



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

Tuesday, October 16, 2007

6:00 PM

Oakland City Hall, 3rd Floor

1 Pledge of Allegiance

A meeting of the Joint Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 6:22 pm.

2 Roll Call / ORA & Council

ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Present: 7 - Councilmember Chang, Councilmember Nadel, Councilmember Kernighan, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid

3 Open Forum / Citizens Comments

(Time Available: 15 minutes)

The following individual(s) spoke under Open Forum:

- Byron Freelon
- Rhoda Freelon
- Cesar Gabriel San Miguel
- Richard Arnold Robinson
- Sanjiv Handa

4 Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.

5 Motion for 'Members' Requests for Reconsideration' of an Action taken at the preceding Council Meeting, shall be scheduled for the next-succeeding City Council meeting as a non-consent item. (Motion Maker must have voted on prevailing side)

There was no action necessary for this item.

6 Requests from Councilmember(s) to schedule an Action Item considered by Committee but not forwarded to Council, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.

There was no action necessary for this item.

7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on October 2, 2007

A motion was made by Councilmember Chang, seconded by Councilmember Quan, to *Approve as Submitted. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid

8. PRESENTATION OF CEREMONIAL MATTERS

8.1 Subject: United Nations Month
From: Councilmember Nancy Nadel
Recommendation: Adopt A Resolution Declaring October 2007 'United Nations Month' In The City Of Oakland And Authorizing The City Of Oakland To Serve As Honorary Sponsor Of The United Nations Association-USA East Bay's Anniversary Flag Ceremony
[07-0639](#)

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

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid
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8.2 Subject: Impacts Of Global Climate Change - Presentation
From: Councilmember Larry Reid
Recommendation: Hear A 10 Minute Presentation On The Impacts Of Global Climate Change On San Francisco Bay By The San Francisco Bay Conservation And Development Commission
[07-0677](#)

Council heard a presentation regarding the Impacts of Global Climate Change On San Francisco Bay by the San Francisco Bay Conservation and Development Commission

The following individual(s) spoke during this item:

- *Billy Ray Trice Jr.*
 - *Steve Lowe*
 - *Sanjiv Handa*
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S-8.3 Subject: Disability Awareness Month
 From: Councilmember Jean Quan
 Recommendation: Adopt A Resolution Declaring October 2007 As Disability Awareness Month
 In The City Of Oakland
 07-0701

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

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid
Agency/Councilmember Reid made a motion seconded by Agency/Councilmember Chang to approve an urgency finding pursuant to Section 2.20.080 E(2) regarding Item S-8.3 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 a purely ceremonial or commendatory action.

The following individual(s) spoke during this item:

- Sanjiv Handa
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9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Agency/Councilmembers, Reid, Quan and Nadel took a point of personal privilege and requested that the meeting be adjourned in memory of Dorothy Everett

Agency/Councilmembers Reid and Nadel took a point of personal privilege and requested that the meeting be adjourned in memory of Chuck Thornton

Agency/Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Greg Ballard

10. CONSENT CALENDAR (CC) ITEMS:

10.1-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
[07-0695](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan,
President of the Council De La Fuente and Councilmember Reid
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10.2-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
[07-0696](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan,
President of the Council De La Fuente and Councilmember Reid
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10.3-CC Subject: Darryl Ko - 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 Darryl Ko V. City Of Oakland, Alameda County Superior
Court Case No. RG06-263328 In The Amount Of \$9,000 (Public Works Agency)
[07-0659](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan,
President of the Council De La Fuente and Councilmember Reid
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10.4-CC Subject: Sydney S. L. Buffet - 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 Sydney S.L. Buffet V. City Of Oakland, Et Al., Alameda
County Superior Court No. RG06265728, Our File No. 25094, In The Amount Of \$20,000.00
(Public Works Agency - Trip And Fall)
[07-0671](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan,
President of the Council De La Fuente and Councilmember Reid
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10.5-CC Subject: Sunthorn Boswell And Alan Yee - 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 Sunthorn Boswell And Alan S. Yee, The Attorney Of
Record In The Amount Of Seven Thousand Seven Hundred Fifty Dollars And No Cents
(\$7,750.00), As A Result Of Bodily Injury Damages Sustained In An Automobile Collision With
A City Vehicle On January 30, 2006. (Oakland Police Department)
[07-0694](#)

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

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Recused: 1 - Councilmember Brunner
ORA\Councilmember Ayes: 6 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Quan, President of the Council
De La Fuente and Councilmember Reid

The following individual(s) spoke during this item:

- *Sanjiv Handa*
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10.6-CC Subject: Rent Adjustment Program
From: Community and Economic Development Agency
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending
Ordinance No. 12744 C.M.S. (Master Fee Schedule) To Increase The \$24 Rent Program Service
Fee By \$6 To \$30
[07-0590](#)

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

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Noes: 1 - President of the Council De La Fuente
ORA\Councilmember Ayes: 6 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan and Councilmember Reid

The following individual(s) spoke during this item:

- Steve Edrington
- Luan Huynh
- Sanjiv Handa

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10.7-CC Subject: Priority Project Funds - District Seven
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$5,000.00 From
Councilmember Larry E. Reid's Priority Project Funds To Center For Family Counseling For
Operating Expenses
[07-0674](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid

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10.8-CC Subject: Travel Authorization - Councilmember Brooks
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To Attend
The Inner City Economic Forum, Philadelphia, PA, October 17-18, 2007
[07-0675](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan,
President of the Council De La Fuente and Councilmember Reid
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10.9-CC Subject: Jena Six
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution For The City Council Of Oakland, California To Go On
Record Opposing The Unfair Treatment By The Criminal Justice System In Jena, Louisiana
Against, The "Jena Six" Youths
[07-0684](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan,
President of the Council De La Fuente and Councilmember Reid
The following individual(s) spoke during this item:
- *Diana Bohn*
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10.10 Subject: Priority Project Funds - District Seven
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$5,000.00 From
Councilmember Larry E. Reid's Priority Project Funds For Operating Expenses To Civic Pride, A
Youth-Centered Non-Profit Organization That Provides Increased Opportunities For Success,
College Preparation, Career Readiness And Development Of Responsible Citizenship Skills
[07-0688](#)

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland
Redevelopment Agency / City Council on 11/6/2007**

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10.11-CC Subject: Debt Cancellation - Impoverished African Countries
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Urging U.S. Support Of Debt Cancellation For
Impoverished Countries In Africa
[07-0690](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan,
President of the Council De La Fuente and Councilmember Reid

The following individual(s) spoke during this item:

- *Diana Bohn*

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10.12-CC Subject: Dog Ordinance Amendment
From: Councilmember Jean Quan
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Changing
Oakland Municipal Code Title 6, Chapter 6.04 Section 6.04.080 Dogs At Large And In Parks, To
Allow Dogs On The Montclair Railroad Trail (TITLE CHANGE)
[07-0619-1](#)

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

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan,
President of the Council De La Fuente and Councilmember Reid

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S-10.13 Subject: Police Department Salary Savings
From: Oakland Police Department
Recommendation: Adopt A Resolution Amending Resolution No. 80786 C.M.S., Which
Establishes Protocol For Expenditures Of Police Department Salary Savings Funds, To Include
Authorization To Use Salary Savings To Fund The Oakland Police Department's Internship
Program
[07-0597](#)

This matter was No Action Taken. The motion failed.

Votes:

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The Committee approved the internship program and directed the City Administrator to find an alternative funding source not using salary saving funds. The Committee also directed staff to provide a written response regarding the use of Redevelopment funds for the Police internship program; 4 Ayes

[07-0597-1](#)

This Matter was Approved on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid

The following individual(s) spoke during this item:

- *Sanjiv Handa*

S-10.14-C Subject: Sale Of Surplus Property At 73rd And Deerwood Avenues
C From: Community And Economic Development Agency
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Authorizing The City Administrator To Negotiate And Execute A Purchase And Sale Agreement To Sell Approximately 1,400 Square Feet Of City-Owned Surplus Real Property Located At 73rd And Deerwood Avenues To Johnny R. Nicks And Pinkey R. Mitchell-Nicks, The Adjoining Property Owners, For The Total Fair Market Value Of Four Thousand Two Hundred And Fifty Dollars (\$4,250.00) Including All Fees And Costs

[07-0584](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid

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S-10.15-C Subject: Prudential Overall Supply - Living Wage Compliance
C From: Councilmember Jane Brunner
Recommendation: Action On A Report And Recommendations On Prudential Overall Supply's Compliance With The City Of Oakland's Living Wage Ordinance

[07-0623](#)

This Matter was Approved on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid

The following individual(s) spoke during this item:

- *David A. Unger*

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S-10.16-C Subject: West Oakland Redevelopment Project Extension
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing A One-Year Extension Of The Project Area
Committee For The West Oakland Redevelopment Project To November 18, 2008
[07-0586](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan,
President of the Council De La Fuente and Councilmember Reid

The following individual(s) spoke during this item:

- Sanjiv Handa

- Steve Lowe

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S-10.17-C Subject: Re-Designation Of The Oakland Enterprise Zone
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Submit An
Enterprise Zone Application To The California Department Of Housing And Community
Development For The Re-Designation Of The Oakland Enterprise Zone For An Additional 15
Years
[07-0641](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan,
President of the Council De La Fuente and Councilmember Reid

The following individual(s) spoke during this item:

- Sanjiv Handa

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S-10.18-C Subject: Oakland Museum Renovation Project
C From: Oakland Museum
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Donated Funds In An Amount Not To Exceed Eight Hundred Eighty-Five Thousand Seven Hundred And Ninety-Five Dollars (\$885,795.00) From The Oakland Museum Of California Foundation For Reimbursement Of City Staff Costs As Part Of The Oakland Museum Of California Renovation Project
[07-0672](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid
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S-10.19-C Subject: Human Trafficking Grant Program
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Two Hundred Twenty-Five Thousand Dollars (\$225,000) In Additional Grand Funds For The Human Trafficking Program From The U.S. Department Of Justice, Office Of Justice Programs, Bureau Of Justice Assistance, Law Enforcement Response To Human Trafficking Grant Program; Extending The Contract With Cross-Sector Solutions, LLC For Consulting And Technical Services For An Additional Contract Amount Of Sixty-Two Thousand Dollars (\$62,000); And Authorizing A Waiver Of The Request For Proposal Process And A Waiver Of The Local And Small Local Business Enterprise Provision
[07-0594](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid
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S-10.20-C Subject: Interoperable Communications Grant Program
C 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 An Amount Not To Exceed Nine Hundred Eighty-Eight Thousand Nine Hundred And Sixty-Six Dollars (\$988,966) From The U.S. Department Of Justice, Office Of Community Oriented Policing Services (DOJ/COPS) Fiscal Year 2007 Law Enforcement Technology (Interoperable Communications) Grant Program For The Period October 1, 2007 Through September 30, 2008, And Authorizing The Police Department's Allocation Of Three Hundred Thirty-Two Thousand Nine Hundred And Eighty-Eight Dollars (\$332,988) From The Unclaimed Cash Fund To Meet The Mandatory Matching Fund Provisions For The Program, And Authorizing The Execution Of A Memorandum Of Understanding With The City And County Of San Francisco, Office Of Emergency Services, And Other Participating Agencies, For Implementation Of The Initiative, And Appropriate Said Funds To The Police Department
[07-0604](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid
The following individual(s) spoke during this item:
- *Sanjiv Handa*
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S-10.21-C Subject: Project Safe Neighborhoods
C 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 An Amount Not To Exceed One Hundred Thousand Dollars (\$100,000) From The State Of California, Office Of Emergency Services, Serving As the Fiscal Agent For Project Safe Neighborhoods Grant Program As Administered Through The Office Of The U.S. Attorney For The Northern District Of California And The U.S. Department of Justice, Bureau Of Justice Assistance, In Support Of The Oakland Police Department's Criminalistics Division
[07-0620](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid
The following individual(s) spoke during this item:
- *Jacquee Castain*
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S-10.22-C Subject: Marine Unit Equipment - Oakland Police Department
C 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 An Amount Not To Exceed Sixty-Five Thousand Two Hundred Dollars (\$65,000) From The State Of California, Department Of Boating And Waterways, For Use By The Oakland Police Department Marine Unit For Equipment Purchases To Outfit And Maintain Marine Vessels Used For Public Safety And Other Homeland Security Projects On Oakland Waterways And The Port of Oakland
[07-0621](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid
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S-10.23-C Subject: Emergency Vehicle Operations Course
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Execute An Agreement With The California Commission On Peace Officer Standards And Training (POST) For The Purpose Of Permitting The Police Department To Present The POST Certified Emergency Vehicle Operations Course (EVOC) To One Hundred Fifty (150) Police Officer Trainees, And To Receive Up To Sixty-Six Thousand Seven Hundred Fifty Dollars (\$66,750) In Reimbursement Funds
[07-0653](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid
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Passed The Consent Agenda

A motion was made by Councilmember Brunner, 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 Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid

- 11 An oral report from the Agency Counsel / City Attorney of final decisions made during Closed Session

No Action Taken

The following individual(s) spoke during this item:

- Sanjiv Handa

- 12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 15 of the Sunshine Ordinance

A motion was made by Councilmember Chang, seconded by Councilmember Kernighan, to *Approve as Submitted the report from the Office of the City Attorney of no non-confidential closed session discussion pursuant to section 15 of the Sunshine Ordinance. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid

**COMMENCING AT 7:00 P.M. OR AS SOON AS REASONABLY PRACTICAL
THEREAFTER:**

- 13 Reconsideration of Ordinances pursuant to Charter Section 216
There was no action necessary for this item.

14. Consideration of items with statutory Public Hearing Requirements:

14.1 Subject: 5248 Telegraph Avenue - Appeal
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution
Denying The Appeals And Upholding The Planning Commission's Approval For Construction Of
33 Dwelling Units Over Ground Floor Commercial At 5248 Telegraph Avenue, Oakland (Case
File Number CDV06-476 & TPM-9212)
[07-0660](#)

A motion was made by Councilmember Brunner, seconded by Councilmember Reid, that this matter be Adopted changing the conditions of approval, adding new provisions and including new findings as outlined in "Attachment A", presented on the floor by Councilmember Brunner
The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid
Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was opened at 7:52 p.m.

The following individual(s) spoke during this item:

- Joan Lichterman
- James D. Lutz
- Jan Probst
- Tabinda Khan
- Bessie Citrin
- Brad Kenneth Gtunkel
- Donald Dorfman
- Steven McClary
- Nikki Sachs
- Sara Miller
- Roy Alper
- Ron Kaiss
- Randy Reed
- Beverly A. Potter
- Carlo Busby
- Darlene Drapkin
- Steven Tiffin
- Thomas Dolan
- Hiroko Kurihara
- Joyce Roy
- Christopher Waters
- Karen Hester
- Stuart Milton Flashman
- Ellen J. Petason

- Danica Eva Truchtikova
- Virginia Browning
- Valerie Winemieler
- Sanjiv Handa
- John K. Wagers

Agency/Councilmember Brunner made a motion, seconded by Agency/Councilmember Nadel, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Kernighan, Nadel, Reid, Quan, and President of the Council De La Fuente -7, Excused: Brooks - 1

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ACTION ON NON-CONSENT ITEMS:

- 15 Subject: McKillop Roadway - Landslide Damage
 From: Public Works Agency
 Recommendation: Adopt A Resolution Renewing And Continuing The Local Emergency Due To
 Landslide Damage To McKillop Roadway First Proclaimed By the City Of Oakland On October
 17, 2006
 [07-0697](#)

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

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid
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- 16 Subject: Instant Runoff Voting - Implementation
 From: Office of the City Attorney
 Recommendation: Hear A Presentation By Alameda County Registrar Dave Macdonald
 Regarding The Implementation Of Instant Runoff Voting In Alameda County
 [07-0658](#)

Council heard the presentation regarding the Status of the Implementation of Instant Run Off Voting for Alameda County

The following individual(s) spoke during this item:

- Judy Cox
- Anne Spanier
- Judy Belcher
- Dave Kadlecek
- Sanjiv Handa

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17 ~~Subject: Residential Permit Parking Program – Jack London Square
From: Councilmember Nancy Nadel
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Of The City Of
Oakland Adding Chapter 10.45 Of The Oakland Municipal Code Entitled "Interim Mixed Use
Parking Permit Program For The Jack London District" For A Period Not To Exceed Three
Years From The Date Of Adoption~~
[07-0640](#)

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18 Subject: High Speed Rail Alignment
From: Council President De La Fuente & Mayor Ronald Dellums
Recommendation: Adopt A Resolution Urging The Metropolitan Transportation Commission,
The California High-Speed Rail Authority, The State Legislature And The Governor Of
California To Implement And Fund The Regional Rail Plan In Accordance With Regional
Measure 2 With A High Speed Rail Alignment Through The East Bay And Oakland With A
Direct Link To The Transbay Terminal
[07-0578](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brunner, that this matter be Adopted as Amended to the "Further Resolved" to read that the construction type for alignment through West Oakland or downtown should be bored tunnel rather than dug through the surface." with further direction to address the simultaneous undergrounding of the BART tunnel in the EIR. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid

The following individual(s) spoke during this item:

- Steve Lowe
- Ray Kidd
- Jonathan Bair
- Sanjiv Handa

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TWO PIECES OF LEGISLATION ARE BEING PRESENTED IN ITEM 19, THE CITY COUNCIL WILL ONLY ADOPT ONE OF THOSE PIECES PRESENTED.

19 Subject: Smoking Ordinance
 From: Office of the City Administrator
 Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending
Oakland Municipal Code Chapter 8.30, "Smoking" To (1) Prohibit Smoking At Bus Stops And
Other Areas Where The Public Waits For Service, (2) At Outdoor Dining Areas, Public Trails,
Parks And City-Owned Golf Courses, (3) Family Childcare Centers, (4) Common Outdoor Areas
In Multi-Unit Housing; (5) Restrict Smoking Outside Bars To Ten (10) Feet From Entrances; (6)
Require New Rental And Sale Agreements For Multi-Unit Housing To Disclose Nonsmoking
Prohibitions (TITLE CHANGE-ATTACHMENT A)
[07-0237](#)

Not Approved

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Subject: Smoking Ordinance
From: Office of the City Administrator
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Amending Oakland Municipal Code Chapter 8.30, "Smoking" To (1) Prohibit Smoking At Bus Stops And Other Areas Where The Public Waits For Service, (2) At Outdoor Dining Areas, Public Trails, Parks And City-Owned Golf Courses, (3) Family Childcare Centers, (4) Common Outdoor Areas In Multi-Unit Housing; (5) Establish Policy For Smoking Outside Bars; (6) Require New Rental And Sale Agreements For Multi-Unit Housing To Disclose Nonsmoking Prohibitions (ATTACHMENT B)
[07-0237-1](#)

Approved as Amended on Introduction for Final Passage to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 11/6/2007

The following individual(s) spoke during this item:

- *Serena Chen*
- *Carol McGruder*
- *Patricia Rambo*
- *Steve Lowe*
- *Keisha Nzewi*
- *Janice Woodward*
- *Steve Edrington*
- *Echa Schneider*
- *Peter Van Kleet*
- *Jonathan Bair*
- *Sanjiv Handa*

Vice-Mayor Chang made a motion to introduce the Ordinance of Attachment B on Item 19, with the proposed amendments:

- 1) *Section 8.30.030 - "Recreational Area" (page 5) Add "Recreational Area does not include outdoor areas of City-owned golf courses;" and*
- 2) *Section 8.30.060.B (page 8) to read "Smoking outside of any enclosed place where smoking is prohibited shall occur at a minimum distance of 25 feet from any building entrance, exit, window and air intake vent of the building, provided the smoke does not enter adjacent areas in which smoking is prohibited by any law or by the owner, lessee or licensee of the adjacent property. Bars are exempted from this section."*

Councilmember Kernighan seconded the Motion with the following friendly amendment accepted by Vice Mayor Chang:

- 1) *"Section 8.30.060. Smoking Policy Requirement.*
 - b. *Smoking outside of any enclosed place where smoking is prohibited shall*

occur at a minimum distance of 25 feet from any building entrance, exit, window or air intake vent of the building, except that bars are exempted from the outside smoking requirements of this section, provided the smoke does not enter adjacent areas in which smoking is prohibited by any law or by the owner, lessee or licensee of the adjacent property."

At the request of Councilmember Quan, with agreement by Vice Mayor Chang, the Council bifurcated the motion for a separate vote on each of the proposed amendments.

And upon call of the roll to approve the Ordinance with the proposed friendly amendment to Section 8.30.060 (b), the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Kernighan, Nadel, Reid, Quan, and President of the Council De La Fuente -7; Excused - Brooks -1

And upon call of the roll to approve the Ordinance with the proposed amendment to Section 8.30.030 - Recreational Area, the motion failed by Ayes: Chang, Kernighan, Reid and President De La Fuente - 4; Noes: Brunner, Nadel, Quan - 3; Excused: Brooks - 1

And upon call of the roll to approve the Ordinance with the proposal to prohibit smoking at golf courses, the motion failed by Ayes: Brunner, Nadel, and Quan - 3; Noes: Chang; Kernighan; Reid, President De La Fuente - 4; Excused - Brooks -1

THE ORDINANCE WAS INTRODUCED WITH THE FRIENDLY AMENDMENT TO SECTION 8.30.060 SMOKING POLICY REQUIREMENTS, (B).

A MOTION WAS MOVED, SECONDED AND CARRIED TO EXTEND THE MEETING PAST 10:30 PM.

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S-20 Subject: Anka Behavioral Health - Winter Shelter Agreement
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Waive The Competitive Process And Enter Into A Six Month Agreement In The Amount Of \$306,000 With Anka Behavioral Health, Inc. To Operate The Oakland Army Base Temporary Winter Shelter (OABTWS), And (2) Enter Into A Six Month Lease For \$1.00 A Year With The Oakland Redevelopment Agency For Use Of Building 821 At The Army Base, And (3) Accept And Appropriate \$125,000 From Alameda County, And \$66,000 From The City Of Berkeley To Establish And Operate The Temporary Winter Shelter At The Oakland Army Base, (4) Allocate \$15,000 In CDBG Funds For Tenant Improvements To The Winter Shelter; And (5) Enter Into An Agreement With Anka Behavioral Health, Inc. For \$22,094 For Purchase And Installation Of Security Cameras At The Henry Robinson Multi-Service Center
[07-0654](#)

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

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid

The following individual(s) spoke during this item:

- *Sanjiv Handa*

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S-21 Subject: Dog Ordinance Amendment
 From: Councilmember Jean Quan
 Recommendation: Approve The Introduction (First Reading) Of An Ordinance Changing
 Oakland Municipal Code Title 6, Chapter 6.04 Section 6.04.070 Dogs At Large Regarding
 Requirements To Dog Guardians Concerning Picking Up After Their Dogs, Tethering Of Dogs,
 Dogs In Vehicles And Specific Fines For Violations Of The Ordinance; And Oakland Municipal
 Code Section 1.28.020.B Allowing For An Exception For The Amount Of Fines For Violations
 Of Section 6.040.070
 [07-0619-2](#)

A motion was made by Councilmember Quan, seconded by Councilmember Kernighan, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on November 6, 2007. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 1 - Councilmember Brooks
ORA\Councilmember Absent: 1 - Councilmember Reid
ORA\Councilmember Ayes: 6 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan and President of the Council De La Fuente

The following individual(s) spoke during this item:

- *Emily Rosenberg*
- *Abraham Lincoln*
- *Sanjiv Handa*

Councilmember Reid was noted as absent at 10:52pm

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Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting shall conclude no later than 10:30 p.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 Chuck Thornton, Greg Ballard, and Dorothy Everett at 11:04pm

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City Clerk and Clerk of the Council