



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, January 20, 2009

6:00 PM

Oakland City Hall, 3rd Floor

1 Pledge of Allegiance

A meeting of the Joint Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 6:09 p.m.

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

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ORA\Councilmember Excused: 2 - Councilmember Brooks and Councilmember Reid

ORA\Councilmember Present: 6 - Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan 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:

- Darnell Livingston
- Yvette Felarca
- Dorothy Morehead-Coleman
- Issamar Comach
- Mandingo
- Jacob Lesner
- Ronald Cruz
- Tracey Bell-Borden
- Mark Airgood
- Simuel Ramey
- Derrick Simmons
- Paulette Hogan
- 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.

No action was necessary for this item.

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

No action was 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.

No action was necessary for this item.

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

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

Votes: ORA\Councilmember Excused: 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

8. PRESENTATION OF CEREMONIAL MATTERS

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Agency/Councilmember Kernighan took a point of personal privilege and requested that the meeting be adjourned in memory of Woon Lam

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

Agency/Councilmembers Reid and Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Evelio Grillo, Sr.

Agency/Councilmembers Brooks, Reid and Kaplan took a point of personal privilege and requested that the meeting be adjourned in memory of C. Diane Howell and Oscar Grant, III

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
[09-0003](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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 under this item:

- Darnell Livingston

- Paulette Hogan

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10.2-CC Subject: Medical Cannabis Health Emergency
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local
Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The
City Of Oakland
[09-0004](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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

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10.3-CC Subject: Joseph And Linelle Pennetta - 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 Joseph And Linelle Pennetta V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG06268108 In The Amount Of \$20,000.00. This Action Arises From A Landslide On Plaintiffs' Property Located At 34 Oval Road Around December 2004, Allegedly Because Of The Discharge Of Water From Mountain Boulevard. The Settlement Was Approved By The City Council At Closed Session On January 6, 2009.
(CEDA)
[09-0020](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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
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10.4-CC Subject: Michael Bruster And Lucretia Haggerty - 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 Michael Bruster And Lucretia Haggerty V. City Of Oakland; Et Al., Alameda County Superior Court Case No. RG08-376881, In The Amount Of \$35,000.00 As A Result Of An Automobile Accident At The Intersection Of San Leandro Street And 69th Avenue. (Department Of Human Services)
[09-0021](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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 individual spoke under this item:
- *Sanjiv Handa*
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10.5-CC Subject: Sean Reynolds - Settlement Agreement
 From: Office of the City Attorney
 Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
 Compromise And Settle The Claim Of GEICO Insurance As Subrogee For Sean Reynolds In The
 Amount Of \$9,459.60 For An Automobile Collision Involving A City Vehicle On July 3, 2008.
 (Police Services Agency)
 [09-0022](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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

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10.6-CC Subject: Chinatown Lunar New Year Bazaar
 From: Councilmember Patricia Kernighan
 Recommendation: Adopt A Resolution Authorizing The Use Of Up To \$8,000.00 From
 Councilmember Patricia Kernighan's Pay-Go Funds For The Oakland Police Department In An
 Amount Up To \$7250.00 And For The Public Works Agency In An Amount Up To \$750.00 To
 Pay For Personnel Costs Associated With The Chinatown Lunar New Year Bazaar On January
 24 And 25, 2009
 [09-0015](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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

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10.7-CC Subject: Camps In Common Agreement Amendment
From: Councilmember Patricia Kernighan
Recommendation: Adopt A Resolution Authorizing Amendment Of The Camps In Common Agreement To Allow Pay-Go Contributions To Offset Seasonal Replacement Expenses For Supplies And Materials Necessary For The Operation Of Oakland's Feather River Camp
[09-0016](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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
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10.8-CC Subject: Joint Powers Authority Appointment
From: Council President Brunner
Recommendation: Adopt A Resolution Re-Appointing Laurence E. Reid And Ignacio De La Fuente As Members Of The Oakland-Alameda County Coliseum Authority Board Of Commissioners For New Two Year Terms Beginning January 1, 2009 And Ending December 31, 2011
[09-0023](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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 individual spoke under this item:
- Sanjiv Handa
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10.9-CC Subject: Coliseum Authority Board - Appointments
From: Council President Jane Brunner
Recommendation: Adopt A Resolution Re-Appointing Yui Hay Lee And Georgia W. Richardson
As Members Of The Oakland Alameda County Coliseum Authority Board Of Commissioners
[09-0025](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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 individual spoke under this item:

- *Sanjiv Handa*

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10.10-CC Subject: Taxi Cab Ordinance Amendment
From: City Council
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.64
"TAXICABS" To A) Move The Administration Of Taxi Permits From The Oakland Police
Department To The City Administrator's Office And B) Move The Initial And Annual Inspection
Of Taxis From The Oakland Police Department To The Public Works Agency
[07-1875](#)

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland
Redevelopment Agency / City Council on 2/3/2009**

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S-10.11-C Subject: Conditional And Revocable Permit - 3203 Hannah Street
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting Kathleen Kuhner A Revocable And Conditional
Permit To Allow An Existing Fence And Oriel Windows For An Existing Building At 3203
Hannah Street To Encroach Into The Public Right-Of-Way Along 32nd Street And Hannah Street
[07-1846](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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

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S-10.12-C Subject: Conditional And Revocable Permit - 1035 Wood Street
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting Truckee Zurich Place LLC A Revocable And
Conditional Permit To Allow Portions Of An Existing Building And An Existing Fence At 1035
Wood Street To Encroach Into The Public Right-Of-Way Along 11th Street
[07-1847](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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
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S-10.13-C Subject: State Coastal Conservancy Grant For Various Projects
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And
Appropriate Nine Million Dollars (\$9,000,000.00) From The State Coastal Conservancy For The
12th Street Reconstruction Project, The 10th Street Project And The Lake Merritt Water Quality
Technology Project
[07-1871](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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
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S-10.14-C Subject: Sausal Creek Restoration Project Grant
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And
Appropriate One Million Eight Hundred Eighteen Thousand Nine Hundred Eighty Dollars
(\$1,818,980.00) In Grant Funding From The State Resources Agency, River Parkways Grant
Program For The Sausal Creek Restoration In Dimond Park
[07-1872](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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
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S-10.15-C Subject: Salary Schedule Amendments
C From: Finance And Management Agency
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. (The Salary Ordinance) To Add: The Permanent Full Time Equivalent Classification, Archivist; The Permanent Part Time Equivalent Classifications of Case Manager I, Permanent Part-Time; Budget And Grants Administrator, Permanent Part-Time; Animal Control Officer, Permanent Part-Time; And Recreation Attendant II, Permanent Part-Time; And To Re-Title Youth Sports Program Coordinator To Sports Program Coordinator
[07-1857](#)

***Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 2/3/2009**

The following individual spoke under this item:

- Sanjiv Handa

- Victoria Carson

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S-10.16-C Subject: City Attorney's Report
C From: Office of the Attorney
Recommendation: Receive The City Attorney's Annual Report For Fiscal Year 2007-2008
[07-1879](#)

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

Votes: ORA\Councilmember Excused: 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 individual spoke under this item:

- Sanjiv Handa

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S-10.17-C Subject: 2007-2008 Comprehensive Annual Financial Report
C From: Finance and Management Agency
Recommendation: Receive An Informational Report Presenting The Fiscal Year 2007-2008
Comprehensive Annual Financial Report (CAFR), The Oakland Redevelopment Agency (ORA)
Audit Report, And The Management Letter
[07-1882](#)

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

Votes: ORA\Councilmember Excused: 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 individual spoke under this item:
- Victoria Carson
- Sanjiv Handa
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S-10.18-C Subject: Burke, Williams & Sorensen, LLP - Contract
C From: Finance and Management Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Waive The
Request For Proposals Process And Execute A Professional Service Contract Between The City
Of Oakland And Burke, Williams & Sorensen, LLP To Conduct Negotiations With The
International Association Of Firefighters In An Amount Not To Exceed Two Hundred And Fifty
Thousand Dollars (\$250,000) Beginning June 1, 2008 And Ending When Negotiations Are
Complete
[07-1891](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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
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S-10.19-C Subject: Rebuilding Together Grant
C From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing A \$50,000 Grant From
Broadway/MacArthur/San Pablo Redevelopment Funds To Rebuilding Together Oakland To
Rehabilitate Houses And/Or Facilities For Low-Income Seniors And/Or Disabled Persons Within
The Project Area
[07-1869](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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

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[2009-0003 CMS.pdf](#)

S-10.20-C Subject: Oakland Merchants Leadership Forum - Contract
C From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing A Professional Services Agreement With The Oakland Merchant
Leadership Forum (OMLF) For Merchant Organizing And Commercial District Support
Services For Fiscal Year 2008-2009 In An Amount Not To Exceed \$60,000, And Accepting A
Contribution Of \$18,989 From The Redevelopment Agency Under The Cooperation Agreement
For This Purpose; And

[07-1889](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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 individual spoke under this item:

- Sanjiv Handa

- Ellen Taylor

- Preston Taylor

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2) An Agency Resolution Authorizing A Contribution Of \$18,989 In Coliseum Redevelopment Project Funds To The City Under The Cooperation Agreement For A Professional Services Agreement With The Oakland Merchant Leadership Forum (OMLF) For Merchant Organizing And Commercial District Support Services For Fiscal Year 2008-2009 In The Coliseum Redevelopment Project Area
[07-1889-1](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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
[2009-0004 CMS.pdf](#)

S-10.21-C Subject: Municipal Code Amendment - Massage Establishments & Therapists
C From: Office of the City Administrator
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.36, "Massage Establishments And Massage Therapists," To Additionally Provide That: A) Fully Clothed Chair Massage Conducted In Public View, B) Offices Leased By Solo Practitioner Massage Therapists, And C) Non-Massage Businesses That Lease Space To Solo Practitioner Massage Therapists Or That Offer Massage As An Incidental Service Are Exempt From The Requirement To Obtain A Massage Establishment Permit
[07-1738](#)

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

Votes: ORA\Councilmember Excused: 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
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S-10.22-C Subject: Innovative Violence And Crime Prevention Initiatives
C From: Office of Parks and Recreation
Recommendation: Adopt The Following Peices Of Legislation:

1) A Resolution Authorizing The City Administrator Or His Designee To Apply For, Accept, And Appropriate Grant Funds In An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000) From The State Of California, Corrections Standards Authority, Juvenile Accountability Block Grant (JABG) To Implement Innovative Violence And Crime Prevention Initiatives To Introduce And Expose Disengaged Teens To Environmental Stewardship Programs; And
[07-1892](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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
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2) A Resolution Authorizing The City Administrator Or His Designee To Apply For, Accept, And Appropriate Grant Funds In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000) From The State Of California, Department Of Parks And Recreation, Habitat Conservation Fund (HCF) To Implement Innovative Violence And Crime Prevention Initiatives To Introduce And Expose Disengaged Teens To Environmental Stewardship Programs
[07-1892-1](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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
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S-10.23-C Subject: Local Employment Program Changes
C From: Contracting And Purchasing
Recommendation: Consideration Of The Committees' Recommendations

1) A Resolution Amending: A) Resolution No. 69687 C.M.S., Passed February 2, 1993, Authorizing The Local Employment Program, And B) Resolution No. 74762 C.M.S., Passed January 29, 1999, Authorizing A Pilot Apprenticeship Program, Both Of Which Require Contractors To Hire Oakland Residents To Implement Program Revisions; And
2) An Ordinance Amending Ordinance Number 12388 C.M.S., Adopted December 18, 2001, To Authorize Revision Of The Local Employment And Apprenticeship Programs By Resolution [07-1831-2](#)

This Matter was Adopted as Bifurcated on the Consent Agenda.

Votes: ORA\Councilmember Excused: 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
Council President appointed Vice Mayor De La Fuente and Councilmember Brooks as co-chairs of the task force. She also appointed Councilmember Kaplan as a member, the remaining 15 members will also be appointed by the President.

*The following individual spoke under this item:
- Sanjiv Handa*

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 Excused: 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

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

There were no final decisions made during closed session

*The following individual spoke under this item:
- Sanjiv Handa*

- 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 Quan, seconded by Councilmember Kernighan, to *Approve as Submitted the report from the City Attorney that there was no non-confidential discussion occurred during Closed Session. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 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

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

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

14. Consideration of items with statutory Public Hearing Requirements:

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14.1 Subject: Oak To Ninth Environmental Report Revision
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Rescinding Certification Of The Oak To Ninth Project Environmental Impact Report (EIR) Per Resolution No. 79981 C.M.S., Approving Revisions To The Analysis In The Oak To Ninth Project EIR, Recertifying The Oak To Ninth Project EIR As Revised, And Readopting The CEQA Findings And Statement Of Overriding Considerations And Mitigation Monitoring And Reporting Program As Revised

[07-1710](#)

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

Votes: ORA\Councilmember Excused: 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

Upon the reading of Item 14. 1 by the City Clerk, the Public Hearing was opened at 7:09 p.m.

The following individuals spoke on this item:

- James Vann
- Michael Rubin
- Andy Nelson
- Andrew Slivlea
- Andreas Cluver
- Fernando Estrada
- Carmen Hernandez
- Joyce Roy
- Christy Hogan
- Jane Powell
- Marina Carlson
- Mimi Ho
- Kirk Peterson
- John Wilber
- Laura Martinez
- Mike Ruffolo
- Stuart Rickard
- Norm Bahr
- Janet Arnold
- Akio Tanaka
- Kate Tanaka
- Naomi Schiff

- Arthur Levy
- Carl Chan
- Miye Takagi
- Gilda Gonzales
- Yui Hay Lee
- Daren Gilbert
- Moses Stites
- Kevin Schumacher
- Sanjiv Handa
- Mike Ghielmetti
- Cynthia Zheng

Agency/Councilmember Vice Mayor De La Fuente made a motion, seconded by Agency/Councilmember Kernighan, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Vice Mayor De La Fuente, Kaplan, Kernighan, Nadel, Quan, and President of the Council Brunner - 6, Excused: Brooks, Reid - 2

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- 14.2 Subject: Oakland Tourism Business Improvement District
From: Office of the City Administrator
Recommendation: Adopt A Resolution To Establish The Oakland Tourism Business Improvement District (OTBID) Proposed By The Oakland Convention & Visitors Bureau, Declare The Results Of The Majority Protest Proceedings, And Authorizing The City Administrator To Negotiate And Enter Into A Professional Services Agreement With The Oakland Convention & Visitors Bureau To Operate The OTBID
[07-1393-1](#)
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A motion was made by Councilmember De La Fuente, seconded by President of the Council Brunner, that this matter be Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 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

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ACTION ON NON-CONSENT ITEMS:

15 ~~Subject: Sidewalk Safety And Maintenance – Liability~~
~~From: Office of the City Attorney~~
~~Recommendation: Adopt An Ordinance Of The City Of Oakland Adding Chapter 12.22 To The~~
~~Oakland Municipal Code To Establish Landowner Responsibility And Liability For Sidewalk-~~
~~Safety And Maintenance~~
[07-1731](#)

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16 Subject: Equal Access Ordinance
From; Office of the City Administrator
Recommendation: Receive A Status Report On The Implementation Of The Equal Access To
Services Ordinance And Recommendations For Improving Language Access To City Services
For Oakland's Limited English Speaking Population For The Period July 1, 2007 Through June
30, 2008
[07-1750](#)

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

Votes: ORA\Councilmember Excused: 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 individual spoke on this item:

- Sanjiv Handa

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17 Subject: 2009 Council Committee Meeting Times
From: Office of the Council President
Recommendation: Action Pursuant To Rule 4 Of The Council's Rules Of Procedure (Resolution No. 79006 C.M.S.) To Set The Meeting Times Of The Public Works, Finance & Management, Community & Economic Development, Life Enrichment, Public Safety, Rules & Legislation, Education Partnership And City-Port Liaison Committees
[07-1911](#)
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A motion was made by Councilmember De La Fuente, seconded by Councilmember Quan, that this matter be Approved as Amended to change the time for the Rules and Legislation Committee to 10:30 AM for Closed Session and 10:45 for the Committee meeting. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 2 - Councilmember Brooks and Councilmember Reid

ORA\Councilmember Noes: 1 - Councilmember Nadel

ORA\Councilmember Ayes: 5 - Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Quan and President of the Council Brunner

The following individual spoke on this item:

- Sanjiv Handa

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S-18 Subject: Infrastructure And Related Projects Funding
From: Councilmember Rebecca Kaplan and Patricia Kernighan
Recommendation: Discussion And Action Regarding

(1) The Proposed City Of Oakland Funding Requests For Infrastructure And Related Projects For Submission To Federal Government For Funding Through The Propose Economic Stimulus Package;

(2) City Councilmembers' Recommendations Regarding Funding Requests; And

(3) Establishing Criteria For Funding Requests

[09-0014](#)

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

Votes: ORA\Councilmember Excused: 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

Council approved the proposed criteria and directed staff to work with the Mayor's office on the list and to schedule a date through rules to have the lobbyist come back with a report. All lists submitted by the Councilmembers will be incorporated including the urban forestry plan.

The following individuals spoke on this item:

-Lance Gyorfi

- Sheryl Wang

- Sanjiv Handa

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S-19 Subject: Reports On Housing Activity, Blight, Resale Property And Loans
From: Community and Economic Development Agency
Recommendation: Receive An Informational Report Presenting The Redevelopment Agency's
Annual Fiscal Year 2007-2008 Reports On Blight, Housing Activity, Loans, Property, And Time
Limits In Accordance With The Reporting Requirements Of The California Community
Redevelopment Law
[07-1888](#)
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A motion was made by Councilmember De La Fuente, seconded by Councilmember Quan, that this matter be *Received and Filed. The motion carried by the following vote:

Votes: ORA\Councilmember Excused: 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
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Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting shall conclude no later than 10:30 p.m., unless extended by Majority Vote of the Council)

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There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Woon Lam, Joan Dunbar, Evelio Grillo, Sr, C. Diane Howell and Oscar Grant, III at 10:01 PM

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...

City Clerk and Clerk of the Council