



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, September 21, 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 6:42 pm.

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Present: 7 - Councilmember Brooks, 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)

The following individuals spoke under Open Forum:

- Chi-En Chien Yu
- Marcel Uzugbu
- Noah Dakaji
- Oscar Wright
- Gene Hazzard
- Kwame Nitoto
- Sanjiv Handa

- 4 ACTIONS ON SPECIAL ORDERS OF THE DAY
(Ceremonial Presentations, Reports/Presentations from the Mayor, Council
Acknowledgements/Announcements):

Agency/Councilmember Nadel took a point of personal privilege and requested that the meeting be adjourned in memory of Stanley Michael and Carla Moore.

Agency/Councilmember Quan took a point of personal privilege and requested that the meeting be adjourned in memory of Carrol T. Richardson and Harlan Kessel.

Agency/Councilmember Brooks took a point of personal privilege to join Vice Mayor Quan in adjourning the meeting in memory of Carrol T. Richardson.

Agency/Councilmember De La Fuente took a point of personal privilege to join Vice Mayor Quan in adjourning the meeting in memory of Carrol T. Richardson.

Agency/Councilmember De La Fuente took a point of personal privilege and requested that the meeting be adjourned in memory of Felix Elizalde

- 4.1 Subject: National Crime Prevention Month
From: Vice Mayor Quan
Recommendation: Adopt A Resolution Proclaiming October 2010 As National Crime
Prevention Month In The City Of Oakland, California
[10-0005](#)

A motion was made by Councilmember Quan, 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 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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- 5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETINGS OF
2010

A motion was made by Councilmember De La Fuente, seconded by Councilmember Quan, to *Approve the Minutes. 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

- 6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS
(Requests to: Reschedule items from consent to Non-Consent to the next Council Agenda, Speak on Consent Calendar, Register Votes, Change order of Items, Reconsiderations, Pull Items held in Committee):

Modifications to the agenda were announced to include the removal of items 13 to 17 which are appointments to various boards and commissions from the Mayor's office and the hearing of items 10 and 19 together.

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
[10-0021](#)

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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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
[10-0022](#)

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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7.3-CC Subject: Stephen Peskin v. City Of Oakland - 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 Stephen Peskin v. City Of Oakland, Alameda County
Superior Court Case No. RG09-450335, In The Amount Of \$165,000.00 As A Result Of Being
Struck By A City Of Oakland Fire Department Vehicle (Oakland Fire Department)
[10-0023](#)

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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7.4-CC Subject: Latoya Marie Adams, et al. v. City Of Oakland, et al - 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 Latoya Marie Adams, Et Al. V. City Of Oakland, Et Al.,
Alameda County Superior Court Case No. RG08381272, City Attorney File No. 26226 In The
Amount Of \$27,500.00 (Oakland Police Department)
[10-0024](#)

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

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
ORA\Councilmember Absent: 1 - 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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7.5-CC Subject: CSAA As A/S/O For Kenneth Murphy - Settlement Agreement
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claims Of CSAA As A/S/O For Kenneth Murphy In The Amount Of \$10,520.13 And Kenneth Murphy In The Amount Of \$2,593.23, As A Result Of Property Damage And Bodily Injury Sustained In A Traffic Collision With A City Vehicle On December 3, 2009 (Public Works Agency)
[10-0025](#)

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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7.6-CC Subject: USAA A/S/O Matthew And Carrie Levy - 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 USAA A/S/O Matthew And Carrie Levy, In The Amount Of \$10,000.00, As A Result Of Property Damage Sustained As A Result Of An Obstructed City Sewer Main On January 19, 2010 (Public Works Agency)
[10-0026](#)

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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7.7-CC Subject: Christopher Russell v. City Of Oakland,- 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 Christopher Russell v. City Of Oakland, Alameda County Superior Court Case No. RG07-356462 In The Amount Of \$13,000.00 As A Result Of Tripping And Falling On Uneven Pavement In Oakland, CA. (Office of Public Works - OPW)
[10-0027](#)

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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7.8-CC Subject: Kathleen Lobrovich v. City Of Oakland - Settlement Agreement
From: Office Of The City Attorney
Recommendation: Adopt Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Kathleen Lobrovich v. City Of Oakland, Alameda County
Superior Court Case Nos. RG08-389328 & HG09-429737, In The Amount Of \$125,000.00 As
A Result Of Being Hit And Knocked To The Ground By An Oakland Police Dog Running At A
High Rate Of Speed (Oakland Police Department)
[10-0028](#)

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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~~7.9-CC~~ ~~-Subject: Replacement Oak Trees~~
~~From: Councilmember Patricia Kernighan~~
~~Recommendation: Adopt A Resolution Authorizing An Allocation Of Up To \$350 From Cm-~~
~~Kernighan's District 2 Priority Project Funds To The Public Works Agency For Purchase Of~~
~~Four Replacement Oak Trees For Mandana Boulevard~~
~~[10-0006](#)~~

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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7.10-CC Subject: Final Map For Tract Number 7885
From: Community And Economic Development Committee
Recommendation: Adopt A Resolution Conditionally Approving A Final Map For Tract
No.7885 To Convert Twenty-Two Rental Housing Units Located In The Primary Conversion
Area And Two Commercial Spaces To Condominium Ownership At 244 Lakeside Drive
[10-0029](#)

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-7.11-CC Subject: Public Works Construction Specifications 2009 - Repeal of Ordinance 12780
From: Public Works Agency
Recommendation: Adopt An Ordinance Adopting The "Standard Specifications For Public Works Construction, 2009 Edition" And Repealing Ordinance No. 12780 C.M.S. And All Resolutions Related Thereto
[10-0010](#)

This Matter was Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on October 5, 2010 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-7.12-CC Subject: Citywide Street Resurfacing And Slurry Sealing
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract For Citywide Street Resurfacing And Slurry Sealing (Project No. C317610) To Gallagher And Burk, Inc., In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Three Million Thirty-Two Thousand Seventy-Nine Dollars And Eighty Cents (\$3,032,079.80) Increasing The Contract Amount To Four Million Dollars (\$4,000,000.00), If Said Bid Is Deemed Non-Responsive, Authorizing The City Administrator To Reject All Bids And Negotiate A Contract Not To Exceed Four Million Dollars (\$4,000,000.00)
[10-0011](#)

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-7.13-CC Subject: 23rd Avenue Improvement Project
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Ray's Electric For The Construction Of The 23rd Avenue Improvement Project (Project No. P233271) In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Of One Million Eight Hundred Seventy-Six Thousand And Twenty-One Dollars (\$1,876,021.00)
[10-0012](#)

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-7.14-CC Subject: Federal Surface Transportation Program (STP)
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate \$3,617 Million In Federal Surface Transportation Program (STP) And/Or Congestion Mitigation And Air Quality Improvement (CMAQ) Funding From The Alameda County Transportation Commission And The Metropolitan Transportation Commission For Oakland Various Streets Resurfacing Project; Committing \$468,700 In Local Match Funds; Stating The City's Assurance To Complete The Project; And
[10-0013](#)

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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2) A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate \$435,000 In Federal Surface Transportation Program (STP) And/Or Congestion Mitigation And Air Quality Improvement (CMAQ) Funding From The Alameda County Transportation Commission And The Metropolitan Transportation Commission For Oakland Class 2 Bike Lanes Project; Committing \$56,400 In Local Match Funds; Stating The City's Assurance To Complete The Project

[10-0013-1](#)

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-7.15-CC Subject: Albany Ford Contract - Vehicle Purchase
From: Public Works Agency

Recommendation: Adopt A Resolution Authorizing The Waiver Of The Competitive Bidding Requirements In Accordance With Oakland Municipal Code 2.04.050.1.2, And Enter Into An Agreement With Albany Ford In An Amount Not-To-Exceed Two Hundred Twenty Nine Thousand Seven Hundred And Five Dollars (\$229,705) For The Purchase Of Eight (8) Police Vehicles, And Appropriating Funds For The Purchase

[10-0015](#)

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-7.16-CC Subject: Data Center Server Improvements
From: Department Of Information Technology
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To:
1) Negotiate And Award A Design-Build Agreement At The Conclusion Of A Competitive
Solicitation For Server Virtualization Technology Improvements To The Data Center Servers
For An Amount Not To Exceed Four Hundred Thousand Dollars (\$400,000.00), To Be Paid
With Federal Government Stimulus Package Funds Without Returning To Council; And 2)
Accept And Appropriate Energy-Related Rebates In Project Numbers C388910 (Civic Center
Data Center Server Virtualization), For Energy Efficiency Improvements As A Result Of The
Data Center Virtualization Project
[10-0016](#)

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-7.17-CC Subject: Oakland Neighborhood Projects Initiative Program
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution (A) Authorizing Funding In An Amount Not To Exceed \$179,935
Under The West Oakland Neighborhood Projects Initiative (NPI) Program For (1) Façade,
Fencing And Street Tree Improvements In The Dogtown Neighborhood, (2) Improvements To
The Meltzer Boys And Girls Club Building, (3) Installation Of An Aquaponics Garden On 5th
And Union Streets, And (4) Surveillance Equipment At 3rd And Lewis Streets To Combat
Illegal Dumping; And (B) Authorizing A Contribution To The City Of Oakland NPI Funds
Under The Cooperation Agreement In An Amount Not To Exceed \$160,265 For (1) Installation
Of Speedbumps And Outdoor Lighting On And Around Milton Street, And (2) Tree Planting
And Landscape Improvements Along 27th Street, 31st Street, 40th Street, And At Various
Locations Throughout The Longfellow Neighborhood; And
[09-1652](#)

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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2) A City Resolution (A) Accepting And Appropriating Agency Funds In An Amount Not To Exceed \$160,265 Under The Cooperation Agreement For 1) The Installation Of Speedbumps And Outdoor Lighting On And Around Milton Street, And 2) Tree Planting And Landscape Improvements Along 27th Street, 31st Street, 40th Street, And At Various Locations Throughout The Longfellow Neighborhood Funded Through The West Oakland NPI Project, And (B) Authorizing The City Administrator To Enter Into Agreements With Project Sponsors And Make Necessary Expenditures To Implement Projects Under The Program Without Returning To The City Council

[09-1652-1](#)

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-7.18-CC Subject: Alameda County Community Food Bank
From: Department Of Human Services

Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Waive The Competitive Process And Enter Into An Agreement With The Alameda County Community Food Bank In An Amount Not To Exceed \$100,000 From The General Purpose Fund For The Procurement Of Bulk Foods And The Acceptance Of Donated Foods For The City Of Oakland Hunger Program For The Period Of September 1, 2010 Through June 30, 2011; And (2) Renew The Food Bank Agreement Annually Thereafter Without Returning To Council For As Long As City Appropriates Funds To Support The Hunger Program Through The Budget Process; And (3) Allocate To The Food Bank Agreement Any Additional Funds That Might Be Donated To The Hunger Program From Outside Sources Without Returning To Council; And (4) Grandfather In Current Procurement Practices For Spot Purchases Of Food Commodities Until Full Compliance With Requirements Of The Purchasing Ordinance Can Be Implemented

[10-0008](#)

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-7.19-CC Subject: Oakland Army Base Temporary Winter Shelter
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Waive The Competitive Process And Enter Into An Agreement For The Period Of October 15, 2010 Through May 15, 2011 In An Amount Not To Exceed \$297,053 With Anka Behavioral Health, Inc. To Open And Operate The Oakland Army Base Temporary Winter Shelter (OABTWS) From November 15, 2010 Through April 30, 2011; And (2) Enter Into A Six Month Lease For \$1.00 A Year With The Oakland Redevelopment Agency For Use Of Building 821 At The Army Base From November 1, 2010 Through April 30, 2011; And (3) Allocate \$100,000 From CDBG Funds And Allocate \$125,000 From Alameda County, And \$56,000 From The City Of Berkeley, And \$16,053 In Prior Year Carry Forward Funds To Establish And Operate The Temporary Winter Shelter At The Oakland Army Base
[10-0009](#)

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-7.20-CC Subject: Metropolitan Medical Response System Program Grant Funding
From: Oakland Fire Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) Resolution Authorizing The City Administrator To Accept And Appropriate A Three Hundred Twenty One Thousand Two Hundred Twenty One Dollar (\$321,221) Grant For The Federal Fiscal Year 2009 From The Governor's Office Of Homeland Security To Fund Oakland Fire Department Metropolitan Medical Response System (MMRS) Program Planning, Equipment And Training And To Enter Into Service And Purchasing Agreements To Expend Grant Funds Without Return To Council Provided Competitive Solicitation And Purchasing Programs/Policies Are Followed; And
[10-0018](#)

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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2) Resolution Authorizing The City Administrator To Accept And Appropriate A Three Hundred Seventeen Thousand Four Hundred Nineteen Dollar (\$317,419) Grant For The Federal Fiscal Year 2010 From The Governor's Office Of Homeland Security To Fund Oakland Fire Department Metropolitan Medical Response System (MMRS) Program Planning, Equipment And Training And To Enter Into Service And Purchasing Agreements To Expend Grant Funds Without Return To Council Provided Competitive Solicitation And Purchasing Programs/Policies Are Followed

[10-0018-1](#)

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-7.21-CC Subject: Opposing Proposition 23
From: Councilmember Nadel
Recommendation: Adopt A Resolution Opposing Proposition 23, A Ballot Initiative To Suspend The Clean Energy And Air Pollution Control Standards Of The Global Warming Solutions Act Of 2006 (AB32)

[10-0007](#)

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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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

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

A motion was made by Councilmember De La Fuente, seconded by Councilmember Kaplan, to *Approve as Submitted the report of the City Attorney of 1 final decision made during closed session regarding authorizing the settlement in the amount of \$150,000 of the case of Jill Horowitz vs. the City of Oakland for physical damages sustained during a trip and fall accident. 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

**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 6:35 p.m.

*The following individuals spoke on this item:
- Sanjiv Handa*

Agency/Councilmember Brooks 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, uan, and President of the Council Brunner -7, Absent; Reid - 1

9.1 Subject: Delinquent Mandatory Garbage Fees
From: Finance And Management Agency
Recommendation: Conduct A Public Hearing On Delinquent Mandatory Public Hearing On
Delinquent Mandatory Garbage Fees For January/February/March 2010, Monthly Accounts
And April/May/June 2010 Quarterly Accounts And Upon Conclusion Adopt One Of The
Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs
Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Confirming The
Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant
To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And
Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
[10-0031](#)

**A motion was made by Councilmember Brooks, 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 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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2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports
Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent
Garbage Service Fees And Authorizing The Recordation Of Liens With Administrative And
Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal
Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The
County Tax Collector For Collection; Or
[10-0031-1](#)

Not Adopted

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent
Garbage Service Fees And The Recordation Of Liens With Administrative And Assessment
Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code
[10-0031-2](#)

Not Adopted

Upon the reading of Item 9.2 by the City Clerk, the Public Hearing was opened at 6:37 p.m.

Agency/Councilmember De La Fuente 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, uan, and President of the Council Brunner -7, Absent; Reid - 1

9.2 Subject: Assessment Of Liens - Business Taxes
From: Finance And Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Business Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County For Collection; Or [10-0033](#)

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 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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2) A Resolution Overruling Protests And Accepting And Confirming Reports Of The City Administrator On The Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For Collection; Or [10-0033-1](#)

Not Adopted

3) A Resolution Continuing Hearing On Reports Of The City Administrator On The Delinquent Business Taxes And The Confirming Of The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code
[10-0033-2](#)

Not Adopted

Upon the reading of Item 9.3 by the City Clerk, the Public Hearing was opened at 6:40 p.m.

Agency/Councilmember Brooks 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, uan, and President of the Council Brunner -7, Absent; Reid - 1

9.3 Subject: Assessment Of Liens - Delinquent Taxes
From: Finance And Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Real Property Transfer Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
[10-0032](#)

A motion was made by Councilmember Brooks, 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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2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
[10-0032-1](#)

Not Adopted

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Real Property Transfer Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code
[10-0032-2](#)

Not Adopted

Upon the reading of Item 9.4 by the City Clerk, the Public Hearing was opened at 6:42 p.m.

Agency/Councilmember Brooks 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, uan, and President of the Council Brunner -7, Absent; Reid - 1

9.4 Subject: Regulations On Laundromats
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Alternative Ordinances:

1) An Ordinance Adopting Various Planning Code Text Amendments To Regulate Laundromats. 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); OR
[09-1606](#)

Not Approved

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2) An Ordinance Adopting Various Planning Code Text Amendments To Regulate Laundromats Including A 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, OR

[09-1606-2](#)

A motion was made by Councilmember Quan, seconded by Councilmember De La Fuente, to Approved As Amended On Introduction to the Concurrent Meeting of the Oakland Redevelopment Agency/ City Council, due back on October 5, 2010 to substitute a Minor Conditional Use Permit for the Major Conditional Use Permit. The motion failed by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Reid
ORA\Councilmember Noes: 3 - Councilmember Kaplan, Councilmember Kernighan and Councilmember Nadel
ORA\Councilmember Ayes: 4 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Quan and President of the Council Brunner
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3) An Ordinance Adopting Various Planning Code Text Amendments As A Clean-Up Item From Other Zoning Amendments, Sections 17.58, 17.73, 17.86, and 17.98 Are Herby Revised To Add "Other Zoning Provisions", AND

[09-1606-1](#)

Not Approved

*Agency/Councilmember Brooks made a motion, seconded by Agency/Councilmember De La Fuente, to continue the three ordinances number 1, 2 and 3 to the October 5, 2010 City Council meeting for continued discussion and hearing no objections, the motion passed by Ayes:
Agency/Councilmember: Brooks, Brunner, Chang, Kernighan, Nadel, Quan, and President of the Council De La Fuente -7 Absent: Reid - 1*

4) An Emergency Ordinance Pursuant To Charter Section 213, Extending By Ninety (90) Days Emergency Ordinance No. 12972 C.M.S. Requiring A Major Conditional Use Permit For Self-Serve Laundromats In The City Of Oakland, To Take Effect Immediately Upon Introduction And Adoption. (Extends The One-Year Emergency Ordinance Adopted September 22, 2009)

[09-1606-3](#)

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

Votes: ORA\Councilmember Absent: 1 - Councilmember Reid
ORA\Councilmember Noes: 1 - Councilmember Kernighan
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Nadel, Councilmember Quan and President of the Council Brunner
[13036 CMS.pdf](#)

Upon the reading of Item 9.5 by the City Clerk, the Public Hearing was opened at 7:20 p.m.

*The following individuals spoke on this item:
- Tom Hart*

Agency/Councilmember Brooks 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, uan, and President of the Council Brunner -7, Absent; Reid - 1

9.5

Subject: City Center Project

From: Community And Economic Development Agency

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Agency To Enter Into A Thirteenth Amendment To The Disposition And Development Agreement With Oakland T12 LLC, Regarding The City Center Project To (1) Extend The Date To Complete An Office Development On Block T-12 Of The City Center Project By 36 Months Changing It From April 12, 2012 To April 12, 2015, With Two Additional Extension Options Of 12 Months Each: And (2) Accept Payment Of \$300,000 From Oakland T12 LLC To The Agency For The Initial Extension, And Payments Of \$300,000 And \$400,000, Respectively, For Each Additional 12-Month Option To Extend To Complete The Office Development

[09-1609](#)

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 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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2) An Ordinance Authorizing The City Of Oakland To Enter Into A Thirteenth Amendment To The Disposition And Development Agreement With Oakland T12 LLC, Regarding The City Center Project To Extend The Date To Complete An Office Development On Block T-12 Of The City Center Project By 36 Months Changing It From April 12, 2012 To April 12, 2015, With Two Additional Extension Options Of 12 Months Each

[09-1609-1](#)

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 Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on October 5, 2010. 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

[13037 CMS.pdf](#)

Upon the reading of Item 9.6 by the City Clerk, the Public Hearing was opened at 7:35 p.m.

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Brunner, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, De La Fuente, Kaplan, Kernighan, Nadel, uan, and President of the Council Brunner -7, Absent; Reid - 1

9.6 Subject: Downtown Education Complex - Reconstruction
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; And
[09-1607](#)

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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2) An Ordinance Conditionally Abandoning A Portion Of A Public Utilities Easement And A Sanitary Sewer Main Adjoining East 11th Street and 3rd Avenue To Facilitate Reconstruction Of The Downtown Education Complex By the Oakland Unified School District
[09-1607-1](#)

A motion was made by Councilmember Quan, seconded by President of the Council Brunner, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on October 5, 2010. 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
[13038 CMS.pdf](#)

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

Roll call was modified to show Councilmembers Kaplan and Kernighan absent at 9:05 pm.

S-10 Subject: Five Year Strategic Plan (OPD)
From: Oakland Police Department
Recommendation: Receive An Informational Report From The Office Of Chief Of Police Detailing The Police Department's Five Year Strategic Plan
[10-0002](#)

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

Votes: ORA\Councilmember Abstained: 1 - Councilmember Kaplan
ORA\Councilmember Absent: 2 - Councilmember Kernighan and Councilmember Reid
Item S-19 was heard immediately after item 10.

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Roll call was modified to show Councilmembers Kaplan and Kernighan returned at 9:10 pm.

S-19 Subject: Personal Video Management System
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee To 1) Implement A Personal Video Management System (PVMS) Within The Oakland Police Department In An Amount Not-To-Exceed Five Hundred Forty Thousand Forty-Eight Dollars (\$540,048), For The Purchase Of 350 VIEVU Portable Cameras From Adamson Police Products, To Be Used By Patrol Officers, And 2) Waive The City Of Oakland's Competitive Bid Process
[10-0004](#)

Adopted

Votes:
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[82990 CMS.pdf](#)

11 Subject: Improving Language Access To City Services
From: Office Of The City Administrator/ Equal Access
Recommendation: Receive A Status Report On The Implementation Of The Equal Access To Services Ordinance
[09-1526](#)

***Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 10/5/2010**
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12 Subject: Appropriation Of Cable Franchise Funding
From: Department Of Information Technology
Recommendation: Adopt A Resolution Appropriating Funds Paid By Cable And Video Franchisees, Comcast And AT&T, ("PEG Funds") For The Capital Expenses Of The Public, Education, And Government Channels ("PEG") Operated By The City Of Oakland ("KTOP"), Oakland Unified School District ("KDOL") And Peralta Community College District ("Peralta TV"), And Authorizing Grants Of Proportionate Shares Of The PEG Funds To The City, Oakland Unified School District And The Peralta Community College District And For Their Cable And Video Television Facilities

[10-0030](#)

A motion was made by Councilmember Brooks, seconded by Councilmember Quan, that this matter be Adopted with a bifurcation of the going forward policy of the distribution of the funds sent to the October 12, 2010 Finance and Management committee for discussion. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Reid
ORA\Councilmember Noes: 1 - President of the Council Brunner
ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel and Councilmember Quan

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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](#)

***Withdrawn with No New Date**

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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](#)

***Withdrawn with No New Date**

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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](#)

***Withdrawn with No New Date**

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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](#)

***Withdrawn with No New Date**

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17 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](#)

***Withdrawn with No New Date**

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S-18 Subject: Guidelines For First-Time Homebuyers
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Amending Resolution No. 79132 C.M.S. To Modify
The Mortgage Assistance Program Guidelines For First-Time Homebuyers To Set The
Maximum Allowable Purchase Price From The Current 95 Percent Of The Median Sales Price
Of Single Family Homes In Oakland To An Amount Equal To A Sales Price That Is Affordable
For Households Earning 100 Percent Of Area Median Income
[09-1653](#)

**A motion was made by Councilmember Brooks, 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: 2 - Councilmember Nadel and President of the
Council Brunner
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember De La
Fuente, Councilmember Kaplan, Councilmember Kernighan and
Councilmember Quan

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Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

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

There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Stanley Michael, Rev. Carla T. Moore, Carroll T. Richardson, Harlan Kessel, and Felix Elizalde at _____ p.m.

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City Clerk and Clerk of the Council