

Meeting Minutes City of Oakland

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

Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza

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

Tuesday, April 05, 2005

6:00 PM

Oakland City Hall, 3rd Floor

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 6:04 p.m.

1
Pledge of Allegiance

2

Roll Call / ORA & Council

COUNCIL MEMBERS; Vice Mayor Brunner, Dist. 1; Vacant, Dist. 2; Nancy Nadel, Dist. 3

; Jean Quan, Dist. 4; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; Henry Chang, At-Large,

and President Ignacio De La Fuente, Dist. 5

ORA\Councilmember Present: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Quan, President of the Council De La Fuente,

Councilmember Brooks, Councilmember Reid and Councilmember Chang

3

Open Forum / Citizens Comments

(Time Available: 15 minutes)

The following individual(s) spoke under Open Forum:

- *Brad Ricards*

- *C. Jean Camp*

- *Dorothy M. Morehead*

- *Donald Cooper*

- *Darnell Levingston*

- *Shari Godinez*

- *Cloteal Swopes*

- *Robert E. Chatman*

- *Sanjiv Handa*

- *Rose M. Welsh*

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.

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.

There was no action necessary for this item.
7

Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on March 15, 2005.

A motion was made by Councilmember Chang, seconded by

Councilmember Nadel, to *Approve as Submitted. The motion carried by

the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

8. PRESENTATION OF CEREMONIAL MATTERS
8.1

Subject: Steven M. Schwartzberg - Service Recognition

From: Councilmember Chang

Recommendation: Adopt A Resolution Commending Steven M. Schwartzberg For 32 Years Of

Dedicated Service To The Residents Of Oakland And Alameda County Community (05-0202)

A motion was made by Councilmember Chang, seconded by

Councilmember Reid, that this matter be Adopted. The motion carried by

the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79116 C.M.S.

[View Report.pdf,](#)

[79143 CMS.pdf](#)

8.2

Subject: Oakland Technical High Schools Women's Basketball Team

From: Vice Mayor Brunner

Recommendation: Adopt a Resolution Congratulating the Oakland Technical High School's

Women's Basketball Team on the occasion of their second straight State Championship (05-0212

)

Withdrawn and Rescheduled to Concurrent Meeting of the Oakland

Redevelopment Agency / City Council on 4/19/2005

[View Report.pdf](#)

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Agency/Councilmember Quan took a point of personal privilege and requested

that the meeting be adjourned in memory of Frank Katsumura

10. CONSENT CALENDAR (CC) ITEMS:

10.1CC-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 (05-0199)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79117 C.M.S.

The following individual(s) spoke against this item:

- Darnell Levingston

[View Report.pdf,](#)

[79117 CMS.pdf](#)

10.2CC-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 (05-0200)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79118 C.M.S.

[View Report.pdf,](#)

[79118 CMS.pdf](#)

10.3CC-CC

Subject: Maria Leon - 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 Maria Leon V. City Of Oakland, Et Al., Alameda County

Superior Court Case No. Rg 03132261, Our File No. 23532, In The Amount Of \$17,000.00.

This Case Involves Claims Of Employment Discrimination And Retaliation Against A Supervisor

At The Museum. (Life Enrichment Agency- Employment) (05-0198)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79119 C.M.S.

The following individual(s) spoke and did not indicate a position on this item:

- *Sanjiv Handa*

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[79119 CMS.pdf](#)

10.4CC-CC

Subject: Yolanda McGill - 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 Yolanda McGill, Et Al. V. City Of Oakland, Et Al., United

States District Court, Case No. C 03-04602, In The Amount Of \$50,000.00 As A Result Of A

Police Conduct Case Involving A Fatal Shooting, On October 5, 2003 (Oakland Police

Department) (05-0197)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79120 C.M.S.

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[79120 CMS.pdf](#)

10.5CC-CC

Subject: Darryl Williams - 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 Darryl Williams, Tristan Williams V. City Of Oakland, Et

Al., United States District Court Case No. C 04-1703 Teh, Our File No. 23749, In The Amount

Of \$10,000.00. This Case Involves Claims Of Excess Force Against Members Of The Oakland

Police Department On April 30, 2003. (Oakland Police Department) (05-0196)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79121 C.M.S.

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[79121 CMS.pdf](#)

10.6CC-CC

Subject: SBC - Settlement Agreement

From: Office of City Attorney

Recommendation: Adopt a Resolution Authorizing And Directing The City Attorney To

Compromise And Settle The Claim Of SBC, In The Amount Of \$14,792.85, As A Result Of

Property Damage Sustained To Cable Lines On April 20, 2004 (Public Works Agency) (05-0195

)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79122 C.M.S.

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

[View Report.pdf](#),

[79122 CMS.pdf](#)

10.7CC-CC

Subject: Donald E. Washington - 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 Donald E. Washington, In The Amount Of \$12,500, As A

Result Of Bodily Injury Sustained In A Bicycle Accident On August 05, 2004 (Public Works

Agency) (05-0194)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79123 C.M.S.

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[79123 CMS.pdf](#)

10.8CC-CC

Subject: Isdrailovici - 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 Isdrailovici V. City Of Oakland, Alameda County Superior

Court, Case No. Wg04153843, In The Amount Of \$15,000.00 As A Result Of A Trip And Fall

Case, On September 12, 2003. (Public Works Agency) (05-0201)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79124 C.M.S.

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[79124 CMS.pdf](#)

10.9CC-CC

Subject: Salary Ordinance - Municipal Code Amendment

From: Finance and Management Agency

Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending the

Salary Schedule of Ordinance No. 12187 C.M.S. (the Salary Ordinance) to add the classifications

of Community Housing Services Manager, Development/Redevelopment Program Manager, Fire

Marshal, Assistant - Non Sworn, Policy Analyst, and Fire Suppression District Inspector, P.T. (

05-0122)

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

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Ordinance Number 12654 C.M.S.

[View Report.pdf,](#)

[12654 CMS.pdf](#)

10.10CC-

CC

Subject: Purchase of a Vacant Land Parcel

From: Vice Mayor Brunner

Recommendation: Approve the Introduction (First Reading) of an Ordinance authorizing the City

of Oakland to purchase a vacant land parcel, Assessor Parcel Number 014-1272-033, from the

Alameda County Tax Assessor Office for the continued use as a neighbor pocket park for the cost

of delinquent property taxes and closing costs estimated at \$7,500 (05-0158)

This Matter was Approve as Amended on Introduction for Final Passage to

the Concurrent Meeting of the Oakland Redevelopment Agency / City

Council, due back on April 19, 2005 on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Agency/Councilmember Brunner made a motion, seconded by Agency/

Councilmember Nadel, to adopt the resolution on Item 10.10CC as amended to

include the language "or the owner of the property" after "...Alameda County

Tax Assessor's Office...", and hearing no objections, the motion passed by Ayes

: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, and

President of the Council De La Fuente -7

[View Report.pdf](#),

[12655 CMS.pdf](#)

10.11CC-

CC

Subject: First Responder Advanced Life Support (FRALS) Services Agreement

From: Oakland Fire Department

Recommendation: Adopt a Resolution authorizing the City Administrator to enter into a First

Responder Advanced Life Support (FRALS) Services Agreement with Alameda County

Emergency Medical Services District for the term July 2004 to June 30, 2009 and to appropriate

payments anticipated to be \$962,000 for the first year (Based on \$37,000 per each of 26 First

Responder Paramedic Units), with a 3% increase per year through the life of the agreement (05-

0114)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79125 C.M.S.

[View Report.pdf,](#)

[79125 CMS.pdf](#)

10.12CC-

CC

Subject: Gender Based Discrimination

From: Vice Mayor Brunner and Councilmembers Nadel and Quan

Recommendation: Adopt a Resolution (1) declaring the City of Oakland's support for local

implementation of the United Nations Convention on the elimination of all forms of discrimination

against women (an international human rights treaty), with particular emphasis on: equity and city

employment; ensuring safe access to reproductive services; and domestic violence and (2)

requiring that the city take certain actions regarding these issues, including but not limited to, (i)

annually reviewing city employment and City Boards and Commissions' makeup with respect to

gender, (ii) continuing women building health program, (iii) annually reviewing safety plans for

clinics that offer reproductive services, (iv) making closing service gaps in domestic violence

prevention, response and victim treatment a top priority for the city, and (v) standardizing

protocols and procedures to address domestic violence (TITLE CHANGE) (05-0167)

This Matter was Adopted as Amended on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79126 C.M.S.

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

- *Cloteal Swoopes*

The following individual(s) spoke in favor of this item:

- Peipei Yu

- *Cecilia Calva*

- *Patricia Dilks*

- *Sue Yascolt*

Agency/Councilmember Brunner made a motion, seconded by Agency/

Councilmember Quan, to adopt the Resolution as amended on Item 10.12CC to

include 1) replace the following language "...take certain actions..." with "..

discuss certain actions..", and 2) replace the following language "...continuing

Women building health..." with "Continuing Women building wealth..." and

hearing no objections, the motion passed by Ayes: Agency/Councilmember:

Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council

De La Fuente -7

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[View Supplemental Report.pdf,](#)

[79126 CMS.pdf](#)

10.13CC

Subject: Assembly Bill 655 - Admissions Surcharge

From: Councilmember Nadel

Recommendation: Adopt a Resolution declaring the City of Oakland's support for Assembly Bill

655- Admission Surcharge: California Arts Council, which would impose a one percent (1%)

surcharge on the price of admission for each patron of an entertainment venue to provide financial

support for the California Arts Council, a council established by the state in 1976 to encourage

artistic awareness, participation and expression, help independent local groups develop their own

arts program, promote employment of artists, provide for the exhibition of arts works throughout

California and enlist all state agencies in ensuring fullest expression of artistic potential (TITLE

CHANGE) (05-0171)

This Matter was Not Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

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

Councilmember Brunner, to not adopt the Resolution and to have the City

Administrator to prepare a letter indicating the City of Oakland's support of the

Arts Council but not in support of the proposed funding mechanism for

Assembly Bill 655, but the City of Oakland will be watchful of the changes

made with the respect to the funding recommendations, and hearing no

objections, the motion passed by Ayes: Agency/Councilmember: Brooks,

Brunner, Chang, Nadel, Reid, Quan, and President of the Council De La

Fuente -7

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Passed The Consent Agenda

A motion was made by Councilmember Chang, seconded by

Councilmember Reid, including all the preceding items marked as having

been adopted on the Consent Agenda. The motion carried by the following

vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

11

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

Closed Session

A motion was made to *Approve as Submitted. The motion carried by the

following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

Please refer to Closed Session Report-out Form marked as "Attachment A".

12

A disclosure of non-confidential Closed Session Discussion pursuant to Section 15 to the
Sunshine Ordinance

**A motion was made to *Approve as Submitted. The motion carried by the
following vote:**

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Agency/Councilmember -- made a motion seconded by Agency/Councilmember

-- confirming that there were no discussions pursuant to Section 15 of the

Sunshine Ordinance, and hearing no objections, the motion passed by Ayes:

Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, and

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:

14.1

Subject: Delinquent Business Taxes - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct a Public Hearing regarding the assessment of liens for delinquent

business taxes and upon conclusion adopt one of the following pieces of legislation:

1) Adopt 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 (05-0187)

A motion was made by Councilmember Brooks, seconded by

Councilmember Chang, that this matter be Adopted. The motion carried

by the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79128 C.M.S.

The following individual(s) spoke and did not indicate a position on this item:

- *Sanjiv Handa*

[View Report.pdf](#),

[79128 CMS.pdf](#)

2) Adopt 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 (05-0187a)

Not Adopted

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3) Adopt a Resolution continuing hearing on 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 (05-0187

b)

Not Adopted

[View Report.pdf](#)

14.2

Subject: Delinquent Transient Occupancy Taxes - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct a Public Hearing regarding the assessment of liens for Delinquent

Transient Occupancy Taxes and upon conclusion adopt one of the following Resolutions:

- 1) A Resolution accepting and confirming reports of the City Administrator on the costs incurred

by the City of Oakland for Delinquent Transient Occupancy Taxes and confirming the recordation

of liens, administrative charges, and assessment charges as necessary pursuant to Title 4, Chapter

4.24 of the Oakland Municipal Code, and directing the notice of lien and assessment charges to

be turned over to the County for collection; or (05-0188)

A motion was made by Councilmember Brooks, seconded by

Councilmember Reid, that this matter be Adopted. The motion carried by

the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79129 C.M.S.

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[79129 CMS.pdf](#)

2) A Resolution overruling protests and accepting and confirming reports of the City

Administrator on the Delinquent Transient Occupancy Taxes and confirming the recordation of

liens, administrative charges and assessment charges as necessary pursuant to Title 4, Chapter

4.24 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 (05-0188a)

Not Adopted

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3) A Resolution continuing hearing on reports of the City Administrator on the Delinquent

Transient Occupancy Taxes and confirming the recordation of liens, administrative charges and

assessment charges as necessary pursuant to Title 4, Chapter 4.24 of the Oakland Municipal

Code (05-0188b)

Not Adopted

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14.3

Subject: Delinquent Real Property Transfer Taxes - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct a Public Hearing regarding the assessment of liens for Delinquent

Real Property Transfer Taxes and upon conclusion adopt one of the following Resolutions:

1) Adopt 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, administrative charges, and assessment charges, as necessary, pursuant to

Chapter 4.20 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 (05-0189)

A motion was made by Councilmember Chang, seconded by

Councilmember Reid, that this matter be Adopted. The motion carried by

the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79130 C.M.S.

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[79130 CMS.pdf](#)

2) Adopt 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, administrative charges as necessary -

pursuant to Chapter 4.20 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 (05-0189a)

Not Adopted

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3) Adopt a Resolution continuing hearing on reports of the City Administrator on the delinquent

real property transfer taxes and confirming the recordation of liens, administrative charges, and

assessment charges as necessary pursuant to Chapter 4.20 of the Oakland Municipal Code, and

directing the notice of lien and assessment charges to be turned over to the Alameda County Tax

Collector for collection (05-0189b)

Not Adopted

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14.4

Subject: Delinquent Mandatory Garbage Fees - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct a Public Hearing regarding Delinquent Mandatory Garbage Fees for

July/August/September 2004, monthly accounts and October/November/December 2004,

Quarterly accounts and upon conclusion adopt one of the following Resolutions:

- 1) Adopt 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, administrative charges, and assessment charges, as necessary, pursuant to

Chapter 8.28 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; (05-0190)

A motion was made by Councilmember Chang, seconded by

Councilmember Brooks, that this matter be Adopted. The motion carried

by the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79131 C.M.S.

[View Report.pdf](#),

- 2) Adopt 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, administrative charges, as necessary,

pursuant to Chapter 8.28 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 (05-0190a)

Not Adopted

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- 3) Adopt a Resolution continuing hearing on reports of the City Administrator on the delinquent

garbage service fees, and confirming the recordation of liens, administrative charges, and

assessment charges, as necessary, pursuant to Chapter 8.28 of the Oakland Municipal Code, and

directing the notice of lien and assessment charges to be turned over to the Alameda County Tax

Collector for collection (05-0190b)

Not Adopted

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ACTION ON NON-CONSENT ITEMS:

Subject: First-time Homebuyers Mortgage Assistance Program

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution modifying the program guidelines for the Mortgage

Assistance Program for First-time Homebuyers to increase the maximum allowable purchase

price limit from the current \$320,000 to 95% of the median sales price of Single Family Homes

in Oakland (TITLE CHANGE) (05-0037)

A motion was made by Councilmember Brunner, seconded by

Councilmember Reid, that this matter be Adopted Council directed staff to

return with a comprehensive report that addresses the 3 percent simple

interest plus principle and the issue of equity sharing. The motion carried

by the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79132 C.M.S.

The following individual(s) spoke and did not indicate a position on this item:

- Hugh Bassett

The Oakland City Council directed staff to return in the future with a

comprehensive report that looks at the issues with the loan policies that prohibit

the sole gains of private equity secured during homeownership; 7 Ayes

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[View Supplemental Report.pdf,](#)

[79132 CMS.pdf](#)

From: Councilmember Quan

Recommendation: Adopt a Resolution directing the preparation of the appropriate environmental

review documents in accordance with the California Environmental Quality Act (CEQA)

evaluating a limited exemption to the Integrated Pest Management Policy to use herbicides on

City owned land in the Wildfire Prevention District and other City properties identified by the Fire

Marshal as areas of high fire hazard (05-0062)

A motion was made by Councilmember Quan, seconded by

Councilmember Nadel, that this matter be Adopted as Amended. The

motion carried by the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79133 C.M.S.

Agency/Councilmember Quan made a motion, seconded by Agency/

Councilmember Nadel, to adopt the Resolution as amended on Item 16 to

include the following revisions:

1) Under the 8th Whereas, deletion of the following language: "...than does the

use of selected herbicides as a component of a strategic vegetation

management plan...";

2) *Under the 9th Whereas, insertion of the following language: "...When hand*

applied directly to tree and plant stups...";

3) *Under the first Further Resolved, revision of the language to read: "...That*

the environmental review will analyze the use of herbicides painted or applied

4) Insertion of an additional Further Resolved that reads as follows:

Further Resolved: That the environmental review will look at the environment

impact of the use of herbicides on each of the abovementioned plants to assess

the relative impact on each species; and be it;

5) *Under the third Further Resolved, the addition of the word "proposed"*

before "BMPs";

5) *Under the fifth Further Resolved, the addition of the word "proposed" in*

front of the word "limited";

6) *Amendment to the second to last Further Resolved to read as follows:*

That the Fire Department shall annually prepare a report to the Wildfire

Prevention Assessment District Advisory Board and the City Council on

vegetation management efforts that includes a detailed account of any proposed

amounts and types of herbicide to be used; and be it; and

7) *In the last Further Resolved the insertion of the following language at the*

end of the paragraph, "before implementing the vegetation management plan

and plant list."

, and hearing no objections, the motion passed by Ayes: Agency/

Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, and President of

the Council De La Fuente -7

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16.1

Subject: Integrated Pest Management Policy

From: Councilmember Nadel

Recommendation: Adopt a Resolution directing the preparation of the appropriate environmental

review documents evaluating a limited exemption to the Integrated Pest Management Policy to

use herbicides on City owned land in the Wildfire Prevention District and other City properties

identified by the Fire Marshal as areas of high fire hazard (05-0062-1)

***Withdrawn with No New Date**

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17

Subject: West Oakland Bay Trail

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to increase the

construction contract with Vanguard Construction for the West Oakland Bay Trail by seventy

thousand one hundred seventy-one dollars (\$70,171) to cover additional change order work, for a

total contract amount not-to-exceed six hundred sixty-nine thousand and seventy-six dollars (\$

669,076) (05-0085)

A motion was made by Councilmember Nadel, seconded by

Councilmember Reid, that this matter be Adopted. The motion carried by

the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79134 C.M.S.

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18

Subject: Amendment to the Master Fee Schedule

From: Public Works Agency

Recommendation: Adopt the following pieces of legislation:

1) Approve the Introduction (First Reading) of an Ordinance amending Ordinance Number

12611 C.M.S. (Master Fee Schedule), as amended, increasing hourly, daily and monthly parking

fees, and adding new promotional programs for parking facilities operated by the City of Oakland

(05-0113)

**Continued to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 4/19/2005**

The following individual(s) spoke against this item:

-*Tom Revelli*

-*Debi Echlin*

-*Liz Silverman*

-*Cheryl Strachan*

-*Linda Foss*

- *Helen Wyman*

- *David Sarber*

The following individual(s) spoke and did not indicate a position on this item:

- *Sanjiv Handa*

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2) Adopt a Resolution appropriating \$412,706 to the Multi-purpose Reserve Fund (Fund 1750)

for parking facilities operated by the City of Oakland (05-0113-1)

Continued to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 4/19/2005

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Subject: Chicago Climate Exchange

From: Vice Mayor Brunner

Recommendation: Adopt a Resolution authorizing the Oakland City Administrator to establish

membership in the Chicago Climate Exchange (a market for reducing and trading Greenhouse

Gas Emissions) for the City of Oakland, and to expend the funds necessary to initiate and

maintain such membership and the cost of trading emissions, not to exceed \$10,000 without

returning to Council for approval (05-0087)

A motion was made by Councilmember Brunner, seconded by

Councilmember Quan, that this matter be Adopted. The motion carried

by the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79135 C.M.S.

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20

Subject: Knowland Park and Zoo - Agreement

From: East Bay Zoological Society

Recommendation: A Request from the East Bay Zoological Society to delay until July 1, 2005 the

implementation of two provisions (living wage and one free day per month for Oakland Residents

) of the new 15 - year management agreement for Knowland Park and Zoo (05-0124)

A motion was made by Councilmember Chang, seconded by

Councilmember Reid, that this matter be Approved. The motion carried

by the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

The following individual(s) spoke and did not indicate a position on this item:

- *Sanjiv Handa*

The following individual(s) spoke in favor of this item:

- *Bob Montgomery*

The Oakland City Council directed staff to schedule through the Rules and

Legislation Committee a discussion regarding Zoo operations and return to the

April 19, 2005 City Council meeting with a Resolution that waives the living

wage requirement.; 7 Ayes

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21

Subject: Gray and Reynolds Properties, Inc. Tax Sharing Agreement

From: Community and Economic Development Agency

Recommendation: Adopt an Agency Resolution authorizing an owner participation agreement

with Gray and Reynolds Properties, Inc., and a limited rebate of future sales taxes from boat

tenants to assist in the development financing of a mixed-use boat mall and office project at 1211

Embarcadero Drive, and authorizing annual agency tax rebate payments for the project (TITLE

CHANGE) (04-0912)

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

Votes:

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Reid and Councilmember Chang

ORA Resolution Number 2005-0019 C.M.S.

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

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[2005-0019 CMS.pdf](#)

Subject: Gray and Reynolds Properties, Inc. Tax Sharing Agreement

From: Office of the City Auditor

Recommendation: Receive a Report from the City Auditor on a Resolution authorizing an owner

participation agreement with Gray and Reynolds Properties, Inc., and a limited rebate of future

sales taxes from boat tenants to assist in the development financing of a mixed-use boat mall and

office project at 1211 Embarcadero Drive, and authorizing annual agency tax rebate payments for

the project (TITLE CHANGE) (04-0912-1)

A motion was made by Councilmember Reid, seconded by President of the

Council De La Fuente, that this matter be *Received and Filed. The

motion carried by the following vote:

Votes:

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Reid and Councilmember Chang

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22

Subject: Home Maintenance Improvement Program (HMIP)

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution (1) modifying the Home Maintenance and Improvement

Program to increase the maximum loan amount from \$40,000 to \$75,000, and increase the

interest rate from 0% to 3%, and (2) modifying the minor home repair program to increase the

maximum grant from \$1,500 to \$2,499 (05-0084)

A motion was made by Councilmember Brooks, seconded by

Councilmember Reid, that this matter be Adopted. The motion carried by

the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79136 C.M.S.

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23

NUMBER NOT USED

24

Subject: Motorola, Inc. - Contract

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Administrator to amend, extend, and

execute a contract with Motorola, Inc. for an amount not to exceed thirty-six thousand nine

hundred thirty-three dollars and twelve cents (\$36,933.12) to provide maintenance, repair, and

technical support services for the Police Department's wireless network equipment, for the period

of April 1, 2005 through March 31, 2006, for a total contract amount of seventy-two thousand

seven hundred eighty-eight dollars and twelve cents (\$72,788.12) (TITLE CHANGE) (05-0142)

A motion was made by Councilmember Reid, seconded by Councilmember

Quan, that this matter be Adopted. The motion carried by the following

vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79137 C.M.S.

The following individual(s) spoke and did not indicate a position on this item:

- *Sanjiv Handa*

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25

Subject: Race and Gender Disparity Evaluation and Study (Croson Study)

From: Office of the City Attorney/Council President De La Fuente

Recommendation: Adopt a Resolution authorizing the City Administrator to set aside \$550,000 (

including a 10% contingency) in the Non-departmental budget within the General Purpose Fund,

in a special project to fund the race and gender disparity evaluation and study; the set-aside will

be paid for with the year-end General Purpose Fund surplus projected for fiscal year 2004-2005 (

05-0033-1)

A motion was made by Councilmember Reid, seconded by Councilmember

Quan, that this matter be Adopted as Amended Agency/Councilmember

Reid made a motion, seconded by Agency/Councilmember Quan, to adopt

the Resolution as amended on Item 25 to amend the amount of the set-

aside funds to \$500,000, and hearing no objections, the motion passed by

Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid,

Quan, and President of the Council De La Fuente -7

The motion carried by the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79138 C.M.S.

The following individual(s) spoke and did not indicate a position on this item:

- *Sanjiv Handa*

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26

Subject: Community Policing Advisory Board - Appointment

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Jose Corona as a member of the Community

Policing Advisory Board (05-0218)

A motion was made by Councilmember Quan, seconded by

Councilmember Reid, that this matter be Adopted. The motion carried by

the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79139 C.M.S.

The following individual(s) spoke and did not indicate a position on this item:

- *Sanjiv Handa*

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27

Subject: Parks and Recreation Advisory Board - Appointment

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Holly McClure as a member of the Parks and

Recreation Advisory Board (05-0215)

A motion was made by Councilmember Quan, seconded by

Councilmember Reid, that this matter be Adopted. The motion carried by

the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Reid, Councilmember Nadel,

Councilmember Chang, Councilmember Brooks, Councilmember Quan,

Councilmember Brunner and President of the Council De La Fuente

Resolution Number 79140 C.M.S.

The following individual(s) spoke and did not indicate a position on this item:

- *Sanjiv Handa*

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28

Subject: Commission on Aging - Appointment

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Alphonso Galloway to the Commission on

Aging (05-0216)

A motion was made by Councilmember Quan, seconded by

Councilmember Reid, that this matter be Adopted. The motion carried by

the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79141 C.M.S.

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Subject: Budget Advisory Committee - Appointment

From: Councilmember Chang

Recommendation: Adopt a Resolution re-appointing Thomas H. Doctor as a member of the

Budget Advisory Committee (05-0217)

A motion was made by Councilmember Quan, seconded by

Councilmember Reid, that this matter be Adopted. The motion carried by

the following vote:

Votes:

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 79142 C.M.S.

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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)

There being no further business, and upon the motion duly made, the Agency/

Council adjourned the meeting in memory of

Frank Katsumura at 11:30 p.m.

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