



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, May 17, 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 6:48 p.m.

2 Roll Call / ORA & Council

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

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

3 Open Forum / Citizens Comments

(Time Available: 15 minutes)

There were 17 speakers during Open Forum.

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

4.1 Subject: Public Works Week

From: Councilmember Nancy Nadel

Recommendation: Adopt A Resolution Celebrating The Week Of May 17-21, 2011 As National Public Works Week In The City Of Oakland

[10-0532](#)

A motion was made by Councilmember Nadel, 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 Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

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5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF
May 3, 2011

A motion was made by Councilmember Kaplan, seconded by President Pro Tempore De La Fuente, 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 Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

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):

Modifications to the agenda included the following:

1) No Action will be taken on item 7.6

2) Item 13 will be withdrawn from the agenda and not discussed this evening

3) Item 15 is the scheduling of an ordinance. The ordinance will not be introduced this evening

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
[10-0614](#)

This Matter was Adopted on the Consent Agenda.

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

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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
[10-0615](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
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7.3-CC Subject: License Agreement With American Medical Response
From: Oakland Fire Department
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Enter Into A License Agreement With American Medical Response West DBA National College Of Technical Instruction (NCTI) For Nonexclusive Use Of Classrooms Located At The Oakland Fire Department's Training Facilities For An Initial Term Until February 2012, With The Option To Extend For Two Years, One Year At A Time, Until February 2014, In Consideration For A Reduced Fee For Emergency Medical Services Training And Payment Of Maintenance Costs
[10-0526](#)

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

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
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7.4-CC Subject: Vice Mayor Brooks Travel - Gadsden, Alabama
From: Vice Mayor Brooks
Recommendation: Adopt A Resolution Authorizing Vice Mayor Desley Brooks To Travel To Gadsden/Homewood, Alabama To Attend The National League Of Cities' Finance, Administration And Intergovernmental Relations (FAIR) Steering Committee Meeting From June 2-4, 2011
[10-0613](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
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7.5-CC Subject: Board Of Port Commissioners - Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Alan S. Yee
To The Board Of Port Commissioners
[10-0630](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
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7.6-CC Subject: Civil Service Board Appointment
From: Office of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Dee Dee Brantley, Wendell Mitchell And Judith Bodenhausen To The Civil Service Board
[10-0631](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
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7.7 Subject: City Planning Commission - Board Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Jonelyn Whales And Chris Pattillo To The City Planning Commission
[10-0632](#)

A motion was made by President Pro Tempore De La Fuente, seconded by Councilmember Kernighan, that this matter be Adopted as Bifurcated on the approval of Jonelyn Whales to the City Planning Commission.

The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Ayes: 7 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid and Councilmember Schaaf

Agency/Councilmember President Pro Tempore De La Fuente made a motion, seconded by Agency/Councilmember Kernighan, to adopt the resolution on the approval of Chris Pattillo, and hearing no objections, the motion passed by 8 Ayes: Agency/Councilmember: Brooks, Brunner, De La Fuente, Kaplan, Kernighan, Nadel, Schaaf, and President Reid -8

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7.8-CC Subject: Coalition Of Advocates For Lake Merrit - Settlement Agreement
From: Office Of The City Attorney
Recommendation: Adopt The Following Pieces Of Legislation:

1) A City Resolution Approving Settlement Agreement Regarding Attorney's Fees And Costs In Coalition Of Advocates For Lake Merritt Et Al. V. City Of Oakland Et Al. (Alameda Superior Court Case No. RG10514461, First District Court Of Appeal Case No. A130515), Whereby Developers Oakland Harbor Partners, LLC, Et Al. Will Pay \$450,000 To Plaintiffs On Behalf Of Developers As Well As The City Of Oakland And Oakland Redevelopment Agency, In Exchange For Parties' Respective Dismissals Of Appeals Of Post-Judgment Order Re: Attorney Fees (CEDA; Challenge To Certification Of EIR And Entitlements, Including Development Agreement, For Oak To Ninth Mixed Use Development Project); And
[10-0633](#)

This Matter was Adopted on the Consent Agenda.

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

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2) An Agency Resolution Approving Settlement Agreement Regarding Attorney's Fees And Costs In Coalition Of Advocates For Lake Merritt Et Al. V. City Of Oakland Et Al. (Alameda Superior Court Case No. RG10514461, First District Court Of Appeal Case No. A130515), Whereby Developers Oakland Harbor Partners, LLC, Et Al. Will Pay \$450,000 To Plaintiffs On Behalf Of Developers As Well As The City Of Oakland And Oakland Redevelopment Agency, In Exchange For Parties' Respective Dismissals Of Appeals Of Post-Judgment Order Re: Attorney Fees (CEDA; Challenge To Certification Of EIR And Entitlements, Including Development Agreement, For Oak To Ninth Mixed Use Development Project)
[10-0633-1](#)

This Matter was Adopted on the Consent Agenda.

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

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S-7.9-CC Subject: Replacement Of Tidewater Avenue Sanitary Sewer Pump Station
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Andes Construction, Inc. For The Replacement Of Tidewater Avenue Sanitary Sewer Pump Station (Project No. C267620), In The Amount Of Five Hundred Eighty-Five Thousand Eight Hundred Forty-Seven Dollars (\$585,847.00)
[10-0534](#)

This Matter was Adopted on the Consent Agenda.

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

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S-7.10-CC Subject: Urban Greening For Sustainable Communities Grant Program
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Two Hundred Fifty Thousand Dollars (\$250,000.00) In Grant Funding From The State Of California, Urban Greening For Sustainable Communities Grant Program Under The Safe Drinking Water, Water Quality And Supply, Flood Control, River And Coastal Protection Bond Act Of 2006 (Proposition 84) For The Creation Of The Oakland Urban Greening Retrofit Plan
[10-0536](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
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S-7.11-CC Subject: Rain Barrel Program Services - Contract Award
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Negotiate And Execute An Agreement For Services For The City's Rain Barrel Program With The Watershed Project For An Amount Not To Exceed Seven Hundred Thousand Dollars (\$700,000.00)
[10-0543](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
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S-7.12-CC Subject: Foothill Square Grocery Store Encroachment
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting MacArthur Boulevard Associates A Revocable And Conditional Permit To Allow A Soil Shoring System To Encroach Under The Public Right-Of-Way Along Foothill Boulevard For Redevelopment Of The Foothill Square Shopping Center Featuring A New Grocery Store Located At 10790 MacArthur Boulevard
[10-0570](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
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S-7.13-CC Subject: On-Call Citywide Emergency Roadway Repairs
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Beliveau Engineering Contractors, Inc. For On-Call Citywide Emergency Roadway Repairs (Project Number C369911) In The Amount Of Seven Hundred Eighty-Five Thousand Three Hundred Dollars (\$785,300.00) Over A Twelve-Month Term
[10-0595](#)

This Matter was Adopted on the Consent Agenda.

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

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S-7.14-CC Subject: Oakland Army Base Audit Reports
From: Finance And Management Agency
Recommendation: Receive An Informational Report Presenting Fiscal The Years 2007, 2008, 2009, 2010 And The Close-Out Period (July 1, 2010 Through August 7, 2010) The Oakland Army Base (The Base) Financial Statement Audit Reports
[10-0560](#)

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 Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

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S-7.15-CC Subject: Accela, Inc - Lease Purchase Agreement
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Waiving Advertising, Bidding And Request For Proposals/Qualifications Requirements, And Authorizing The City Administrator Or His Designee To: 1) Enter Into A Five-Year Contract With Accela, Inc., For Software, Equipment And Services To Implement A Computerized Land-Use Management System In An Amount Not To Exceed \$4,995,000.00 Over The Term Of The Contract; And 2) Award A Financing Contract Following A Competitive Solicitation For Interest Rates To Pay For The Accela Computerized Land-Use Management System, And
3) Carry Out The Above Actions Without Return To Council
[10-0610](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember SchAAF and Councilmember Brunner
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S-7.16-CC Subject: Integrated Utility Systems - Oakland Army Base
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Agency Administrator To Amend And Execute, With The Port Of Oakland, For Continued Operation, Maintenance And Repair Of The Existing Integrated Utility Systems At The Former Army Base The Following Agreements: 1) Utilities Services Agreement In An Amount Estimated At \$450,000 Annually (Which Includes Costs For The Resource Management Agreement And The Interconnection Agreement), 2) Resource Management Agreement In An Amount Estimated At \$50,000 Annually, And 3) Interconnection Agreement In An Amount Estimated At \$150,000 Annually; And
[10-0542](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember SchAAF and Councilmember Brunner
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2) A City Resolution Authorizing The City Administrator To Enter Into An Agreement With The Port Of Oakland To Give The City Of Oakland The Option To Assume The Oakland Redevelopment Agency's Rights And Obligations Under The Following Agreements: 1) Utilities Services Agreement In An Amount Estimated At \$450,000 Annually (Which Includes Costs For The Resource Management Agreement And The Interconnection Agreement), 2) Resource Management Agreement In An Amount Estimated At \$50,000 Annually, And 3) Interconnection Agreement In An Amount Estimated At \$150,000 Annually
[10-0542-1](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
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S-7.17-CC Subject: Fruitvale Property Business Improvement District
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Of Intention To Form The Fruitvale Property Business Improvement District Of 2011, Granting Preliminary Approval Of The Management Plan, Directing Filing Of The Proposed Assessment District Boundary Description, Submitting A Proposed Assessment To The Affected Property Owners For Majority Protest Procedure Approval; And Scheduling A Public Hearing For July 19, 2011;
[10-0571](#)

This Matter was Adopted on the Consent Agenda.

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

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2) A City Resolution Authorizing The City Administrator To Sign The Ballots And To Pay The Assessments For The Three (3) City-Owned Properties On Which Assessments Are To Be Levied (APN 025-0722-026-00, APN 033-2130-035-02, And APN 033 2135-026-02) In An Amount Not To Exceed A Cumulative Total Of \$141,598.90 To Support The Formation Of The Fruitvale Property Business Improvement District Of 2011; And
[10-0571-1](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
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3)An Agency Resolution Authorizing The Agency Administrator To Sign The Ballots And To Pay The Assessments For The Four (4) Agency-Owned Properties On Which Assessments Are To Be Levied (APN 032-2115-037-01, APN 025-0719-007-01, APN 025-0690-008-01, And APN 032-2084-051-00) In An Amount Not To Exceed A Cumulative Total Of \$62,501.06 Over A Ten Year Period To Support The Formation Of The Fruitvale Property Business Improvement District Of 2011
[10-0571-2](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
There were 2 speakers on this item.
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S-7.18-CC Subject: Central District Basement Backfill And Repair Program Ammendment
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Amending Resolution No. 2008-0069 C.M.S. To Revise The Central District Basement Backfill And Repair Program To Increase The Maximum Grant Amount For' Small Projects From \$4,000 Per Linear Foot To The Greater Of \$200,000 Or \$4,000 Per Linear Foot
[10-0587](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
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S-7.19-CC Subject: Managed Health Network (MHN) Contract
From: Oakland Police Department
Recommendation: Adopt A Resolution Waiving Advertising And The Request For Proposals/Qualifications And Authorizing The City Administrator To Enter Into A Contract With Managed Health Network (MHN) To Continue Providing Psychological Counseling Services For Sworn Members Of The Police Department And Their Dependents, In The Amount Of One Hundred Five Thousand (\$105,000), For The Period Of May 1, 2011 Through November 30, 2012
[10-0589](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
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S-7.20-CC Subject: Preliminary Engineer's Report - LLAD
From: Office Of Budget
Recommendation: Adopt A Resolution Of Intention To Levy Assessments, Acceptance Of The Fiscal Year 2011-12 Preliminary Engineer's Report For The City Of Oakland Landscaping And Lighting Assessment District, And Setting June 7, 2011 As The Date For A Public Hearing
[10-0592](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
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S-7.21-CC Subject: Preliminary Wildfire Prevention Assessment District Report
From: Office Of Budget
Recommendation: Adopt A Resolution Of Intention To Levy Assessments, Acceptance Of The Fiscal Year 2011-12 Preliminary Annual Report For The City Of Oakland Wildfire Prevention Assessment District, And Setting June 7, 2011 As The Date For A Public Hearing
[10-0593](#)

This Matter was Adopted on the Consent Agenda.

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

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

A motion was made by President Pro Tempore De La Fuente, seconded by Councilmember Kaplan, to *Approve as Submitted At the end of the meeting a motion was made to hear the action that was taken on an item heard in closed session. The motion was made by Vice Mayor Brooks and the full council voted to hear the report regarding the case Delphine Allen vs. City of Oakland.

6 Ayes; Brunner - Recused, Nadel - No.

The motion carried by the following vote:

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

To approve the report of the City Attorney of no final decisions made during closed session.

**COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE
THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:**

**9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING
REQUIREMENTS:**

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 7:49 p.m.

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

9.1 Subject: MacArthur Transit Village
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Approving The MacArthur Transit Village Stage Two (2) Final Development Plan Permit And Variances, Which Would Allow For Development Of 90 - Unit Affordable Housing Complex, As Part Of The MacArthur Transit Village Planned Unit Development (PUD060058), Pursuant To City Council Resolution No. 81422 C.M.S. Condition Of Approval # 27, As Recommended By The Planning Commission
[TITLE CHANGE]
[10-0499](#)

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

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

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9.2 Subject: Major Conditional Use Permit - 4514 Telegraph Avenue
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal (A10-324), Thereby Upholding The Planning Commission Decision To Approve A Revision (REV10-018) To A Major Conditional Use Permit At 4514 Telegraph Avenue For Fast-Food And Drive-Through Commercial Activity
[10-0487](#)

A motion was made by Councilmember Brunner, seconded by Councilmember Schaaf, that this matter be Adopted as Amended approving the modifications as follows:

*** The sidewalk shall be widened to a minimum width of ten (10) feet for the entire length of the McDonald's property frontage on Telegraph Avenue.**

*** The number of parking spaces shall be as reviewed and approved by staff.**

*** The northernmost two-way driveway on Telegraph Avenue and the 67th Street driveway shall be a maximum of 25 feet in width. The southernmost driveway on Telegraph shall be a maximum of 25 feet in width, and may be limited to one-way movements in, as approved by staff.**

*** Along with landscape buffering, decorative low walls or fencing shall screen the interior edge of the new south parking lot at the corner of 67th street and Telegraph Ave. shall include landscaping and may also include decorative paving and/or seating area. Business signage at the corner shall be monument style, no taller than ten (10) feet and shall be placed along the side, rather than in the middle, of the corner landscape/amenity area. Any signage shall respect a slight visibility triangle at the intersection.**

*** The applicant shall submit a revised site plan reflecting the above to the City Planning Department for review and approval within thirty (30) days of City Council action on the appeal, and prior to building permit submittal; the decision of the Planning Department shall be final. The motion carried by the following vote:**

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

Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 7:51 p.m.

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

There were 4 speakers on this item.

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ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 This number intentionally not used

11 Subject: Gang Injunction Report
From: Vice Mayor Brooks And Councilmember Nadel
Recommendation: Discussion On A Complete Report From The Oakland City Attorney's Office And The Oakland Police Department On The North Oakland And Fruitvale Gang Injunctions To Include The Analysis For The Selection Of The Target Area; Impact Of The Gang Area Designation On The Property Values In The Designated Areas; Whether Under California State Law Sellers Of Real Estate In The Designated Areas Are Required To Inform Future Purchasers Of The Designation; Implementation; Enforcement Activities To Date; Budget Indicating All Costs Spent To Date For The North Oakland And Fruitvale Gang Injunctions; Crime Statistics In North Oakland Immediately Prior To The Injunction Compared To Crime Statistics In North Oakland Since The Implementation Of The Injunction To Date; And RESOLUTION Requiring That No City Funds May Be Expended Towards The Preparation, Litigation Or Implementation Of Any City Of Oakland Gang Injunction Or Gang Injunction Brought In The Name Of The People Of The State Of California Unless And Until (1) The City Attorney And The Oakland Police Department Present A Report With Budget To The City Council Regarding Such Action And (2) The City Council Authorizes Expenditure Of City Funds For The Preparation, Litigation And/Or Implementation Of Any Such Gang Injunction; And COUNCIL ACTION To Either (1) Defund The Expenditure Of City Resources On The Gang Injunctions Or (2) Ratify The Continued Expenditure Of City Resources On The Gang Injunction And Direct The City Attorney And The Oakland Police Department To Return To The City Council With A Detailed Budget For Litigation And Implementation Costs.
[TITLE CHANGE]
[10-0331-1](#)

A motion was made by President Pro Tempore De La Fuente, seconded by Councilmember Schaaf, that this matter be Adopted as Amended as to the motion and not the resolution to support current Gang Injunctions in the Fruitvale and North Oakland Areas and not file any new injunctions until independant evaluations of the the North Oakland and Fruitvale Injunctions are completed and presented to the City Council and the Council authorizes any such additional injunctions and further requiring the elimination of the addition of "John Does" to the current (Fruitvale and North Oakland) Gang injunctions. The motion carried by the following vote:

Votes: ORA\Councilmember Recused: 1 - Councilmember Brunner
ORA\Councilmember Noes: 3 - Vice Mayor Brooks, Councilmember Kaplan and Councilmember Nadel
ORA\Councilmember Ayes: 4 - President Pro Tempore De La Fuente, Councilmember Kernighan, President of the Council Reid and Councilmember Schaaf

There were 186 speakers on this item.

Council moved, seconded and carried a motion to continue the meeting past 12:00 a.m.

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- 12 Subject: Blight Enforcement
From: Councilmember Rebecca Kaplan
Recommendation: Receive A Report On The Implementation Of SB 1137 - Mortgage Relief Bill And A Recommendation For The Assessment And Collection Of \$1,000 Per Day Blight Penalties Against Owners Of Foreclosed And Vacant Residential Properties
[10-0456](#)

A motion was made that this matter be *Received and Filed. The motion carried by the following vote:

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

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- 13 Subject: Amending Conflict Of Interest Code
From: Office Of The City Attorney
Recommendation: Adopt An Ordinance Amending The City Of Oakland's Conflict Of Interest Code (Ordinance Number 11562 C.M.S Adopted March 23,1993, As Amended, Oakland Municipal Code Chapter 3.16) Enacting A Conflict Of Interest Code For City Of Oakland Employees, Members Of Boards And Commissions, And Consultant Positions To Update The Designation Of Positions Covered By The Code
[10-0606](#)

Withdrawn and Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/7/2011
There was 1 speaker on this item.

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- 14 Subject: Mayor's Salary Review
From: Council President Reid
Recommendation: Adopt A Resolution Confirming The Salary And Salary Range For The Mayor Of The City Of Oakland Pursuant To The Oakland City Charter, Article III, Section 300
[10-0520](#)

Continued to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/7/2011
There was 1 speaker on this item.

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S-15 Subject: Call For 2011 Special Election
From: Office Of The City Administrator
Recommendation: A Request To Schedule An Ordinance Adding Section 3.08.015 To Chapter 3.08 Of The Oakland Municipal Code, Entitled "Elections," To Authorize The City Council To Call A Special Municipal Election
[10-0555](#)

A motion was made by Councilmember Kernighan, seconded by Councilmember Kaplan, that this matter be Approved to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on June 21, 2011 as an action item to introduce an Ordinance to call a Special Election for a date to be determined by the City Council. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember SchAAF and Councilmember Brunner
There were 4 speakers on this item.

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S-16 Subject: Proposition 84 Grant Funds
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His/Her Designee, To Apply For, Accept, And Appropriate Proposition 84: Safe Drinking Water, Water Quality And Supply, Flood Control, River And Coastal Protection Bond Act - 2008 Statewide Park Development And Community Revitalization Program Grant Funds In An Amount Not-To-Exceed Five Million Dollars (\$5,000,000.00) For Each Of Six Proposed Projects:

- Brookdale Park Improvement & Teen Center Expansion,
- Durant Mini-Park Improvement,
- Golden Gate Recreation Center Renovation & Expansion,
- Lincoln Square Park Improvement & Recreation Center Expansion,
- Rainbow Recreation Center Expansion & Teen Center, And
- Tassafaronga Recreation Center Expansion

[10-0594](#)

A motion was made by Vice Mayor Brooks, 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 Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember SchAAF and Councilmember Brunner
There was 1 speaker on this item.

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S-17 Subject: Tax And Revenue Anticipation Notes
From: Finance And Management Agency
Recommendation: Adopt An Ordinance Providing For The Borrowing Of Funds For Fiscal
Year 2011 - 2012 In An Amount Not To Exceed \$125,000,000 And The Issuance And Sale Of
2011-2012 Tax And Revenue Anticipation Notes Therefore And Approving Certain Related
Matters; And
[10-0611](#)

A motion was made by Vice Mayor Brooks, seconded by Councilmember Schaaf, that this matter be Approved On Introduction and Scheduled for Final Passage to the *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council, to be heard at the June 7, 2011 meeting. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
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2) A Resolution Authorizing The Sale Of 2011-2012 Tax And Revenue Anticipation Notes In An Amount Not To Exceed \$125,000,000, Authorizing The Execution And Delivery Of Related Documents, And Approving Certain Related Actions
[10-0611-1](#)

A motion was made by Vice Mayor Brooks, 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 Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
There was 1 speaker on this item.
[83368 CMS.pdf](#)

S-18 Subject: Outlining Pension Cost Savings
From: Department Of Human Resources
Recommendation: Receive An Informational Report From The City Of Oakland's Department
Of Human Resources Management Outlining Potential Pension Rate Reductions Associated
With Having A Two-Tier Retirement Plan
[10-0333](#)

A motion was made by Councilmember Kernighan, seconded by Councilmember Kaplan, that this matter be *Received and Filed. The item will go to Closed Session and become part of the discussion on labor negotiations. The motion carried by the following vote:

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

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S-19 Subject: Frank G. Mar Project - Interest Rate Reduction
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Amending Resolution No. 66603 C.M.S. Authorizing A
Loan To Mar Associates For The Frank G. Mar Project To Reduce The Interest Rate To 3%,
Extend The Time For Repayment, And Convert The Loan Into A Surplus Cash Loan
[10-0486](#)

A motion was made by Vice Mayor Brooks, seconded by Councilmember Nadel, 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 Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
There was 1 speaker on this item.

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S-20 Subject: Sale Of City Property And Purchase Of Materials
 From: Community And Economic Development Agency
 Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution: 1) Waiving Advertising, Competitive Bid And Request For Proposals/Qualifications Requirements; And, 2) Authorizing The City Administrator. Or His Designee, To Purchase Necessary Design And Other Licensed Professional Services, Construction Labor And Materials, Design-Build Services And Construction Manager At Risk Services On The Open Market For The Design And Construction Of The Redevelopment Agency Funded Projects Listed In Exhibit " A " Within The Project Budgets Indicated Therein, Without Return To The City Council

[10-0596](#)

A motion was made by Vice Mayor Brooks, seconded by Councilmember Kaplan, that this matter be Adopted as Amended to the resolution to 1) add a Further Resolved with an alternative to the formal bidding process, and 2) strikeout the 2nd "Further Resolved" that states "That the City Administrator is authorized to add additional projects to the list once the Council and Redevelopment Agency Board approve the project and funding; and be it" and to further direct staff to follow the solicitation of qualifications of at least 3 businesses. The motion carried by the following vote:

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

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[83370 CMS.pdf](#)

Subject: Sale Of Various City-Owned Properties
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Amending Ordinance Nos.13061 And 13062 C.M.S.
Authorizing The Sale Of Various City-Owned Properties To The Redevelopment Agency. To
Remove 250 Fallon Street And 600-620 Washington Street, And To Add The 12th Street
Remainder Parcel
[10-0596-1](#)

A motion was made by Vice Mayor Brooks, seconded by Councilmember Kaplan, 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 June 7, 2011 meeting. The motion carried by the following vote:

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

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3) An Agency Resolution Amending Resolution Nos. 2011-0023 C.M.S. And 2011-0024 C.M.S. Authorizing The Purchase Of Various Properties From The City, To Remove 250 Fallon Street And 600-620 Washington Street, And To Add The 12th Street Remainder Parcel
[10-0596-2](#)

A motion was made by Vice Mayor Brooks, 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 Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner

There was 1 speaker on this item.

[2011-0045 CMS.pdf](#)

S-21 Subject: Supporting Assembly Bill 934
From: Councilmember Nadel
Recommendation: Adopt A Resolution Supporting Assembly Bill 934 That Would Amend Civil Code Section 47 To Remove Eviction Notices From The Litigation Privilege Thereby Permitting Tenants To Bring A Lawsuit For Wrongful Eviction Against A Landlord Who Issues A Fraudulent Or False Eviction Notice In A Postforeclosure Eviction Or Other Eviction Action [10-0623](#)

A motion was made by Councilmember Nadel, 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 Kaplan, Councilmember Kernighan, Councilmember Nadel, President of the Council Reid, Councilmember Schaaf and Councilmember Brunner
There was 1 speaker on this item.

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Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

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

There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting at 1:23 a.m.

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