



City of Oakland Meeting Minutes

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

Concurrent Meeting of the Oakland Redevelopment Agency / City Council Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

City of Oakland Website: <http://www.oaklandnet.com>

Tuesday, October 19, 2010

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 5:50pm

2 Roll Call / ORA & Council

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

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

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

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

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

Agency/Councilmember Kaplan took a point of personal privilege and requested that the meeting be adjourned in memories of Billy Lucas, Asher Brown, Seth Walsh, Tyler Clementi and Raymond Chase

4.1 Subject: Freedom Bus Project
From: Councilmembers Kernighan And Nadel
Recommendation: Adopt A Resolution Supporting The Freedom Bus Project In Its Celebration
Of The Civil Rights Movement And Encouragement Of Youth Arts Participation
[10-0092](#)

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 De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner
[View Report.pdf](#)
[83010 CMS.pdf](#)

Agency/Councilmember Brooks made a motion seconded by Agency/Councilmember Kernighan to approve an urgency finding pursuant to Section 2.20.080 E(2) regarding Item S-4 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.

S-4.2 Subject: Lights On Afterschool Day
From: Councilmember Kernighan
Recommendation: Adopt A Resolution Recognizing October 21, 2010 As Lights On Afterschool Day
[10-0127](#)

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

Votes: ORA\Councilmember Absent: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid and President of the Council Brunner
[View Report.pdf](#)
[83011 CMS.pdf](#)

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF
THE October 5, 2010

**A motion was made by Councilmember De La Fuente, seconded by
Councilmember Nadel, to *Approve as Submitted. The motion carried by
the following vote:**

Votes: ORA\Councilmember Absent: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Nadel, Councilmember Reid and President of the Council 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):

*At the request of Councilmember De La Fuente, seconded by Council President
Brunner, item S-7.22 was pulled from the Consent Calendar and rescheduled to
the next meeting of the City Council.*

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
[10-0102](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[83012 CMS.pdf](#)

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
[10-0103](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[83013 CMS.pdf](#)

7.3-CC Subject: Sustainable Green Building
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance, Adopting Oakland Municipal Code Title 18 -
Sustainability, Chapter 18.02 Sustainable Green Building Requirements For Private
Development To Establish Environmentally Sustainable Regulations For Building
Construction, Remodeling, Landscaping And Demolition
[09-1436](#)

**A motion was made to Approved As Amended On Introduction on the
Consent Agenda.**

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[View Report.pdf](#)
[View Supplementall Report.pdf](#)
[13040 CMS.pdf](#)

7.4-CC Subject: Capital Improvements To Asian Cultural Center - Quan Paygo Funds
From: Vice Mayor Quan
Recommendation: Adopt A Resolution Authorizing A Grant Of \$5,003.41 Of Jean Quan's
Pay-Go Funds To The Oakland Asian Cultural Center To Be Used For Improvements At The
Center
[10-0079](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[83014 CMS.pdf](#)

7.5-CC Subject: West Oakland Redevelopment Plan Eminent Domain Property Acquisition
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Adopting The First Amendment To The West Oakland Redevelopment Plan To Modify The Authority Of The Agency To Acquire Property In The Clawson/McClymonds/Bunche Subarea Through Eminent Domain
[09-1628-1](#)

A motion was made to DO NOT USE - Approved as Amended on Introduction for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[View Supplemental Report.pdf](#)
[13041 CMS.pdf](#)

7.6-CC Subject: Regulations On Laundromats
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Adopting Various Planning Code Text Amendments To Regulate Laundromats Including A Minor Conditional Use Permit Requirement. In Addition, To Improve Consistency Among Chapters, Chapters 17.58, 17.73, 17.86, And 17.98 Are Being Revised To Add "Other Zoning Provisions." These Amendments Also Contain Regulations Not Related To Laundromats [TITLE CHANGE]
[09-1606-2](#)

A motion was made to Approved As Amended On Introduction on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[View Supplemental Report.pdf](#)
[13042 CMS.pdf](#)

7.7-CC Subject: Affordable Housing Development - Edes Development
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing The Sale Of Real Property At 9507 Edes Avenue At A Nominal Price To Habitat For Humanity East Bay And Authorizing A Disposition And Development Agreement For The Development Of Twelve Units Of Affordable Housing On The Property
[10-0052](#)

A motion was made to Approved As Amended On Introduction on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[View Report.pdf](#)
[13043 CMS.pdf](#)

7.8-CC Subject: Nicole White and Patricia Wilson - 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 Nicole White, Patricia Wilson V. City Of Oakland, Et Al. United States District Court Case No. C09-05743 WHA, City Attorney's File No. 27195, In The Amount Of One Million Two Hundred Forty-Five Thousand Dollars And No Cents (\$1,245,000.00), As A Result Of An October 31, 2008 Incident In Which Plaintiffs Were Injured By Burns Caused By The Explosion Of A Distractionary Device Deployed By City Employees (OPD)
[10-0119](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[83015 CMS.pdf](#)

7.9-CC Subject: Monica Sanchez - 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 Monica Sanchez V. City Of Oakland, Alameda County Superior Court Case No. RG09-433404, In The Amount Of \$10,000.00 As A Result Of An Alleged Dangerous Condition Of Public Property On A Curb At The Corner Of Wellington Street And Park Boulevard On January 30, 2008 (Public Works Agency)
[10-0120](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[83016 CMS.pdf](#)

S-7.10-CC Subject: CPRB Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Re-Appointing Thomas Cameron, Ann Wyman, Risha Jamison, And Susan Shawl, As Members Of The Citizen's Police Review Board
[10-0034](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[View Supplemental Report.pdf](#)
[83017 CMS.pdf](#)

S-7.11-CC Subject: Commission On Persons With Disabilities Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Stephen Beard, Michelle Hernandez, Denise Sherer Jacobson, And Phillip Smith, And Re-Appointing Lori Ann Dotson As Members Of The Commission On Persons With Disabilities
[10-0035](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[View Supplemental Report.pdf](#)
[83018 CMS.pdf](#)

S-7.12-CC Subject: Appointments To The OMERS Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing James Edward Hillas A Member Of The
Oakland Municipal Employees' Retirement System Board
[10-0036](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[View Supplemental Report.pdf](#)
[83019 CMS.pdf](#)

S-7.13-CC Subject: Planning Commission Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Re-Appointing Sandra E. Galvez And Carlton "Blake"
Huntsman As Members Of The City Planning Commission
[10-0037](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[83020 CMS.pdf](#)

S-7.14-CC Subject: CPAB Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Krista C. Gulbransen As Am Ember Of The
Community Policing Advisory Board
[10-0038](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[83021 CMS.pdf](#)

S-7.15-CC Subject: Temporary Construction Easements - 42nd/High Improvement Project
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing The City Administrator Or His Designee
To Acquire Property Rights, Including Fee Interests, Permanent Easements, And Temporary
Construction Easements, For Ten Parcels For The 42nd Avenue And High Street Access
Improvement Project Without Returning To Council
[10-0053](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[13044 CMS.pdf](#)

S-7.16-CC Subject: Regillus Homeowners Association - Encroachment Permit
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting The Regillus Homeowners Association A
Revocable And Conditional Permit To Allow Existing Balconies And A New Handicapped
Ramp At 200 Lakeside Drive To Encroach Into The Public Right-Of-Way Along Jackson Street
[10-0054](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[83022 CMS.pdf](#)

S-7.17-CC Subject: 967 Stanford Avenue - Encroachment Permit
From: Community and Economic Development Agency
Recommendation: Adopt Resolution Granting Stanford Triangle LLC A Revocable And
Conditional Permit To Allow A Portion Of An Existing Building And Its Supporting Retaining
Wall At 967 Stanford Avenue To Encroach Into The Public Right-Of-Way Along Lowell Street
[10-0055](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[83023 CMS.pdf](#)

S-7.18-CC Subject: Exemption Of Management Classifications From Civil Service Status
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution Recommending To The Civil Service Board That The Following Classifications Be Exempted From Civil Service: Cable TV Station Manager; City Auditor, Assistant; Curator Of Art, Chief; Curator Of Education, Chief; Curator Of History, Chief; Curator Of Natural Science, Chief; Deputy Director, City Planner; Deputy Director, Economic Development & Employment; Deputy Director, Housing; Deputy Director, Program Planning & Development; Deputy Director/Building Official; Fire Division Manager; Manager, Affirmative Action; Manager, Agency Administrative; Manager, Building Services; Manager, Capital Improvement Program; Manager, Claims & Risk; Manager, Contract & Employment Services; Manager, Electrical Services; Manager, Emergency Services; Manager, Environmental Services; Manager, Equipment Services; Manager, Information Systems; Manager, Legal Administrative Services; Manager, Museum Operations; Manager, Museum Services; Manager, Park Services; Manager, Parks & Recreation Zone; Manager, Planning & Building Operations; Manager, Recreation Services; Manager, Senior Services; Manager, Treasury; Manager, Youth Services; Project Manager III; Public Works Operations Manager; Revenue & Tax Administrator (Formerly: Manager, Revenue); And Special Assistant To The Mayor
[10-0072](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[View Supplemental Reporte.pdf](#)
[View Report.pdf](#)
[83024 CMS.pdf](#)

S-7.19-CC Subject: Chabot/OUSD Conditional Assignment Agreement
From: Community and Economic Development Agency
Recommendation: Adopt A City Ordinance Authorizing The City Administrator To Negotiate And Execute A Conditional Assignment Agreement With The Chabot Space And Science Center ("Chabot") And The Oakland Unified School District (The "District") To: (1) Subordinate The City's Right To Assume The Ground Lease For The Property; And (2) Consent To A Restructuring Of The District's Loan To Chabot
[10-0060](#)

A motion was made that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Noes: 1 - Councilmember Kaplan
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[13045 CMS.pdf](#)

S-7.20-CC Subject: Grant Agreement Amendment For Installation Of Chiodo Sculpture
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing A First Amendment To The Grant Agreement Between The Agency And The Oakland Metropolitan Chamber Of Commerce Foundation, Which Awarded The Chamber \$182,000 For The Installation Of The First Phase (Maya And Ruby) Of The Sculptural Monument Titled Remember Them: Champions For Humanity, By Mario Chiodo In Henry J. Kaiser Memorial Park, To Extend The Completion Date For An Additional Year (From September 30, 2010 To September 30, 2011)
[10-0077](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[2010-0110 CMS.pdf](#)

S-7.21-CC Subject: Cooperative Agreement For Bay Bridges Exhibition
From: Oakland Museum
Recommendation: Adopt Resolution Authorizing The City Administrator To Execute A Cooperative Agreement With The California Department Of Transportation For A Major Exhibition At The Oakland Museum Of California Regarding The San Francisco Bay And Its Bridges Pursuant To Mitigation Measures Required Of The State Of California As Part Of Construction Of A New East Span Of The San Francisco-Oakland Bay Bridge And, Further, Authorizing The City Administrator To Enter Into A Grant Agreement With The Oakland Museum Of California Foundation To Administer The Grant Funds In The Amount Of \$ 1.5 Million And Fulfill The Requirements Of The Cooperative Agreement And Related Scope Of Services.
[10-0071](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[83025 CMS.pdf](#)

S-7.22-CC Subject: Medical Cannabis Dispensaries
From: Councilmembers Reid And Kaplan
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.80
"Medical Cannabis Dispensary Permits" To Increase The Total Number Of Dispensary Permits
From Four (4) To Eight (8), And Increase Fees, Delete And Move Section 5.80.90
"Performance Standards" To City Administrator Guidelines, And Add Appeal Timeline
[09-1619](#)

**This Matter was Adopted to the Concurrent Meeting of the Oakland
Redevelopment Agency / City Council, due back on November 9, 2010 on
the Consent Agenda.**

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[View Report.pdf](#)
[View Report.pdf](#)
[View Report.pdf](#)
[13049 CMS.pdf](#)

S-7.23-CC Subject: Health Element - General Plan Amendment
From: Vice Mayor Quan
Recommendation: Action On A Report And Recommendation To Direct Staff To Work With
The Alameda County Public Health Department To Develop A Framework For Incorporating A
Health Element Into The General Plan And Seek Funding To Implement This Framework
[10-0047](#)

This Matter was Approved on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[View Report.pdf](#)

S-7.24-CC Subject: Homeland Security 2010 Assistance- Firefighter's Staffing
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate A Grant From The Department Of Homeland Security 2010 Assistance To Firefighter's Staffing For Adequate Fire And Emergency Response Program (SAFER) In The Amount of Nine Hundred Twenty-One Thousand Seven Hundred Thousand Dollars (\$921,735.00) To Fund The Salary And Benefits For Three (3) Firefighter Trainee Positions For A Two-Year Period
[10-0041](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[83026 CMS.pdf](#)

S-7.25-CC Subject: Elmhurst Weed And Seed Initiative
From: Office Of The City Administrator
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 Fifty-Six Thousand Nine Hundred Seventy-Nine Dollars (\$156,979) From The U.S. Department Of Justice, Office Of Justice Programs, Community Capacity Development Office, In Support Of Fifth Year Program Operations Associated With The Elmhurst Weed And Seed Initiative A Comprehensive Community-Based Strategy For Local Law Enforcement, Crime Prevention and Community Revitalization
[10-0043](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[83027 CMS.pdf](#)

S-7.26-CC Subject: Urban Strategies Council - Crime Analysis Services Contract
From: Oakland Police Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Enter Into A Professional Services Agreement With Urban Strategies Council To Provide Spacial Crime Data Analysis Services For The Oakland Police Department For The Period Of November 2010 Through October 2011, In An Amount Not-To-Exceed One Hundred Sixteen Thousand Dollars (\$116,000) And Waiving Advertising and The Request For Qualifications/Proposals Requirements; And
[10-0100](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[83028 CMS.pdf](#)

2) A Resolution Authorizing The City Administrator To Accept And Appropriate Grant Funds In An Amount Not To Exceed Thirty-Four Thousand One Hundred Forty-Three Dollars (\$34,143) From The State Of California, Juvenile Accountability Block Grant (JABG) Program
[10-0100-1](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[83029 CMS.pdf](#)

S-7.27-CC Subject: 2010 Forensic Casework DNA Backlog Reduction Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To 1) Accept And Appropriate Grant Funds In An Amount Not To Exceed Three Hundred Seventy-One Six Hundred Twenty-Two Dollars (\$371,622) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year 2010 Forensic Casework DNA Backlog Reduction Grant Program In The Police Department, 2) Approve A Waiver Of The Central Services Overhead, And 3) If Grant Funding Is Increased, Authorizing The City Administrator To Accept And Appropriate Additional Funds From USDOJ/NIJ Without Return To Council
[10-0099](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Abstained: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[View Report.pdf](#)
[83030 CMS.pdf](#)

Passed The Consent Agenda

A motion was made by Councilmember Brooks, seconded by Councilmember De La Fuente, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

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

A motion was made by Councilmember Brooks, seconded by Councilmember De La Fuente, to *Approve as Submitted the report of the City Attorney of a final decision made during Closed Session, approving the settlement of Jose Buenrostro, Sr. et al. v. City of Oakland, et al. for \$500,000.00 based on allegations of excessive force and wrongful death as a result of the fatal shooting of plaintiffs' 15 -year old son Jose Buenrostro II, by Oakland police officers.

The motion carried by the following vote:

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

**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 6:52 p.m.*

- 9.1 Subject: California Model Housing Code Amendments
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following
Pieces Of Legislation:

1) An Ordinance Adopting Local Amendments To The 2010 Edition Of The California
Housing Law, California Code Of Regulations (CCR), Title 25, Division 1, Chapter 1,
Subchapter 1, Division 32, And Amending Oakland Municipal Code Chapter 15.08; And
[09-1654](#)

**A motion was made by Councilmember De La Fuente, seconded by
Councilmember Nadel, to Approved As Amended On Introduction to the
*Special Concurrent Meeting of the Oakland Redevelopment Agency/City
Council, due back on November 9, 2010. The motion carried by the
following vote:**

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

*Agency/Councilmember De La Fuente 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, De La
Fuente, Kaplan, Kernighan, Nadel, Reid, Quan, and President of the Council
Brunner -8*

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

[13046 CMS.pdf](#)

2) A Resolution Of Findings Made And Supporting Local Amendments To The 2010 Edition Of The California Housing Law, California Code Of Regulations (CCR), Title 25, Division 1, Chapter 1, Subchapter 1, Section 32
[09-1654-1](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner
[83031 CMS.pdf](#)

Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 7:50 p.m.

9.2 Subject: California Model Building Codes - Amendments
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces of Legislation:

1) An Ordinance Adopting Local Amendments To The 2010 Editions Of The California Model Building Codes, California Code Of Regulations (CCR), Title 24, Part 2 (Building), Part 2.5 (Residential), Part 3 (Electrical), 4 (Mechanical), And 5 (Plumbing), Part 6 (Energy), And Part 11 (Green Building), And Amending Oakland Municipal Code Chapter 15.04; And
[09-1655](#)

A motion was made by Councilmember De La Fuente, seconded by Councilmember Nadel, to DO NOT USE - Approved as Amended on Introduction for Final Passage to the *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council, due back on November 9, 2010. The motion carried by the following vote:

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

Agency/Councilmember De La Fuente 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, De La Fuente, Kaplan, Kernighan, Nadel, Reid, Quan, and President of the Council Brunner -8

[View Report.pdf](#)
[View Report.pdf](#)
[View Supplemental Report.pdf](#)
[13047 CMS.pdf](#)

2) A Resolution Of Findings Made And Supporting Local Amendments To The 2010 Editions Of The California Model Building Codes, California Code Of Regulations (CCR), Title 24, Part 2 (Building), Part 2.5 (Residential), Part 3 (Electrical), Part 4 (Mechanical), Part 5 (Plumbing), Part 6 (Energy), And Part 11 (Green Building Standards)
[09-1655-1](#)

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

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner
[83032 CMS.pdf](#)

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 THIS NUMBER WAS INTENTIONALLY NOT USED

11 Subject: Violation Of Sunshine Ordinance - Parking Ticket Enforcement
From: Office Of the City Attorney
Recommendation: Action and Discussion, Pursuant To Oakland Municipal Code Section 2.20.270 (D), To (a) Consider whether to "Cure and Correct" An Alleged Violation Of The Sunshine Ordinance Resulting From Approximately 26 Minutes Of Comments And Discussion Of Parking Ticket Enforcement Issues During The Open Forum Portion Of The March 2, 2010 City Council Meeting In Response To Public Speakers' Comments About The Issuance Of Parking Tickets; And; (b) If So, Whether To Affirm Or Supersede The Challenged Action After First Taking Public Testimony
[10-0118](#)

A motion was made by Councilmember De La Fuente, seconded by Councilmember Brooks, that this matter be *Received and Filed upon call of the item and invitation for public testimony pursuant to the Brown Act. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner
[View Report.pdf](#)

12 Subject: City Employee Parking
 From: Councilmember Kernighan
 Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Establishing Budget Policy Regarding City Subsidization Of Parking In The
Downtown Civic Center For City Employees; And
[09-1463](#)

Not Adopted

[View Report.pdf](#)

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

[View Supplemental Report.pdf](#)

[View Supplemental Report.pdf](#)

[View Supplemental Report.pdf](#)

2) A Resolution Continuing Subsidized Parking Rate Offered By The City Administrator
During City Council Recess To Employees Who Formerly Received Free Parking
[09-1463-1](#)

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

Votes: ORA\Councilmember Noes: 1 - Councilmember Nadel
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Quan, Councilmember Reid and President of the Council Brunner
*Agency/Councilmember Quan made a motion, seconded by
Agency/Councilmember Brunner, to direct the City Administratort to develop an
equitable prorated parking policy for part time City Staff, 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*
[83033 CMS.pdf](#)

~~13 -Subject: CPRB Appointments
 From: Office Of The Mayor
 Recommendation: Adopt A Resolution Re Appointing Thomas Cameron, Ann Wyman, Risha
Jamison, And Susan Shawl, As Members Of The Citizen's Police Review Board
[10-0034](#)~~

~~[View Report.pdf](#)~~

~~[View Supplemental Report.pdf](#)~~

~~[83017 CMS.pdf](#)~~

-
- 14 ~~Subject:~~ Commission On Persons With Disabilities Appointments
~~From:~~ Office Of The Mayor
~~Recommendation:~~ Adopt A Resolution Appointing Stephen Beard, Michelle Hernandez,
Denise Sherer Jacobson, And Phillip Smith, And Re Appointing Lori Ann Dotson As Members
Of The Commission On Persons With Disabilities
[10-0035](#)
[View Report.pdf](#)
[View Supplemental Report.pdf](#)
[83018 CMS.pdf](#)
- 15 ~~Subject:~~ Appointments To The OMERS Board
~~From:~~ Office Of The Mayor
~~Recommendation:~~ Adopt A Resolution Appointing James Edward Hillas A Member Of The
Oakland Municipal Employees' Retirement System Board
[10-0036](#)
[View Report.pdf](#)
[View Supplemental Report.pdf](#)
[83019 CMS.pdf](#)
- 16 ~~Subject:~~ Planning Commission Appointments
~~From:~~ Office Of The Mayor
~~Recommendation:~~ Adopt A Resolution Re Appointing Sandra E. Galvez And Carlton "Blake"
Huntsman As Members Of The City Planning Commission
[10-0037](#)
[View Report.pdf](#)
[83020 CMS.pdf](#)
- 17 ~~Subject:~~ CPAB Appointments
~~From:~~ Office Of The Mayor
~~Recommendation:~~ Adopt A Resolution Appointing Krista C. Gulbransen As An Member Of The
Community Policing Advisory Board
[10-0038](#)
[View Report.pdf](#)
[83021 CMS.pdf](#)

S-18.1 Subject: Medical Cannabis Cultivation Permit Fee
From: Councilmembers Kaplan and Reid
Recommendation: Adopt An Ordinance Amending The Master Fee Schedule (Ordinance
Number 9336, As Amended) To Establish A Medical Cannabis Cultivation Permit Application
Fee Of \$5,000 And An Annual Medical Regulatory Fee Of \$211,000 For Permitted Medical
Cannabis Cultivation Facilities
[10-0064](#)

**A motion was made by Councilmember De La Fuente, seconded by
Councilmember Kaplan, that this matter be Approved on Introduction for
Final Passage to the *Special Concurrent Meeting of the Oakland
Redevelopment Agency/City Council, due back on November 9, 2010. The
motion carried by the following vote:**

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan, Councilmember Reid and President of the
Council Brunner
[View Report.pdf](#)
[View Report.pdf](#)
[View Supplemental Report.pdf](#)
[13048 CMS.pdf](#)

S-18.2 Subject: Tax Allocation Bonds, Series 2010-T
From: Finance and Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Of The City Council Of The City Of Oakland Approving Issuance By The
Redevelopment Agency Of The City Of Oakland Of Not To Exceed \$8,050,000 Aggregate
Principal Amount Of Redevelopment Agency Of The City Of Oakland
Broadway/MacArthur/San Pablo Redevelopment Project Second Lien Tax Allocation Bonds,
Series 2010-T (Federally Taxable Recovery Zone Economic Development Bonds - Direct
Payment); And
[10-0086](#)

**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 De La
Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember
Nadel, Councilmember Quan, Councilmember Reid and President of the
Council Brunner
[View Report.pdf](#)
[83034 CMS.pdf](#)

2) An Agency Resolution Of The Redevelopment Agency Of The City Of Oakland: (1) For The Purpose Of Financing A Portion Of The Agency's Obligations To The Broadway/MacArthur/San Pablo Redevelopment Project, Authorizing The Issuance Of The Redevelopment Agency Of The City Of Oakland Broadway/MacArthur/San Pablo Redevelopment Project Second Lien Tax Allocation Bonds, Series 2010-T (Federally Taxable Recovery Zone Economic Development Bonds - Direct Payment) In An Amount Not To Exceed \$8,050,000; (2) Approving The Form Of And Authorizing The Execution And Delivery Of An Indenture Of Trust And A Bond Purchase Contract; (3) Approving The Form Of And Authorizing The Distribution Of A Preliminary Official Statement And Authorizing Execution And Delivery Of An Official Statement; (4) Approving The Form Of A First Supplemental Indenture Of Trust Relating To The Agency's Series 2006C Bonds; (5) Authorizing Payment Of Costs Of Issuance; (6) Allocating Bond Proceeds To Finance Redevelopment Activities In The Redevelopment Project Area; And (7) Authorizing Agency Officials To Take Such Other Actions Necessary To Issue The Bonds

[10-0086-1](#)

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 De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner
[2010-0111 CMS.pdf](#)

19 Subject: Expenditure Limit Processes (Spending Cap)
From: Councilmembers Kaplan And Quan
Recommendation: Discussion And Action Regarding A Procedure To Clarify The Process For
Determining When Expenditure Ceilings (Spending Caps) Under The Campaign Finance
Reform Act (Oakland Municipal Code Section 3.12.220) Are Lifted
[10-0084](#)

A motion was made by Councilmember De La Fuente, seconded by President of the Council Brunner, that this matter be Approved to 1) Refer the matter to the Public Ethics commission after filing of a complaint to provide for investigation of complaint allegations;

2) Ask the commission to review the issue of determining the process that triggers the lifting of the expenditure ceilings; and

3) Refer to the Ethics commission discussion of an amendment to Municipal Code section 3.12.220 - Expenditure Ceilings Lifted, to strike "or in an independent expenditure committees in the aggregate spends more than fifteen thousand dollars (\$15,000.000) on a District City Council or School Board election or seventy thousand (\$70,000) in a city Attorney, Auditor, Councilmember at Large or Mayoral election" and "The independent expenditure committee amounts of fifteen thousand dollars (\$15,000.00) and seventy thousand (\$70,000.00) respectively, shall be increased in proportion to any increase of the voluntary expenditure ceiling amounts resulting from an increase in the CPI as provided by Section 3.12.180 of this chapter."

The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember De La Fuente
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner
[View Report.pdf](#)

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

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

There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Billy Lucas, Asher Brown, Seth Walsh, Tyler Clementi, Raymond Chase and Carly Washington at 7:59 p.m.

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk - Agenda Management Unit

Phone: (510) 238-3226

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 839-6451

[TTD](#)

City Clerk and Clerk of the Council