settlement Agreement - Robinson
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Elmirie Robinson v. City Of Oakland, Alameda County
Superior Court Case No. RG12-617455 In The Amount Of \$15,000.00 As A Result Of A Trip
And Fall Accident On 47th Street (OPW)
[12-0263](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 7 - Councilmember Gibson McElhaney,
Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf,
Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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S-7.8-CC Subject: Chabot Space And Science Center JPA Agreement
From: Councilmember Schaaf
Recommendation: Adopt A Resolution Authorizing Amendment Of The Chabot Space And
Science Center Joint Power Authority Agreement To Eliminate The Requirement That One Of
The East Bay Regional Park District's Representatives To The Center's Board Must Be Filled
By A Member Of The Park District's Board Of Directors
[12-0259](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 7 - Councilmember Gibson McElhaney,
Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf,
Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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Passed The Consent Agenda

**A motion was made by President Pro Tempore Kaplan, seconded by
Councilmember Gibson McElhaney, 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: 7 - Councilmember Gibson McElhaney,
Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf,
Vice Mayor Reid, Council President Kernighan and Councilmember Brooks

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

**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 7:10 p.m.*

1 individual spoke on this item.

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

-8

9.1 Subject: Energy Council And Waste Management Joint Exercise Of Powers
From: Public Works Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following
Pieces Of Legislation:

1) A Resolution Approving The Joint Exercise Of Powers Agreement Creating The Energy
Council And Agreeing To Become A Member Of The Energy Council; And
[12-0235](#)

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

Votes: ORA\Councilmember Ayes: 7 - Councilmember Gibson McElhaney,
Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf,
Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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2) A Resolution Approving Designation Of The Alameda County Source Reduction And
Recycling Board As The Local Task Force Under State Law For The Purpose Of Reviewing
And Commenting On County Integrated Waste Management Plan Amendments
[12-0235-1](#)

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

Votes: ORA\Councilmember Ayes: 7 - Councilmember Gibson McElhaney,
Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf,
Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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3) A Resolution Approving An Amendment Of The Joint Exercise Of Powers Agreement
Creating The Alameda County Waste Management Authority
[12-0235-2](#)

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

Votes: ORA\Councilmember Ayes: 7 - Councilmember Gibson McElhaney,
Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf,
Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
There were 2 speakers on this item.

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ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER INTENTIONALLY NOT USED

-
- 11 Subject: New Dog Play Area Appeal
From: Department Of Planning And Building
Recommendation: Adopt One Of The Following Pieces Of Legislation:
1) A Resolution Upholding The Appeal (A12-062), Of The Decision Of The Oakland Planning Commission, And Granting Approval Of An Application For A Minor Conditional Use Permit For The Creation Of A New Dog Play Area At Lakeview Park (Planning Case File No. Cull-208); Or
[11-0624](#)

There were two speakers on this item.

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- 2) A Resolution Denying The Appeal (A12-062), Of The Decision Of The Oakland Planning Commission And Denying The Application For A Minor Conditional Use Permit For The Creation Of A New Dog Play Area At Lakeview Park (Planning Case File No. Cull-208)
[11-0624-1](#)

No action was taken on this item.

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

A motion was made by Vice Mayor Reid, seconded by President Pro Tempore Kaplan, that this matter be *Withdrawn and Rescheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard at the March 19, 2013 meeting. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 7 - Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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13 Subject: Proposed Committee Meeting Times
From: Council President Patricia Kernighan
Recommendation: Action On A Motion Pursuant To Rule 4 Of The Council's Rules Of Procedure (Resolution No.79006 C.M.S. As Amended By Resolution No.82580 C.M.S.) To Set The Meeting Times Of The Public Works, Finance & Management, Community & Economic Development, Life Enrichment, Public Safety, Rules & Legislation And Education Partnership Committees
[12-0244](#)

A motion was made by Councilmember Kalb, seconded by Councilmember Gibson McElhaney, that this matter be *Approve as Submitted. The motion carried by the following vote:

Votes: ORA\Councilmember Noes: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 6 - Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid and Council President Kernighan
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S-14 Subject: Complete Streets Policy
From: Department Of Public Works
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Adopting A Complete Streets Policy To Further Ensure That Oakland Streets Provide Safe And Convenient Travel Options For All Users
[12-0223](#)

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

Votes: ORA\Councilmember Ayes: 7 - Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
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2) An Ordinance Amending Title 12 And 16 Of The Oakland Municipal Code 1) Clarifying And Updating Street Design Standards; And 2) Designating The Public Works Director Or Designee Responsible For Updating And Establishing Design And Construction Standards Consistent With The Complete Streets Approach

[12-0223-1](#)

A motion was made by President Pro Tempore Kaplan, seconded by Councilmember Gibson McElhaney, that this matter be Approved On Introduction and Scheduled for Final Passage to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard at the February 19, 2013 meeting. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 7 - Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf, Vice Mayor Reid, Council President Kernighan and Councilmember Brooks
There are no speakers on the item.

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S-15 Subject: Add New EBMUD Treatment Facility
From: Public Works Agency

Recommendation: Adopt A Resolution Adopting The Third Amendment To The City's Non-Disposal Facility Element (A Recycling Planning Document Required By The State Of California), Which Describes And Identifies Solid Waste, Recycling, And Processing Facilities That City Residents, Businesses And Members Of The Public Use To Reduce Materials Sent To Landfills, To Add A New Facility At The East Bay Municipal Utility District's Main Waste Water Treatment Plant

[12-0234](#)

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

Votes: ORA\Councilmember Noes: 2 - Vice Mayor Reid and Councilmember Brooks
ORA\Councilmember Ayes: 5 - Councilmember Gibson McElhaney, Councilmember Kalb, President Pro Tempore Kaplan, Councilmember Schaaf and Council President Kernighan
There were 2 speakers on this item.

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Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

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

There being no further business, and upon the motion duly made, the Council adjourned the meeting in memory of Kiante Campbell and Jim Jackson at 8:17p.m.

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City Clerk and Clerk of the Council