



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, April 01, 2008

6:00 PM

Oakland City Hall, 3rd Floor

1 Pledge of Allegiance

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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 6:05 PM.

2 Roll Call / ORA & Council

ORA\Councilmember Present: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

3 Open Forum / Citizens Comments

(Time Available: 15 minutes)

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The following individuals spoke under Open Forum:

- John Nelson*
- Darlene Crane*
- Scott Fulmer-Gardner*
- Oyang Teng*
- Kent Lewendowski*
- Deloris Allen*
- Sanjiv Handa*
- Jordan Bentley*

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.

There was no action necessary for this 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 March 18, 2008

A motion was made by Councilmember Reid, seconded by Member Chang, to *Approve the Minutes. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

8. PRESENTATION OF CEREMONIAL MATTERS

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- 8.1 Subject: City Year And T-Mobile Recognition
From: Council President De La Fuente
Recommendation: Adopt A Resolution Honoring City Year And T-Mobile's Service Day Partnership At Manzanita Recreation Center On February 29, 2008
[07-1146](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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8.2 Subject: Jeanette Edgerly - Recognition
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Honoring Jeanette Blair Edgerly For 32 Years Of
Dedicated And Distinguished Service To The City Of Oakland And Congratulating Her On Her
Retirement
[07-1194](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa
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8.3 Subject: Oakland Black Firefighters Association - Recognition
From: Council President De La Fuente
Recommendation: Adopt A Resolution Honoring The Oakland Black Firefighters Association
For Their Contribution To Manzanita Recreation Center
[07-1197](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Councilmember Brooks took a point of personal privilege and recognized today as Christopher Rodriguez's Birthday

Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Hazel Patterson

10. CONSENT CALENDAR (CC) ITEMS:

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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
[07-1158](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente
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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
[07-1159](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente
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10.3-CC Subject: Priority Project Funds - District Seven
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$10,000 From
Vice Mayor Larry E. Reid's Priority Project Funds To The Oakland African-American Chamber
of Commerce For Operating Expenses
[07-1145](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa
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10.4-CC Subject: Priority Project Funds - District Five
From: Council President De La Fuente
Recommendation: Adopt A Resolution Authorizing A Grant From Councilmember De La Fuente's Priority Project Funds To The Merritt College/Study Abroad Program In The Amount Of \$2,000 To Help Fund An Educational Trip During Spring Break 2008
[07-1147](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

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10.5-CC Subject: 10031 MacArthur Boulevard - 18 Condominium Unit
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Approving In Part And Denying In Part The Appeal So As To Allow The Major Rehabilitation Of A Former Motel As 18 Condominium Units, At 10031 MacArthur Boulevard
[07-1148](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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10.6-CC Subject: Priority Project Funds - District Two
From: Councilmember Pat Kernighan
Recommendation: Adopt A Resolution Authorizing A Grant Of \$1,500.00 From
Councilmember Pat Kernighan's Priority Project Funds To The Oakland, California Babe Ruth
League For Expenses Associated With Two Team Members Of Its All Star Team Participating
In the 2008 College Tour (TITLE CHANGE)
[07-1152](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

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10.7-CC Subject: Approved License Program - Sale Of Tobacco
From: Councilmember Larry Reid
Recommendation: Adopt An Ordinance Requiring The Licensure Of Tobacco Retailers And
Codifying Said Requirements At Oakland Municipal Code Chapter 5.91 And Adopting A
Tobacco Licensing Application Fee Of \$50.00 And A Tobacco Licensing Fee Of \$1,500.00
Annually To Cover Administration, Inspection, Compliance And Similar Costs
[07-1029](#)

**This Matter was Approved for Final Passage with direction to the City
Administrator to implement the program using non-sworn personnel. on
the Consent Agenda.**

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

- Celana Ahtye

- Alicia Guy

- Janice Woodward

- Serena Chen

- Ralph Morales

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10.8-CC Subject: Babe Ruth League Grant
From: Councilmember Henry Chang
Recommendation: Adopt A Resolution Authorizing A Grant Of \$1500 From Councilmember Henry Chang's Pay-Go Funds To The Oakland, California Babe Ruth League For Expenses Associated With Two Members Of The All Star Team Participating In The 2008 College Tour
[07-1189](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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10.9-CC Subject: Samson Yiu - 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 Samson Yiu In The Amount Of Twenty Two Thousand One Hundred Forty Dollars And No Cents (\$22,140.00), As A Result Of Property Damage Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On January 7, 2008. (Public Works Agency)
[07-1199](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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10.10-CC Subject: Analysis Of Senate Bill 1508
From: Councilmembers Jean Quan and Nancy Nadel
Recommendation: Adopt A Resolution To Support And Sponsor Senate Bill 1508 (Corbett) Related To Seismic Safety Standards; Cripple Walls
[07-1129](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa
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Passed The Consent Agenda

A motion was made by Councilmember Reid, seconded by Councilmember Quan, 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, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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

There was no action necessary for this item

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

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

There was no action necessary for this item

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: Measure DD Implementation Project
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal And Upholding The City Planing Commission's Certification Of The Environmental Impact Report For The City Of Oakland Trust For Clean Water, Safe Parks Bond Measure (Measure DD) Implementation Project (For Case Number ER06-0017)
[07-1116](#)
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A motion was made by Councilmember Nadel, seconded by Councilmember Kernighan, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

Upon the reading of Item 14. 1 by the City Clerk, the Public Hearing was opened at 7:20 p.m.

The following individuals spoke on this item:

- Jim Ratliff
- James Evann
- Rick Rickard
- Brian Toy
- Naomi Schiff
- Robert Raburn
- Winslow Simons
- Ken Pratt
- David Mix
- John Wilson
- Sanjiv Handa

Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember Kernighan, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Kernighan, Nadel, Reid, Quan, and President of the Council De La Fuente -8

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14.2 Subject: Tobacco Oriented Activities - Municipal Code Amendment
From: Councilmember Larry Reid
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Amending The Oakland Planning Code To: (1) Amend Chapter 17.09 "Definitions" To Define Tobacco Oriented Activities As Those That Sell Any Amount Of Tobacco Or Tobacco Related Products With The Exception Of Stores Over 10,000 Square Feet Or Those Associated With a Gasoline Service Station; And (2) Amend Chapter 17.134 "Conditional Use Permit Procedures" To Require A Major Conditional Use Permit For Establishing A New Tobacco Oriented Activity
[07-1028](#)

A motion was made by Councilmember Reid, seconded by Councilmember Nadel, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on April 15, 2008. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

Upon the reading of Item 14. 2 by the City Clerk, the Public Hearing was opened at 7:49 p.m.

The following individuals spoke on this item:

- Paul Cummings*
- Julie Waters*
- Sanjiv Handa*

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Nadel, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Kernighan, Nadel, Reid, Quan, and President of the Council De La Fuente -8
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ACTION ON NON-CONSENT ITEMS:

15 Subject: Equal Access Ordinance Implementation
From: Office of Personnel
Recommendation: Action On A Follow-Up Report On The Status Of The Implementation Of
The Equal Access Ordinance And Recommendations For Improving Language Access To City
Of Oakland Services
[07-0292](#)
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A motion was made by Councilmember Brunner, seconded by Councilmember Quan, that this matter be Approved The Council received and filed the report and directed staff to continue with the implementation of the ordinance and to come to the Rules Committee to agendize to committee the continuance of this discussion.

The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

The following individual(s) and did not indicate a position on this item:

- Kokomon Clottery
- Jean Johnson-Fields
- Greg Hodge
- Gene Hazzard
- Olugbemiga Oluwole
- Gay Plair Cobb
- Behailu Assefa
- Sanjiv Handa

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- 16 Subject: Housing, Residential Rent And Relocation Board - Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Rochelle Anguiano And Chanee Franklin,
As Members Of The Housing, Residential Rent And Relocation Board
[07-1200](#)

Adopted

Votes:

The following individual(s) and did not indicate a position on this item:

- Sanjiv Handa
- James Vann
- Rochelle Aguiaon

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- 17 Subject: Parks And Recreation Advisory Commission - Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Victor Arceneaux As A Member Of The
Parks And Recreation Advisory Commission
[07-1201](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente

The following individual(s) and did not indicate a position on this item:

- Sanjiv Handa
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- 18 Subject: Citizen's Police Review Board - Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Re-Appointing Cara Kapowski, As A Member Of The
Citizen's Police Review Board
[07-1202](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente

The following individual(s) and did not indicate a position on this item:

- Sanjiv Handa
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19 Subject: Commission On Aging - Appointment
 From: Office of the Mayor
 Recommendation: Adopt A Resolution Appointing Robert E. Chatmon, As A Member Of The
 Commission On Aging
 [07-1203](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente

The following individual(s) and did not indicate a position on this item:

- Sanjiv Handa
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20 Subject: Budget Advisory Committee Appointment
 From: Councilmember Jean Quan
 Recommendation: Adopt A Resolution Appointing Sara Wynne, As A Member Of The Budget
 Advisory Committee
 [07-1204](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente

The following individual(s) and did not indicate a position on this item:

- Sanjiv Handa
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21 Subject: Hanson Bridgett LLP - Waiver
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing Waiver Of Any Potential Conflict Of Interest That The Law Firm Of Hanson Bridgett LLP May Have As A Result Of The Firm's Representation Of Yellow Cab In Its Challenge To The City's Decision To Revoke Taxi Medallions, To Allow The Firm To Provide Specialized Legal Assistance In The Oak To Ninth Project Litigation
[07-1168](#)
[Play Video](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

The following individual(s) and did not indicate a position on this item:

- Sanjiv Handa
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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)

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There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Hazel Patterson and in recognition of Christopher Hernandez's Birthday at 9:55 PM

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...

City Clerk and Clerk of the Council