

# DRAFT



## 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>**

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**Tuesday, October 20, 2009**

**6:00 PM**

**Oakland City Hall, 3rd Floor**

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1 Pledge of Allegiance

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*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 6:07 PM.*

2 Roll Call / ORA & Council

COUNCIL MEMBERS:

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)

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*The following individuals spoke under Open Forum:*

- Oscar Wright
- Lynne Horiuchi
- Ray Kidd
- Simuel Ramey
- Greg McConnell
- Allen Michaan
- Peter Brady, III
- Claudia Baldwin
- Fred Pecker
- Diana Hernandez
- John Wilson
- Sanjiv Handa

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

*There was no action necessary for this item*

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- 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.

*A motion was made by Councilmember Kaplan, seconded by Councilmember Kernighan to schedule Item 6 (Clear Channel Outdoor - Billboard Agreement) from the October 13, 2009 Community and Economic Development Committee agenda to the November 3, 2009 City Council Agenda as a Non-Consent Item*

- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on September 22, 2009 and October 6, 2009

**A motion was made by Councilmember Reid, seconded by Councilmember De La Fuente, to \*Approve the Minutes. The motion carried by the following vote:**

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

## **8. PRESENTATION OF CEREMONIAL MATTERS**

- 8.1 Subject: Susan Watson - Recognition  
From: Councilmember Nancy Nadel  
Recommendation: Adopt A Resolution Honoring Susan Watson For Eighteen Years Of Distinguished Service To The Citizens Of The City Of Oakland And Congratulating Her On Her Retirement

[09-0787](#)

[Play Video](#)

**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 Absent: 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

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8.2 Subject: Paul Brekke - Retirement  
From: Councilmember Jane Brunner  
Recommendation: Adopt A Resolution Recognizing And Honoring Paul Brekke-Miesner For His 4 Years Of Exceptional Service To The City Of Oakland And Many Years Of Service To The Community  
[09-0858](#)  
[Play Video](#)

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

**Votes:** ORA\Councilmember Absent: 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  
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8.3 Subject: Bradley C. Walters - Recognition  
From: Councilmember Jean Quan  
Recommendation: Adopt A Resolution Honoring And Celebrating The Life Of Bradley C. Walters (July 1938 - August 2009)  
[09-0886](#)

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

**Votes:** ORA\Councilmember Absent: 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  
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8.4 Subject: Raul Godinez - Recognition  
From: Councilmembers Nancy Nadel & Larry Reid  
Recommendation: Adopt A Resolution Honoring Director Raul Godinez II For His Distinguished Leadership And Service To The City Of Oakland Public Works Agency And His Dedicated Stewardship Of Oakland's Physical And Environmental Infrastructure  
[09-0868](#)

**A motion was made by Councilmember Nadel, seconded by Councilmember De La Fuente, 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

*The following individual spoke on this item:*

- Sanjiv Handa  
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8.5 Subject: Swearing In - Anthony W. Batts  
From: The Mayor  
Recommendation: The Swearing-In Of Anthony W. Batts As Chief Of Police For The City Of Oakland  
[09-0846](#)  
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*There was no action necessary for this item*

*The following individuals spoke on this item:*

- Greg McConnell  
- Sanjiv Handa  
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## 9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

*Agency/Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Dr. Robert C. Scott. Councilmembers Kaplan and Kernighan requested to be associated with this request.*

*Agency/Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Bertile Richardson Dunn. Councilmember Kernighan requested to be associated with this request.*

*Agency/Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Alana Williams. Councilmembers Kernighan and Quan requested to be associated with this request.*

*Agency/Councilmember Quan took a point of personal privilege and requested that the meeting be adjourned in memory of Gina Harper*

## 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  
[09-0882](#)

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

**Votes:** ORA\Councilmember Absent: 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

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# DRAFT

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  
[09-0883](#)

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

**Votes:** ORA\Councilmember Absent: 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  
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10.3-CC Subject: Port Of Oakland - Additional Service  
From: Office of the City Administrator  
Recommendation: Adopt A Resolution To Grant Another Designated Period For Two Years  
Additional Service Credit  
[09-0818](#)

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

**Votes:** ORA\Councilmember Absent: 1 - Councilmember Reid  
ORA\Councilmember Noes: 1 - Councilmember De La Fuente  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember  
Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember  
Quan and President of the Council Brunner  
*The following individual spoke on this item:*  
- Sanjiv Handa  
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10.4-CC Subject: Parking Meters Operations And Fines  
From: Councilmember Patricia Kernighan  
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Section 10.36.050  
To Increase The Exempted Time Period For A Parking Meter Zone Violation By Changing The  
Start Time From 8:00 P.M. To 6:00 P.M., 7:00 P.M., Or Other Time Specified By Council  
[09-0770-1](#)

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

**Votes:** ORA\Councilmember Absent: 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

*The following individual spoke on this item:*

- Allen Michaan

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10.5-CC Subject: Loretta Hongo - 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 Loretta Hongo V. City of Oakland, Et Al., Alameda  
County Superior Court No. RG08379146, Our File No. 25962, In The Amount Of \$24,000.00  
(Public Works Agency - Personal Injury)  
[09-0884](#)

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

**Votes:** ORA\Councilmember Absent: 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

*The following individual spoke on this item:*

- Sanjiv Handa

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10.6-CC Subject: Shenell Steward-Jacks - 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 Shenell Steward-Jacks V. City of Oakland, Et Al.,  
Alameda County Superior Court No. RG08376905, Our File No. 26083, In The Amount Of  
\$11,000.00 (Public Works Agency - Personal Injury)  
[09-0885](#)

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

**Votes:** ORA\Councilmember Absent: 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  
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10.7-CC Subject: Randy Bell - 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 Randy Bell V. City Of Oakland, Alameda County  
Superior Court Case No. RG08394570, Our File No. X03203, In The Amount Of \$41,000.00  
(Public Works Agency)  
[09-0891](#)

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

**Votes:** ORA\Councilmember Absent: 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  
*The following individual spoke on this item:*  
- *Sanjiv Handa*  
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# DRAFT

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10.8-CC Subject: Priscilla Tuazon - 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 Priscilla Tuazon V. City Of Oakland, Alameda County  
Superior Court Case No. RG08394845, Our File No. X03127, In The Amount Of \$75,000.00  
(Oakland Police Department)  
[09-0892](#)

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

**Votes:** ORA\Councilmember Absent: 1 - Councilmember Reid  
ORA\Councilmember Noes: 1 - Councilmember De La Fuente  
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner  
*The following individual spoke on this item:*  
- Sanjiv Handa  
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10.9-CC Subject: City Administrator's Purchasing Authority  
From: Council President Brunner  
Recommendation: Adopt An Ordinance Amending Ordinance No. 7937 C.M.S., Adopted February 6, 1969, And Amendments Thereto, Codified At Oakland Municipal Code Title 2, Chapter 2.04, Purchasing System, Article I, Bidding, Contracting And Purchasing, To Decrease Amounts For Certain Purchases Requiring City Council Approval And Decrease The City Administrator's Authority For Certain Purchases  
[09-0489](#)

**This Matter was Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on November 3, 2009 on the Consent Agenda.**

**Votes:** ORA\Councilmember Absent: 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  
*The following individual spoke on this item:*  
- Sanjiv Handa  
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**Concurrent Meeting of the Oakland  
Redevelopment Agency / City  
Council**

**Meeting Minutes**

**October 20, 2009**

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S-10.10-C Subject: Railroad Avenue Improvements Phase II - Gallagher And Burk  
C From: Community and Economic Development Agency  
Recommendation: Adopt A Resolution Awarding A Construction Contract To Gallagher And Burk, Inc., For Railroad Avenue Improvements - Phase II, From Louisiana Street To 98th Avenue (Project No. P330910) In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Not-To-Exceed Six Hundred Fifty-Seven Thousand Four Hundred Ninety-Nine Dollars (\$657,499.00)  
[09-0803](#)

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

**Votes:** ORA\Councilmember Absent: 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

*The following individual spoke on this item:*

- *Sanjiv Handa*  
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S-10.11-C Subject: U.S. China Low-Carbon Cities Program  
C From: President Jane Brunner  
Recommendation: Adopt A Resolution To Accept An Invitation To Participate In The United States China Low-Carbon Cities, Communities, And Regions Program  
[09-0865](#)

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

**Votes:** ORA\Councilmember Absent: 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

*The following individual spoke on this item:*

- *Sanjiv Handa*  
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S-10.12-C Subject: Grants And Donations For Fiscal Year  
C From: Finance And Management Agency  
Recommendation: Receive An Informational Report On Fiscal Year 2008-2009 City Administrator Acceptance And Appropriation Of Restricted Grants, Gifts And Donations With A Monetary Value Of Fifty Thousand Dollars (\$50,000) Or Less (Each) On Behalf Of The City Council  
[09-0713](#)

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

**Votes:** ORA\Councilmember Absent: 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

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S-10.13-C Subject: 2009-2010 Gang Resistance And Training Program  
C From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Fifty Thousand Dollars (\$50,000) From The U.S. Department Of Justice, Office Of Justice Programs, Bureau Of Justice Assistance, Fiscal Year 2009 Gang Resistance Education And Training (GREAT) Program, And Appropriate Said Funds To The Police Department  
[09-0609](#)

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

**Votes:** ORA\Councilmember Absent: 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  
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S-10.14-C Subject: 2009 Paul Coverdell Forensic Science Improvement Program  
C From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland To Accept And Appropriate Grant Funds In The Amount Of One Hundred Sixteen Thousand Six Hundred And Three Dollars (\$116,603) From The U.S. Department Of Justice, Office Of Justice Programs, National Institute Of Justice, For Continued Implementation Of The Paul Coverdell Forensic Science Improvement Grants Program, And Appropriate Said Funds To The Police Department  
[09-0611](#)

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

**Votes:** ORA\Councilmember Absent: 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  
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# DRAFT

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S-10.15-C Subject: Contra Costa County - MOU  
C From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Enter Into A Memorandum Of Understanding (MOU) With Contra Costa County (CCC), On Behalf Of The Automated Regional Information Exchange System (ARIES), And The Oakland Police Department (OPD) To Share And Integrate Criminal Justice Information From OPD's Law Records Management System (LRMS) And Computer Aided Dispatch (CAD) System  
[09-0794](#)

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

**Votes:** ORA\Councilmember Absent: 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  
*The following individual spoke on this item:*  
- Sanjiv Handa  
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S-10.16-C Subject: 2009 Human Trafficking Task Force Grant  
C From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000) From The U.S. Department Of Justice, Office Of Justice Programs, Bureau Of Justice Assistance, Fiscal Year 2009 Law Enforcement Response To Human Trafficking Grant Program For Continued Implementation And Operation Of The East Bay Task Force On Human Trafficking In The Police Department  
[09-0646](#)

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

**Votes:** ORA\Councilmember Absent: 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  
*The following individual spoke on this item:*  
- Sanjiv Handa  
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## Passed The Consent Agenda

**A motion was made by Councilmember 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 Absent: 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

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

**A motion was made by Councilmember De La Fuente, seconded by Councilmember Reid, to \*Approve as Submitted the oral report from the Office of the City Attorney of 1 final decision made during Closed Session on October 6, 2009 and of no decisions made during today's Closed Session. Please refer to Attachment A for the details of the final decision. 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

- 12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 2.20.130 of the Sunshine Ordinance

**A motion was made by Councilmember De La Fuente, seconded by Councilmember Reid, to \*Approve as Submitted the confirmation of no non-confidential Closed Session discussion during Closed Session pursuant to the Sunshine Ordinance. 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 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:

# DRAFT

14.1 Subject: Property Vacation - 37th And Alameda Avenues  
From: Community and Economic Development Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following  
Pieces Of Legislation:

1) A Resolution Adopting Findings And Setting A Hearing To Receive Supporting Evidence  
And Public Comments On A Proposed Conditional Vacation Of A Portion Of East 8th Street  
Between The Intersections Of 37th Avenue And Alameda Avenue To The California  
Department Of Transportation For The Seismic Retrofitting Of Interstate Freeway Route 880  
At High Street; And  
[09-0802](#)

[Play Video](#)

**A motion was made by Councilmember Nadel, seconded by  
Councilmember De La Fuente, 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

*Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was  
opened at 7:41 PM*

*Agency/Councilmember Nadel made a motion, seconded by  
Agency/Councilmember De La Fuente 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*

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2) An Ordinance Conditionally Vacating Of A Portion Of East 8th Street Between The  
Intersections Of 37th Avenue And Alameda Avenue To The California Department Of  
Transportation For The Interstate Freeway Route 880 Seismic Retrofit At High Street  
[09-0802-1](#)

**A motion was made by Councilmember Nadel, seconded by  
Councilmember De La Fuente, that this matter be Approved on  
Introduction for Final Passage to the Concurrent Meeting of the Oakland  
Redevelopment Agency / City Council, due back on November 3, 2009.  
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

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# DRAFT

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S-14.2 Subject: 2935 Telegraph Avenue - Tree Removal Appeal  
From: Public Works Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal, Filed By Scott Harrison And Terry Hill, Of The Public Works Agency's Decision To Approve The Issuance Of Tree Removal Permit T09-00020 For 2935 Telegraph Avenue  
[09-0910](#)  
[Play Video](#)

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

**Votes:** ORA\Councilmember Abstained: 1 - President of the Council Brunner  
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid  
*Upon the reading of Item 14.2 by the City Clerk, the Public Hearing was opened at 7:44 PM*

*The following individuals spoke on this item:*

- Robert Brokl
- Marina Carlson
- Valerie Winemiller
- Tao Matthew
- Alfred Crofts
- Andrew Stevenson
- John Truxaw

*Sanjiv Handa*

*Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember Kaplan, 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*

*Staff was directed to refund the \$500.00 fee back to the appellant*  
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**ACTION ON NON-CONSENT ITEMS:**

# DRAFT

15      Subject:      Oakland Police Officers Association MOU - Amendments  
From:            Department of Human Resources Management  
Recommendation: Adopt A Resolution Approving (1) Amendments To The Memorandum Of Understanding ("MOU") Between The City Of Oakland And The Oakland Police Officers' Association ("OPOA"), (2) Amendments To The MOU Between The City Of Oakland Police Management Association ("OPMA"), (3) Sideletter To OPOA MOU Regarding Patrol Officer Biweekly Schedule; And, (4) OPOA Vacation Advancement Agreement (TITLE CHANGE) [09-0745](#)  
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**Deferred to Closed Session on 11/3/2009**

*The following individual spoke on this item:*

- *Sanjiv Handa*

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# DRAFT

S-15.1      Subject:    Municipal Identification Program - Implementation  
                 From:        Office of the City Clerk  
                 Recommendation: Discussion And Action On A Report And Recommendations To Implement  
                 The Municipal Identification Program  
                 [09-0707](#)  
                 [Play Video](#)

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

**Votes:** ORA\Councilmember Abstained: 2 - Councilmember Brooks and Councilmember Reid  
ORA\Councilmember Ayes: 6 - Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner

*The following individuals spoke on this item:*

- Maria Dominguez
  - Maria Sanchez
  - Bianca Sierra
  - Wilson Riles
  - Marc Gonzalez
  - Patricia St. Onge
  - Aide Saucedo
  - Aranta Martinez
  - Luis Reyes
  - Christy Hogan
  - Marisol Preciado
  - Viridiana Morales
  - Father Jesus Nieto-Ruiz
  - Manuel Arias
  - Elvia Loza
  - Ramiro Avila
  - David Wofford
  - Koala Moredo
  - Sanjiv Handa
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# DRAFT

16 Subject: Law Firm Of Orrick, Herrington & Sutcliffe - Conflict Waiver  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Approving A Conflict Waiver For The Law Firm Of Orrick, Herrington & Sutcliffe Which Has Represented The City Of Oakland On Various Bond Matters For Decades And Also Represents The City In Deborah Edgerly V. City Of Oakland To Allow The Firm To Represent Several Defendants In City Of Los Angeles, Et Al. V. Infineon Technologies Ag, An Anti-Trust Lawsuit Filed On Behalf Of The City Of Los Angeles, The City Of Oakland And More Than 90 Other Plaintiffs Against A Number Of Manufacturers Of Memory Chips For Illegal Price-Fixing

[09-0890](#)

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

**Votes:** ORA\Councilmember Abstained: 1 - Councilmember Quan  
ORA\Councilmember Absent: 1 - Councilmember De La Fuente  
ORA\Councilmember Noes: 1 - Councilmember Brooks  
ORA\Councilmember Ayes: 5 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Reid and President of the Council Brunner

*The following individual spoke on this item:*

- Sanjiv Handa

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[82356 CMS.pdf](#)

17 Discussion And Action On Potential Proposals To Obtain Grant Funds Provided Under The American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus Package")

*There was no action necessary for this item*

*The following individual spoke on this item:*

- Sanjiv Handa

[09-0188](#)

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# DRAFT

18 Subject: Citizen Police Review Board Appointment  
From: The Mayor  
Recommendation: Adopt A Resolution Appointing Elizabeth Diaz And Carl Swanson, As  
Members Of The Citizen's Police Review Board  
[09-0897](#)  
[Play Video](#)

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

**Votes:** ORA\Councilmember Absent: 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  
*The following individual spoke on this item:*

- Sanjiv Handa  
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[82357 CMS.pdf](#)

19 Subject: Cultural Affairs Commission Appointment  
From: The Mayor  
Recommendation: Adopt A Resolution Appointing Jacinda Abarian, Eric Farber, Stephanie D. Geter, Sean Kennedy, Tatiana Larkin, And Chris De Benedetti And Re-Appointing Joyce Gordan And Jacqueline Boggan As Members Of The Cultural Affairs Commision  
[09-0898](#)  
[Play Video](#)

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

**Votes:** ORA\Councilmember Absent: 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  
*The following individual spoke on this item:*

- Sanjiv Handa  
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[82358 CMS.pdf](#)

# DRAFT

20           Subject:    Rent Relocation Board Appointment  
              From:        The Mayor  
              Recommendation: Adopt A Resolution Appointing Guillermo Mayer And Michael Bowie As  
              Members Of The Housing, Residential Rent And Relocation Board  
              [09-0900](#)  
              [Play Video](#)

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

**Votes:** ORA\Councilmember Absent: 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  
*The following individual spoke on this item:*

- *Sanjiv Handa*  
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[82359 CMS.pdf](#)

21           Subject:    Oakland Youth Advisory Commission Appointments  
              From:        The Mayor  
              Recommendation: Adopt A Resolution Appointing Cesar San Miguel, Kyle Willis, Anastacia Love, Ailish Elzy, Naomi Turner, Edwin Villegas, Sabah Harris, Juan Gomez, Alexandria Amangbo, Afolarin Adeleke, Taylor Lyons, Alexandria Love, Ja'Ney Batiste, Terry Morgan, Eric Grant, Steven Wesley, Marcellious McNary, And Amina Scott As Members Of The Oakland Youth Advisory Commission  
              [09-0899](#)  
              [Play Video](#)

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

**Votes:** ORA\Councilmember Absent: 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  
*The following individual spoke on this item:*

- *Sanjiv Handa*  
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[82360 CMS.pdf](#)

# DRAFT

22           Subject:    Measure Z Community Oversight Committee Appointments  
              From:       The Mayor  
              Recommendation: Adopt A Resolution Appointing Wendy Herdon As A Member Of The  
              Measure Z Community Oversight Committee, To Oversee The Implementation Of The  
              Oakland Cannabis Regulation And Revenue Ordinance  
              [09-0901](#)  
              [Play Video](#)

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

**Votes:** ORA\Councilmember Absent: 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

*The following individual spoke on this item:*

- Sanjiv Handa  
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[82361 CMS.pdf](#)

23           Subject:    Violence Prevention And Public Safety Committee Appointment  
              From:       The Mayor  
              Recommendation: Adopt A Resolution Appointing Qa'Id Aqueel As A Member Of The  
              Violence Prevention And Public Safety Committee  
              [09-0902](#)  
              [Play Video](#)

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

**Votes:** ORA\Councilmember Absent: 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

*The following individual spoke on this item:*

- Sanjiv Handa  
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[82362 CMS.pdf](#)

# DRAFT

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S-24 Subject: Parking Enforcement Policy  
From: Councilmember Patricia Kernighan  
Recommendation: Action On A Report And Recommendations For Council To Adopt A  
Parking Enforcement Policy That Violations For Parking In The Wrong Direction On Streets  
That Are Thirty Feet Wide Or Narrower Shall Have The Lowest Enforcement Priority  
[09-0843](#)

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

**Votes:** ORA\Councilmember Abstained: 2 - Councilmember Brooks and President of the Council Brunner

ORA\Councilmember Absent: 1 - Councilmember De La Fuente

ORA\Councilmember Ayes: 5 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid

*Staff was directed to create a list of all streets that are 30 ft or narrower (curb to curb) and to use that list as a base list for informing the public.*

*The following individual spoke on this item:*

- Bruce Barron

- Morie Kahane

- Sanjiv Handa

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S-25 Subject: Increase Time Limit On All Parking Meters  
From: Councilmember Patricia Kernighan  
Recommendation: Adopt A Resolution Directing The City Administrator To Work With  
Merchants To Identify Streets On Which To Increase Parking Time Limits At Parking Meters  
Designated With A Limit One Hour To A Two Hour Limit Or Greater  
[09-0844](#)

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

**Votes:** ORA\Councilmember Absent: 1 - Councilmember De La Fuente

ORA\Councilmember Noes: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council Brunner

*The following individual spoke on this item:*

- Sanjiv Handa

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[82363 CMS.pdf](#)

# DRAFT

S-26      Subject:    New Business Incentives  
From:        Council President Jane Brunner  
Recommendation: Adopt A Resolution: (1) Authorizing Business Tax And Sales Tax Incentive Programs To Facilitate The City's Business Attraction Activities; And (2) Authorizing The City Administrator, Without Returning To Council, To Negotiate And Execute Business And/Or Sales Tax Incentive Agreements: (A) With A Term Of Up To Two Years; And (B) Providing For Total Incentive Payments In Any Single Agreement Not To Exceed Two Hundred And Fifty Thousand Dollars (\$250,000) Per Year, For A Total Maximum Amount Of Five Hundred Thousand Dollars (\$500,000)  
(TITLE CHANGE)  
[09-0451](#)  
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**A motion was made by Councilmember Reid, seconded by President of the Council Brunner, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Absent: 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

*The following individual spoke on this item:*

- *Bill Aboudi*

- *Sanjiv Handa*

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# DRAFT

S-27 Subject: Edward Byrne Grant Program - Local Solicitation  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Six Hundred Eighty-One Thousand Five Hundred And Eighty-Five Dollars (\$681,585) From The U.S. Department Of Justice, Office Of Justice Programs, Bureau Of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Local Program To Supplement Frontline Policing Services, And Appropriate Said Funds To The Police Department

[09-0617](#)

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

**Votes:** ORA\Councilmember Absent: 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

*The following individual spoke on this item:*

- Sanjiv Handa

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S-28 Subject: H1N1 Flu Virus  
From: Oakland Fire Department  
Recommendation: Receive An Informational Report On The Status Of The City's 2009 H1N1 Flu Virus Preparedness Efforts

[09-0845](#)

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**A motion was made by Councilmember Reid, seconded by Councilmember Brooks, that this matter be \*Received and Filed. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Absent: 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

*The following individual spoke on this item:*

- Sanjiv Handa

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## Continuation of Open Forum



# DRAFT

Concurrent Meeting of the Oakland  
Redevelopment Agency / City  
Council

Meeting Minutes

October 20, 2009

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## 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 Dr. Robert C. Scott, Bertile Richardson Dunn, Alana Williams, And Gina Harper at 11:35 P.M.*

NOTE:

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*City Clerk and Clerk of the Council*