



# 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

## Meeting of the Oakland City Council

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**Tuesday, February 21, 2012**

**5:30 PM**

**City Council Chambers, 3rd Floor**

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1 Pledge of Allegiance

*The Meeting of the Oakland City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 5:42 pm*

2 Roll Call / ORA & Council  
COUNCIL MEMBERS:

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

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

*There were a total of 22 speakers heard during Open Forum.*

4 ACTIONS ON SPECIAL ORDERS OF THE DAY  
(Ceremonial Presentations, Reports/Presentations from the Mayor, Council Acknowledgements/Announcements):

*Councilmember Reid took a point of personal privilege to recognize the courageous and heroic efforts of James Jackson.*

*Councilmember Schaaf took a point of personal privilege and requested that the meeting be adjourned in memory of Alexandra Kulka Wells*

*Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Ruth Anne Thieme and Rodney Pontiflet. Vice Mayor Brooks requested association with the memory adjournments of Council President Reid.*

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE Special Meetings of January 25, and 31 and the regular Meeting of February 7, 2012  
**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 Absent: 1 - Councilmember Brunner  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Vice Mayor 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):  
*There was no action necessary for this 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 Human Immunodeficiency Virus ("HIV")/Acquired Immunodeficiency Syndrome ("AIDS") Epidemic  
[11-0275](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
*There was 1 speaker on the item.*

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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  
[11-0276](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
*There were 2 speaker on the item.*

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7.3-CC Subject: Registration Of Foreclosed And Vacant Residential Buildings  
From: Council President Reid  
Recommendation: Adopt An Ordinance Re-Enacting Oakland Municipal Code Chapter 8.54 Requiring The Registration Of Foreclosed And Vacant Residential Buildings  
[11-0274](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
*There were 2 speaker on the item.*

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7.4-CC Subject: Measure Z Committee Appointments - Martinez And Bonett  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Appointing Sierra Martinez And Reappointing Leslie Bonett As Members Of The Cannabis Regulatory Commission  
[11-0278](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
*There was 1 speaker on the item.*

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7.5-CC Subject: Budget Advisory Appointment - Fearn  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Alexandria (Dria) Fearn To The Budget Advisory Committee  
[11-0277](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
*There were 2 speaker on the item.*

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7.6-CC Subject: Settlement Agreement - Kanalakis  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing and Directing the City Attorney to Compromise and Settle the Case of James Kanalakis v. City of Oakland, Alameda County Superior Court Case No. RG08-372279 in the Amount of \$7,500.00 As a Result of a Trip and Fall Accident Near 10850 MacArthur Blvd. (Office of Public Works - Trip and Fall)  
[11-0280](#)

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

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

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7.7-CC Subject: Settlement Agreement - Forte  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Almeta Forte V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG10549369, City Attorney's File No. 27912, In The Amount Of Six Thousand Dollars And No Cents (\$6,000.00). (Public Works - Trip And Fall)  
[11-0279](#)

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

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

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7.8-CC Subject: SB 1070 - Amicus Brief  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing The City Attorney To Sign Onto An Amicus Brief On Behalf Of The City Of Oakland Urging The U.S. Supreme Court To Uphold The Injunction Enjoining Implementation Of The State Of Arizona's Unconstitutional Anti-Immigration Law (Senate Bill 1070)  
[11-0281](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
*There were 3 speaker on the item.*

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S-7.9-CC Subject: Measure WW- East Bay Regional Park Local Grant  
From: Public Works Agency  
Recommendation: Adopt A Resolution To 1) Authorize The Reallocation Of Three Million Three Hundred Thousand Dollars (\$3,300,000.00) From The East Bay Regional Park District Local Grant Program Of The Open Space, Wildlife, Shoreline And Parks Bond (2008 Measure WW) For Bushrod Park Soccer Field To The Golden Gate Community Recreation Center Expansion And Improvement Project, And 2) Authorize The City Administrator Or Her Designee To Apply For, Accept, And Appropriate Grant Funds In The Amount Of Three Million Three Hundred Thousand Dollars (\$3,300,000.00) From The Measure WW East Bay Regional Park District Local Grant Program For The Golden Gate Community Recreation Center Expansion And Improvement Project  
[11-0269](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
*There were 5 speakers on the item.*

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S-7.10-CC Subject: Arcadia Park Residential Development  
From: Community And Economic Development Agency  
Recommendation: Adopt A Resolution Summarily Vacating Sections Of G Street, F Street,  
And Ellington Way Previously Dedicated On The Final Map For Tract 7640 And Reserving  
Emergency Access And Utility Easements In The Arcadia Park Subdivision Located At 921  
98th Avenue  
[11-0263](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan,  
Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and  
President of the Council Reid  
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S-7.11-CC Subject: Cesar Chavez Park Improvement  
From: Public Works Agency  
Recommendation: Adopt A Resolution: 1) Rejecting All First Round Bids For The Cesar  
Chavez Park Improvement Project (No. C329410); And 2) Award A Construction Contract To  
The Lowest, Responsive And Responsible Second Round Bidder, Bay Construction In Accord  
With Plans And Specifications For The Project (No. C329410) And Contractor's Bid In The  
Amount Of One Million Six Hundred Seventy Four Thousand Five Seventy Eight Dollars  
(\$1,674,578.00)  
[11-0264](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan,  
Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and  
President of the Council Reid  
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S-7.12-CC Subject: Oakland Park Capital Improvement Projects  
From: Public Works Agency  
Recommendation: Adopt A Resolution Adopting The Updated Fiscal Year 2011-2013 Park  
Project Prioritization List For City Of Oakland Park Capital Improvement Projects  
[11-0270](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember  
Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan,  
Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and  
President of the Council Reid  
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S-7.13-CC Subject: Street Sweeper Purchase  
From Public Works Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Appropriate Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000) From The Comprehensive Cleanup Fund 1720 To Replace Six (6) Street Sweepers, One (1) 25 Cubic Yard Packer Truck, Two (2) Aerial Lift Trucks With 37 Feet Boom, One (1) Leaf Sweeper; And Purchase Three (3) Mini Packer Trucks, For Keep Oakland Clean And Beautiful And Park Services. [TITLE CHANGE]  
[11-0179](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
*There was 1 speaker on the item.*

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S-7.14-CC Subject: CAFR/ORA Management Letter  
From: Finance And Management Agency  
Recommendation: Receive An Informational Report Presenting The City's Fiscal Year 2010-11 Comprehensive Annual Financial Report (CAFR), The Oakland Redevelopment Agency (ORA) Audit Report, And The Management Letter  
[11-0253](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
*There were 2 speaker on the item.*

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S-7.15-CC Subject: Supporting Senate Bill 708  
From: Councilmembers Brunner And Kaplan  
Recommendation: Adopt A Resolution Supporting Senate Bill 708 (Corbett) Extending The Provisions Of Senate Bill 1137 Which Established New Procedures For Home Loan Foreclosures And Is Expiring On January 1, 2013  
[11-0252](#)

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

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Vice Mayor 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 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 Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Vice Mayor 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 Kaplan, seconded by Councilmember Schaaf, to \*Approve as Submitted the report of the City Attorney of 1 final decision made during Closed Session and no non-confidential closed session discussion. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Noes: 1 - President Pro Tempore De La Fuente  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Vice Mayor 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 THIS NUMBER INTENTIONALLY NOT USED



11 Subject: Professional Services Agreement Amendment - Police Performance Solutions  
From: Department Of Contracts And Compliance  
Recommendation: Adopt A Resolution Waiving The Advertising And Request For Proposals/Qualifications Requirements And Authorizing The City Administrator On Behalf Of The City To Amend The Agreement With Police Performance Solutions, LLC To I) Include Additional Police Monitoring Services Required By The Court In The Case Of Delphine Allen V. City Of Oakland, USDC No. COO-4599 TEH; And 2) Increase The Contract Amount By One Hundred Thousand Dollars (\$100,000), For A Total Contract Amount Of One Million Seven Hundred Eighty Four Thousand Dollars (\$1,784,000)  
[11-0272](#)

**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 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
*There was 1 speaker on the item.*

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12 Subject: Sanjiv Handa Sunshine Ordinance  
From: President Reid and Vice Mayor Brooks  
Recommendation: Adopt An Ordinance Amending Ordinance No. 11957 C.M.S., As Amended By Ordinance No. 12483 C.M.S., To Change The Citation And Title Of The "Oakland Sunshine Ordinance" To The "Sanjiv Handa Oakland Sunshine Ordinance" In Memory Of Sanjiv Handa, A Longtime Oakland Resident Who Devoted More Than 20 Years Of His Life To Advocating For Open Government And Transparency To Assure That Deliberations Of The City's Council, Commissions, Boards, And Advisory Bodies And The City's Operations Were Open To The Public  
[11-0236](#)

**A motion was made by Councilmember Brooks, seconded by President of the Council Reid, that this matter be Approved On Introduction and Scheduled for Final Passage to the \* Special Meeting of the Oakland City Council, to be heard at the March 6, 2012 meeting. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Noes: 3 - President Pro Tempore De La Fuente, Vice Mayor Nadel and Councilmember Schaaf  
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan and President of the Council Reid  
*There were 4 speakers on the item.*

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13 Subject: Economic Development Strategy For The City Of Oakland  
From: Councilmember Brunner  
Recommendation: Receive An Informational Report And/ Or Action On The Community And  
Economic Development Director's Economic Development Strategy For The City Of Oakland  
[10-0814](#)

**A motion was made by Councilmember Brunner, seconded by Councilmember Brooks, that this matter be \*Approve with the following amendments that staff return in 1 month to the March 27 Community and Economic Development Committee with 1 one of the concrete points of the economic strategy and with a time table for the overall strategy. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Vice Mayor Nadel, Councilmember Schaaf and President of the Council Reid  
*There was 1 speaker on the item.*

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S-14 Subject: Zero Waste Service Contracts  
From: Public Works Agency  
Recommendation: Adopt A Resolution Adopting The Recommended Process And Schedule,  
And Protocol For Process Integrity, For A Request For Proposals For Zero Waste Service  
Contracts  
[11-0265](#)

**Adopted as Amended**

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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 Alexandra Kulka Wells, Ruth Anne Thieme and Rodney Pontifet at 7:47 pm.*

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*City Clerk and Clerk of the Council*