



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 04, 2011

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 6:14 pm

2 Roll Call / ORA & Council

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

ORA\Councilmember Present: 8 - 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):

Agency/Councilmember Nadel took a point of personal privilege and requested that the meeting be adjourned in memory of Randall Goodall

Agency/Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Ike Johnson. Vice Mayor Brooks and Pro Temp De La Fuente requested association with this Tribute.

- 4.1 Subject: United Nations Month
From: Councilmember Nadel
Recommendation: Adopt A Resolution Declaring October 2011 As "United Nations Month"
And October 24, 2011 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
[11-0026](#)

A motion was made by Councilmember Nadel, 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: Honoring Peralta Elementary School
From: Councilmember Brunner
Recommendation: Adopt A Resolution Honoring Peralta Elementary School For Being Named
A 2011 National Blue Ribbon School Award By The United States Department Of Education
[11-0053](#)

A motion was made by Councilmember Brunner, seconded by Councilmember Schaaf, 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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- S-4.3 Subject: Youth Radio Proclamation
From: Office Of The Mayor
Recommendation: Hear A Proclamation Honoring Youth Radio On Its "Traffic" Radio
Documentary
[11-0065](#)

Agency/Councilmember ----- made a motion seconded by Agency/Councilmember ----- to approve the urgency finding on item --- 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 as it relates to a purely ceremonial or commendatory action.

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF
September 20, 2011

**A motion was made by Councilmember Kaplan, seconded by
Councilmember Schaaf, 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):

*Item 11, Ratification of items passed during the Summer Recess, was
rescheduled to the October 18, 2011 City Council agenda as a non-consent
item.*

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
[11-0048](#)

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
[11-0047](#)

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: Two Tier Retirement Amendment~~
~~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 Board Of Administration Of The California Public Employees' Retirement System
(CalPERS) And The City Of Oakland~~
~~[11-0044](#)~~

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

~~-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 Provide 1) Section 20475, Different Level of Benefits, Section 21354.4 (2.5% @ 55 Full Formula) And Section 20037 (Three Year Final Compensation) Applicable To Local Miscellaneous Members Entering Membership For The First Time In The Miscellaneous Classification After The Effective Date Of This Amendment To Contract; 2) Section 20475, Different Level of Benefits, Section 21363.1 (3% @ 55 Full Formula and Section 20037 (Three Year Final Compensation) 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 (3 To Include Section 20516 (4% Employees Sharing Cost of Additional Benefits) For Second Tier Local Fire Members~~
~~11-0044-1~~

A motion was made to Approved As Amended On Introduction and Scheduled 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: Planning Code Amendments
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance, Recommended By The Planning Commission, To: 1) Update References, Reducing Redundancy, And Clarifying Language In Various Chapters Of The Planning Code; 2) Conditionally Permit Mini- And Micro- Telecommunications Facilities In Residential Areas Of The Central Business District; 3) Amend Chapter 17.112 Of The Planning Code To Allow Crop Growing As A Home Occupation; 4) Adjust The Sign Regulations In The RU-4 And RU-5 Zones To Be Consistent With Other Zones On The City's Major Transportation Corridors; 5) Create An Interim Combining Zone For The Core Of The Chinatown Commercial Area That Would Broaden The Range Of Allowed Ground Floor Uses; And 6) Improve Consistency Among Chapters And The Maps, Including Making The Zoning Ordinance Text Consistent With The Adopted Height Map For The Area Near Valdez, Harrison And 27th Streets.
[10-0794](#)

This Matter was *Withdrawn and Rescheduled 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: Central District Urban Renewal Plan~~
~~From: Community And Economic Development Agency~~
~~Recommendation: Adopt A City Resolution Adopting Findings In Response To Written~~
~~Objections To The Adoption Of The Seventeenth Amendment To The Central District Urban~~
~~Renewal Plan~~
[10-0852-6](#)

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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**PLEASE NOTE: ALL ITEMS DENOTED WITH AN "S" WERE ADDED PURSUANT TO
RULE 28a OF COUNCIL'S RULES OF PROCEDURES, RESOLUTION 82580 C.M.S.**

S-7.6-CC Subject: Sanitary Sewers Rehabilitation - Contract Award
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Mosto
Construction, The Lowest Responsive And Responsible Bidder, For The Rehabilitation Of
Sanitary Sewers In The Easement Between Sayre Drive And Paso Robles Drive And The
Easement Between Chambers Drive And Saroni Drive (Project No. C329123) In Accord With
Plans And Specifications For The Project And Contractor's Bid In The Amount Of One
Hundred Sixty-Five Thousand One Hundred Ninety-Eight Dollars (\$165,198.00)
[10-0837](#)

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: Ray's Electric Contract Award - Street Lighting
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Ray's Electric, The Lowest Responsive And Responsible Bidder, For The State Safe Routes To Schools (SR2S) Cycle 7 Project (City Project No. C357010) In Accordance With Project Plans And Specifications In The Amount Of Three Hundred Eighty-Two Thousand, Seven Hundred Two Dollars (\$382,702.00)
[11-0030](#)

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-7.8-CC Subject: Conditional And Revocable Permit - 1625 Clay Street
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting 1625 Clay LLC A Revocable And Conditional Permit For A Building Located At 1625 Clay Street To Allow An Existing Basement To Encroach Under The Public Sidewalk Along Clay Street And 17th Street
[11-0039](#)

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-7.9-CC Subject: City Auditor's Salary
From: Office Of The City Auditor
Recommendation: Adopt A Resolution Setting The Salary For The Newly Elected City Auditor Of The City Of Oakland Pursuant To The Oakland City Charter, Article IV, Section 403, Effective 2015
[10-0667](#)

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-7.10-CC Subject: Salary Ordinance Amendments - UK2 Unit Designation
From: Department Of Human Resource Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Change The Bargaining Unit Designation From U31 To UK2 For The Classifications Of Budget Director; Controller; City Attorney, Assistant; Human Resources Manager; And To Change The Bargaining Unit Designation From UMI To UK2 For The Classifications Of Affirmative Action Manager; Risk Manager; Revenue & Tax Administrator; And Treasury Manager
[11-0035](#)

A motion was made to Approved As Amended On Introduction and Scheduled 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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S-7.11-CC Subject: Salary Ordinance Amendments - UM2 Unit Designation
From: Department Of Human Resource Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Change The Bargaining Unit Designation From UMI To UM2 For The Classifications Of City Council Office Administrator; Production Control Parking Supervisor; Recreation General Community Restoration Emergency Coordinator; Computer Operations Emergency Services Manager, Assistant; Supervisor; Supervisor; Planning Supervisor; Financial Analyst, PPT; Recreation Services Manager, Assistant To; Library Automation Supervisor; Recycling Supervisor; Police Program & Performance Auditor; Solid Waste/Recycling Program Supervisor; Volunteer Program Coordinator, Supervising; Environmental Program Supervisor; Chief Conservator; Community Housing Services Manager; Development/ Redevelopment Program Manager; Financial Analyst, Principal; Spatial Data Administrator; City Architect, Assistant; Inspection Services Manager; Librarian, Administrative; Real Estate Service Manager; Support Services Administrator
[11-0032](#)

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-7.12-CC Subject: Progressive Solutions Contract Extension - Tax Software
From: Finance And Management Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Extend The Term Of The Current Contract With Progressive Solutions Inc., (PSI) For An Automated Local Tax System Software Maintenance And Support Services For A Period Of Three Years In An Amount Not To Exceed \$100,000 Per Year With Two Optional Annual Extensions For An Amount Not To Exceed 10% Of The Prior Year's Maintenance And Support Services Cost
[11-0031](#)

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-7.13-CC Subject: Francisco Electric Contract Award - Street Lighting
From: Finance And Management Agency
Recommendation: Adopt A Resolution Awarding A Contract To Francisco Electric, A Corporation, For The Purchase Of Street Lighting And Traffic Signal Standards In The Annual Amount Not To Exceed Eight Hundred Thirty Five Thousand Dollars (\$835,000.00) For The Period Of October 1, 2011 To October 31, 2012 Per Request For Quotation 1773-02, Specification No. 11- 550-85 03 And The General Conditions Therefor On File In The Purchasing Division And According To Contractor's Bid Submitted July 20, 2011
[11-0029](#)

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-7.14-CC Subject: 1111 Broadway - Communications Lease Extension
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Five Year Lease Extension With Two (2) Five Year Options To Renew The Existing Lease For City Owned Communications Equipment Located At 1111 Broadway, With OCC Venture, LLC, A Delaware Limited Liability Company, For An Initial Annual Rent Of \$120,000 And A 3% Increase Each Year Thereafter
[11-0040](#)

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-7.15-CC Subject: Neighborhood Stabilization Program Funds
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Accepting And Appropriating Funds Totaling \$2,070,087 From The U.S. Department Of Housing And Urban Development (HUD) Neighborhood Stabilization Program
[11-0042](#)

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-7.16-CC Subject: 980 - 8th Street Land Sale
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Sale Of Surplus Vacant Land Containing 9,385 Square Feet Located Adjacent To 980 8th Street, Assessor Parcel Number 004-0007 001-01, To The Abutting Property Owner 5500 Foothill Association, LLC, For The Appraised Value Of \$130,000, And Authorizing Seller Financing Of The Transaction
[11-0041](#)

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-7.17-CC Subject: Buffer Zone Protection Program Grant Award
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee
To: 1) Enter Into A Buffer Zone Protection Program (BZPP) Grant Agreement With The Alameda County Sheriff's Office (ACSO) To Accept And Administer Fiscal Year 2010 Buffer Zone Protection Program (BZPP) Grant Equipment And Supplies For The City Of Oakland Fire And Police Departments, In An Amount Up To One Hundred And Ninety Nine Thousand Eight Hundred And Twenty Dollars (\$199,820); And 2) Approve The 2010 BZPP Grant Preliminary Spending Plan Which Would Require That Funds Be Expended For The Purchase Of Hazardous Materials Detection And Monitoring Equipment, Intrinsically Safe Radios And Other Related Haz Mat Equipment, Supplies And Training Related To The BZPP Proposal Which ACSO Will Purchase On Behalf Of The Oakland Fire And Police Departments And Transfer Ownership Of Such Equipment To Oakland Fire And Police Departments Until Such 2010 BZPP Grant Funding Of \$199,820, Is Expended Or By January 1, 2013 At The Latest
[11-0036](#)

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-7.18-CC Subject: Physio-Control Contract Award - Paramedic Services Equipment
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee
To: 1) Dispense With Advertising And Bidding And Award A Contract To Physio-Control Incorporated To Furnish Cardiac Monitors, Chest Compression Devices, Automatic External Defibrillators, All Necessary Accessories And A Five-Year LifeNet Transmission Subscription, In An Amount Not To Exceed Nine Hundred Seventy Six Thousand Dollars (\$976,000) And Appropriate The Same Amount From Fund Balance For This Purpose, And; 2) Appropriate Additional Fund Balance From The Paramedic Services Act Of 1997 Fund (Measure N) In An Amount Not To Exceed One Million Nineteen Thousand Dollars (\$1,019,000) For Equipment Purchase And Delivery Of Program Services In Accordance With The Measure N Preliminary Spending Plan Without Further Council Authorization, Including Purchases, Provided The City's Purchasing Programs And Policies Are Followed
[11-0028](#)

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-7.19-CC Subject: Shotspotter Contract Award
From: Vice Mayor Desley Brooks
Recommendation: Receive A Report Providing An Overview Of The Shotspotter Gunshot Location System and Additionally Provide An Explanation On The Delay In Implementation Of The Shotspotter Gunshot Location System And Adopt A Resolution Authorizing The City Administrator To Enter Into A New Contract With Shotspotter, Inc. For The Implementation Of An Updated Gunshot Location System In The City Of Oakland In An Amount Not To Exceed Eighty-Four Thousand, One Hundred Fifty-One Dollars (\$84,151)
[10-0839](#)

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-7.20-CC Subject: 911 System Upgrade
From: Department Of Information Technology
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute Contracts With AT&T To Acquire Necessary Equipment And Services To Upgrade The City Of Oakland's 9-1-1 System Customer Premise Equipment (CPE) And Related Equipment For An Amount-Not-To-Exceed Eight Hundred Thousand Eight Hundred Twenty Dollars And Sixty-Seven Cents (\$800,820.67)
[11-0027](#)

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 Councilmember Kaplan, seconded by Councilmember Nadel, 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 Councilmember Kernighan, seconded by Councilmember Schaaf, to *Approve as Submitted the report of the City Attorney of no final decisions made during closed session and no non-confidential 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:**

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 10 Subject: Consistency Among Building Inspectors
From: Councilmembers Brunner And Kaplan
Recommendation: Receive An Informational Report And/ Or Action On Recommendations To
Require Consistency Among Building Inspectors In Order To Prevent Conflicting Directions
To Business And/Or Property Owners
[10-0813](#)

A motion was made by Councilmember Brunner, seconded by Councilmember Nadel, that this matter be *Approve with the following amendments as approved and forwarded by the September 27, 2011 Community and Economic Development Committee that directed staff prepare a follow up report that 1) provides training for inspectors regarding identifying blight; 2) implement and consistently enforce a policy preventing a subsequent inspector from overturning a previous inspector's ruling unless it is a "serious safety issue" until the independent 3rd party's report is available; 3) work with the City Administrator's office to identify the agency responsible for enforcing removal of overgrown vegetation identified by Oakland Fire Department; 4) work with the Oakland Fire Department to establish a partnership and coordinate inspections of properties when both OFD and CED inspectors are required, to prevent conflicts and return in January with the Building Services - Grand Jury Compliance Follow Up Report; 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: Mayor's Recess Ratification
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Ratifying Action Taken By The Mayor During The
Oakland City Council 2011 Annual Recess In Conformance With Council's Rules Of
Procedures, Resolution No. 82580 C.M.S., Dated March 10, 2010
[11-0057](#)

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland
Redevelopment Agency / City Council on 10/18/2011**

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- 12 Subject: Port Commission Appointments - Uno And Imani
 From: Office Of The Mayor
 Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Victor Uno
 And Jakada Imani To The Board Of Port Commissioners
 11-0019

**Continued to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 10/18/2011**

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- 13 Subject: Loitering Ordinance
 From: Council President Reid And President Pro Tem De La Fuente
 Recommendation: Adopt An Ordinance Adding OMC Chapter 9.58 Prohibiting Loitering In
 Public For The Purpose Of Engaging In Illegal Drug Activity
 11-0049

Referred to *Public Safety Committee

No Specific Date was requested

There were 101 speakers on the item.

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- 14 Subject: Juvenile Protection Curfew Ordinance
 From: Council President Reid And President Pro Tem De La Fuente
 Recommendation: Adopt An Ordinance (1) Adding Article II To Chapter 9.12 Of The Oakland
 Municipal Code (OMC) To Establish A Juvenile Protection Curfew Program And (2)
 Amending OMC Section 1.28.020 To Codify The Penalties For Violations Of The Curfew
 Ordinance , And (3) Repealing Oakland Municipal Code Sections 9.12.020 And 9.12.030
 Prohibiting Minors From Loitering In Public Places
 11-0050

Referred to *Public Safety Committee

No Specific Date was requested

There were 101 speakers on the item.

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15 Subject: East And West Oakland Gang Injunction
From: President Pro Tem De La Fuente
Recommendation: Adopt A Resolution Amending The Policy The City Council Adopted On May 17, 2011, Which Policy Precludes Further Gang Injunctions Until The City Conducts A Study Of The Effectiveness Of The Fruitvale And North Oakland Gang Injunctions, To Authorize And Direct The City Attorney And The City Administrator To Evaluate And Bring Back Options To The Council To Initiate Gang Injunction Litigation In East And West Oakland
[11-0051](#)

Referred to *Public Safety Committee

No Specific Date was requested

There were 101 speakers on the item.

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S-16 Subject: Two Tier Retirement Amendment
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 Board Of Administration Of The California Public Employees' Retirement System (CalPERS) And The City Of Oakland
[11-0044](#)

A motion was made by Councilmember Kaplan, seconded by Councilmember Schaaf, 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

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 Provide 1) Section 20475, Different Level of Benefits, Section 21354.4 (2.5% @ 55 Full Formula) And Section 20037 (Three-Year Final Compensation) Applicable To Local Miscellaneous Members Entering Membership For The First Time In The Miscellaneous Classification After The Effective Date Of This Amendment To Contract; 2) Section 20475, Different Level of Benefits, Section 21363.1 (3% @ 55 Full Formula and Section 20037 (Three-Year Final Compensation) 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 (3 To Include Section 20516 (4% Employees Sharing Cost of Additional Benefits) For Second Tier Local Fire Members
[11-0044-1](#)

A motion was made by Councilmember Kaplan, seconded by Councilmember Schaaf, 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 November 1, 2011 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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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 Randall Goodall and Ike Johnson at 11:46 p.m.

Americans With Disabilities Act

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