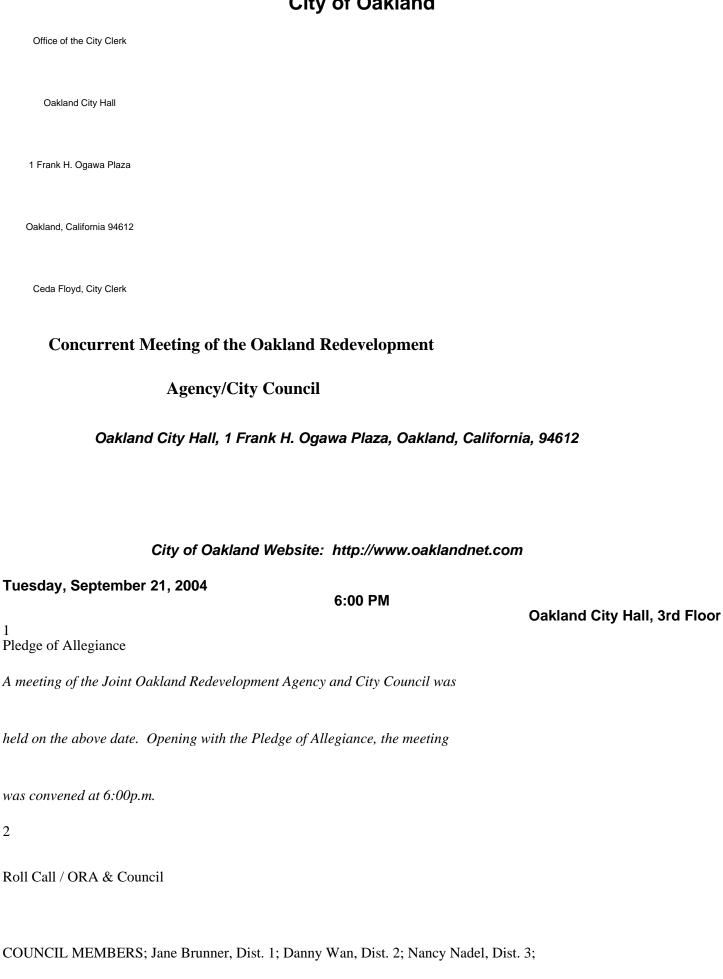
Meeting Minutes City of Oakland



2

Jean Quan, Dist. 4; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; Vice Mayor Henry Chang,
At-Large, and President Ignacio De La Fuente, Dist. 5
3 Open Forum / Citizens Comments
(Time Available: 15 minutes)
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Present: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
The following individual(s) spoke during Open Forum:

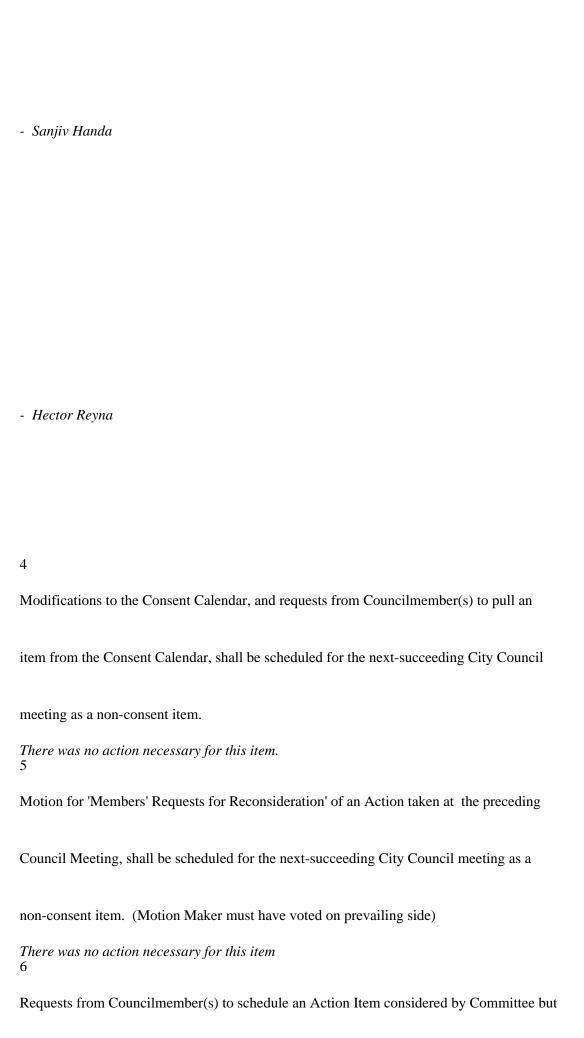
-	Hugh Bassette
_	Ondrietta Johnson
_	Marilyn Green

Leo Handy, Jr.
Al Marshall

- Steve Bristow

-	Dwight McElroy	
-	Brad Walters	
-	Sequonite Buggs	

- Aaron McGee		
- Demarrie Bradley		
- Darnell Levingston		



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 July 20, 2004
A motion was made by Councilmember Reid, seconded by Vice Mayor
Chang, to *Approve as Submitted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
8. PRESENTATION OF CEREMONIAL MATTERS 8.1
Subject: First Carfree Day
From: Councilmember Nancy Nadel
Recommendation: Adopt a Resolution proclaiming Thursday, September 23, 2004, as the City

of Oakland's First Carfree Day to encourage transportation alternatives to driving alone
(04-0679)
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 Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78779 C.M.S.
Council Report Item 8.1 9-21-04.pdf,
Resolution 78779.pdf 8.2
Subject: Sandra Marburg - Service Recognition
From: Councilmember Reid
Recommendation: A Proclamation honoring Sandra Marburg for her dedicated participation in

the Keep Oakland Beautiful Program (04-0589)
A motion was made by Councilmember Reid, seconded by Vice Mayor
Chang, that this matter be Approved. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Council Report Item 8.2 9-21-04.pdf,
Proclamation.pdf 8.3
Subject: Honoring Andre Ward for Winning the Gold Medal
From: Council President De La Fuente and Councilmember Reid

Light Heavyweight Division of the 2004 Olympics in Athens Greece (04-0705)

Recommendation: Adopt a Resolution honoring Andre Ward for winning the Gold Medal in the

A motion was made by Councilmember Reid, seconded by Vice Mayor

vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78780 C.M.S. Resolution 78801.pdf S-8.4
Subject: Marriage Equality Express Day
From: Councilmember Wan
Recommendation: Adopt a Resolution congratulating the Marriage Equality Express on its
Cross-country Educational Expedition and declaring October 4, 2004 Marriage Equality
Express Day (04-0729)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78781 C.M.S
Agency/Councilmember Wan made a motion, seconded by
Agency/Councilmember Brunner to approve an urgency finding pursuant to
1150m y/ Communication Diminist to approve an argency finance parsault to

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

Section 2.20.080 E(2) regarding Item S-8.4 that there is a need to take
immediate action which came to the attention of the local body after the agenda
was posted, and that the need to take immediate action relates to a purely
ceremonial or commendatory action.
Resolution 78781.pdf 9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS
Agency/Councilmember Brooks took a point of personal privilege and
requested that the meeting be adjourned in memory of Chuck Johnson and Anna

Mae Bernadette Bell.	
Agency/Councilmember De La Fuente took a point of personal privilege and	
requested that the meeting be adjourned in memory of Samuel Gene Guintini	

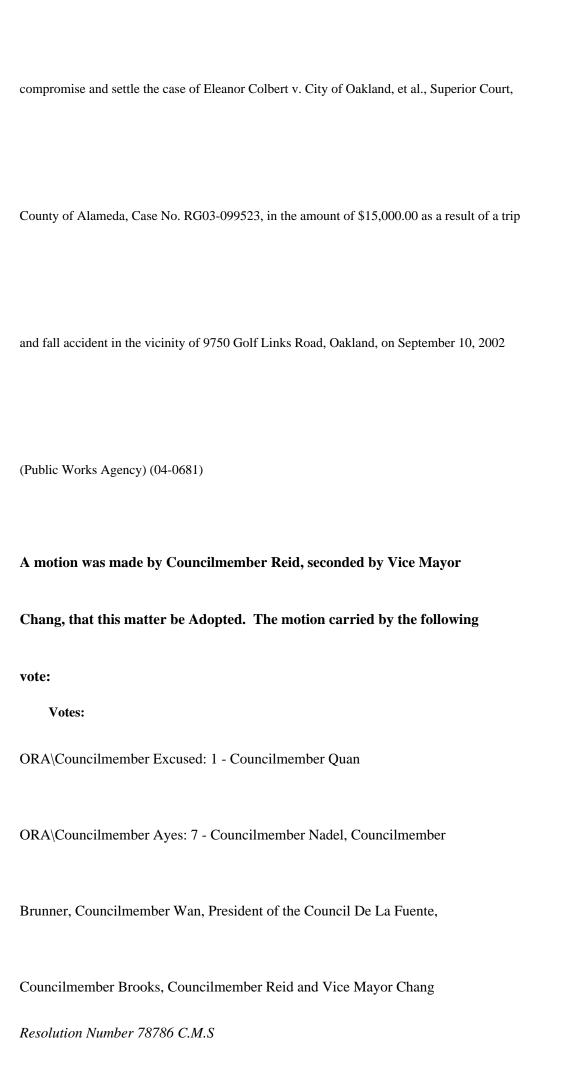
Agency/Councilmember Reid took a point of personal privilege and requested
that the meeting be adjourned in memory of Sargeant Bob Crawford's daughter
and the Honorable Charles Lewis.
10. CONSENT CALENDAR (CC) ITEMS: 10.1CC
Subject: Declaration of a Local Emergency due to AIDS epidemic
From: Office of 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

A motion was made by Councilmember Reid, seconded by Vice Mayor
Chang, that this matter be Adopted. The motion carried by the following
vote: Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78784 C.M.S
The following individual spoke in favor of this item:
- Darnell Livingston
Council Report Item 10.1CC 9-21-04.pdf,
Resolution 78784.pdf 10.2CC

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 (04-0688)
A motion was made by Councilmember Reid, seconded by Vice Mayor
Chang, that this matter be Adopted. The motion carried by the following
vote:
vote: Votes:
Votes:
Votes: ORA\Councilmember Excused: 1 - Councilmember Quan
Votes: ORA\Councilmember Excused: 1 - Councilmember Quan ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

The following individual spoke in favor of this item:
- Darnell Livingston
Council Report Item 10.2CC 9-21-04.pdf,
Resolution 78783.pdf 10.3CC
Subject: Carrie A. Peters - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt a Resolution authorizing and directing the City Attorney to
compromise and settle the claim of Geico Insurance as subrogee of Carrie A. Peters in the
amount of \$7,630.00 as a result of a vehicle collision involving a City vehicle (OPD) (04-0683)
A motion was made by Councilmember Reid, seconded by Vice Mayor
Chang, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78785 C.M.S
The following individual spoke and did not indicate a position on this item:
- Sanjiv Handa
Council Report Item 10.3CC 9-21-04.pdf,
Resolution 78785.pdf 10.4CC
Subject: Eleanor Colbert - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt a Resolution authorizing and directing the City Attorney to



Council Report Item 10.4CC 9-21-04.pdf, Resolution 78786.pdf 10.5CC Subject: Caffie Jones - Settlement Agreement From: Office of the City Attorney Recommendation: Adopt a Resolution authorizing and directing the City Attorney to compromise and settle the bodily injury claim of Caffie Jones in the amount of \$6,000.00 as a result of a vehicle collision involving a city vehicle (OPD) (04-0682) A motion was made by Councilmember Reid, seconded by Vice Mayor Chang, that this matter be Adopted. The motion carried by the following vote: Votes: ORA\Councilmember Excused: 1 - Councilmember Quan ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

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

Resolution Number 78787 C.M.S
The following individual spoke and did not indicate a position on this item:
- Sanjiv Handa
Council Report Item 10.5CC 9-21-04.pdf,
Resolution 78787.pdf 10.6CC
Subject: Stephanie Brill - 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 Stephanie Brill v. City of Oakland, et al., Alameda County

case involves a trip and fall accident on a broken portion of sidewalk. (Office of Public Works

Superior Court Case No. RG03-080168, our file no. 22393, in the amount of \$9,000.00. this

10.7CC

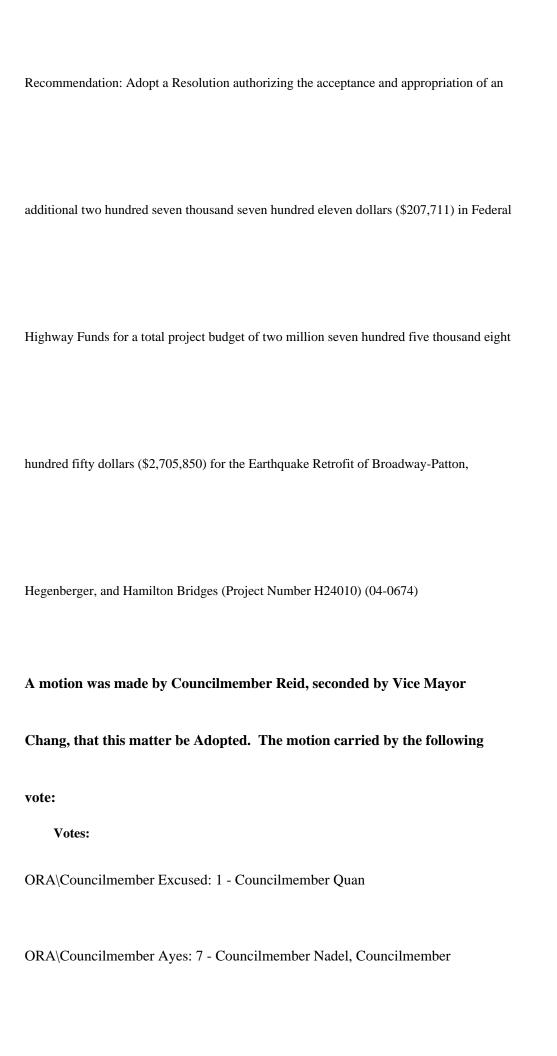
A motion was made by Councilmember Reid, seconded by Vice Mayor
Chang, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78788 C.M.S
The following individual spoke and did not indicate a position on this item:
- Sanjiv Handa
Council Report Item 10.6CC 9-21-04.pdf,
Resolution 78788.pdf

Subject: Tract Map No. 7500
From: Community and Economic Development Ageny
Recommendation: Adopt a Resolution approving final map of Tract Map No. 7500, a seven lot
subdivision located at Bernhardt Drive, Oakland, Alameda County, California (04-0680)
A motion was made by Councilmember Reid, seconded by Vice Mayor
Chang, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78789 C.M.S
Council Report Item 10.7CC 9-21-04.pdf,
Resolution 78789.pdf
10.8CC
Subject: Combined Charities Campaign for 2005

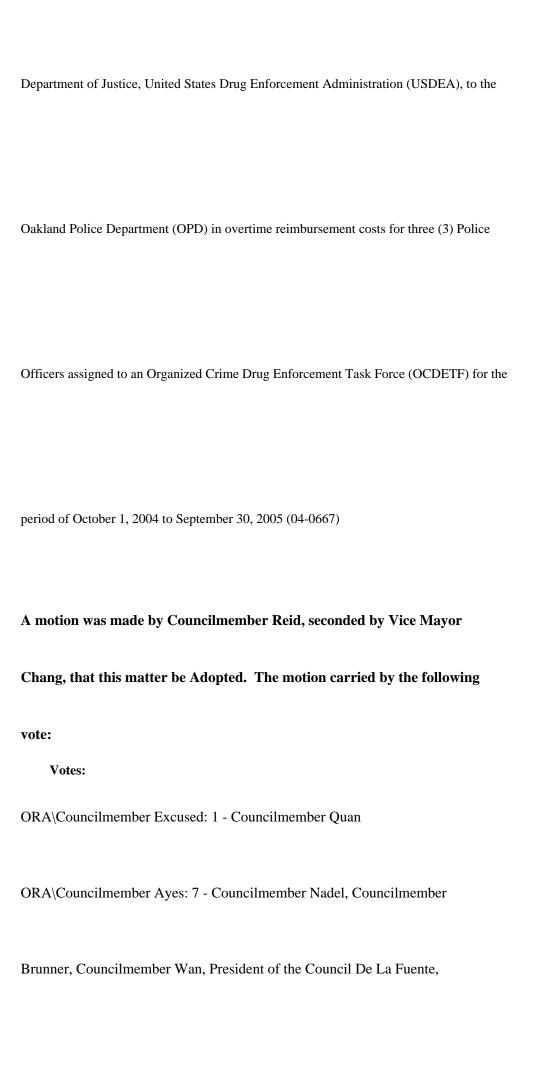
Community and Economic Development Agency

From:

Recommendation: Adopt a Resolution supporting the Combined Charities Campaign for 2005
(04-0690)
A motion was made by Councilmember Reid, seconded by Vice Mayor
Chang, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78790 C.M.S
Council Report Item 10.8CC 9-21-04.pdf,
Resolution 78790.pdf S-10.9CC
Subject: Earthquake Retrofit of Designated Bridges
From: Public Works Agency



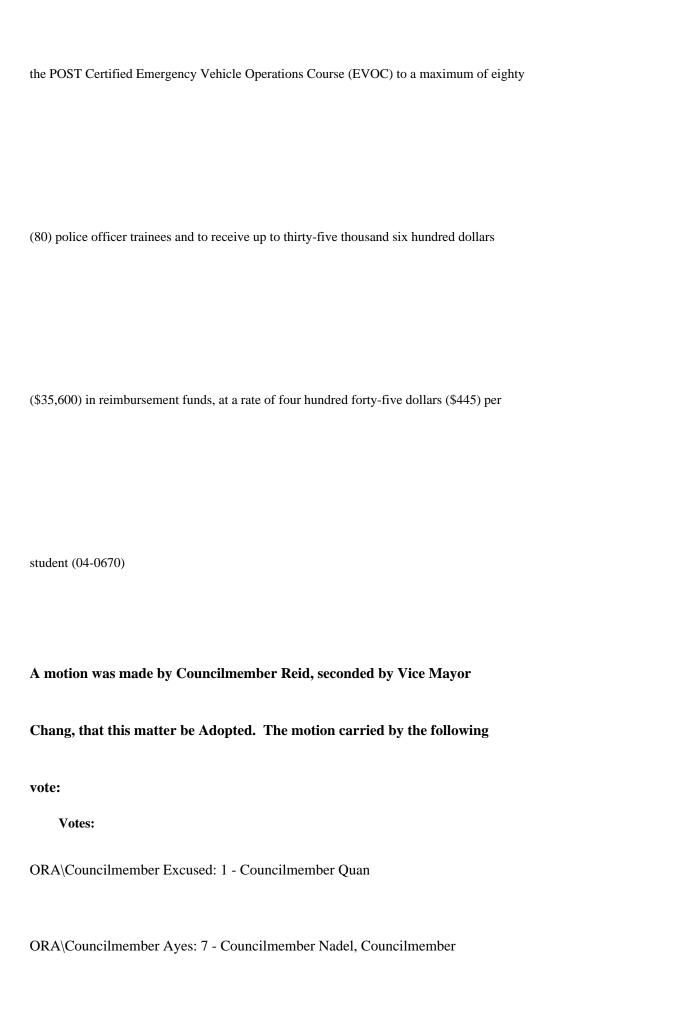
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78791 C.M.S
Committee Report Item 3 for 9-14-04.pdf,
Supplemental Council Report 10.9CC 9-21-04.pdf,
Resolution 78791.pdf
S-10.10CC
Subject: Overtime Reimbursement Costs
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing the City Administrator to accept and
appropriate a maximum of twelve thousand dollars (\$12,000) in Federal Funds from the



Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78792 C.M.S
Committee Report Item 3 9-14-04.pdf,
Supplemental Council Report 10.10CC 9-21-04.pdf,
Resolution 78792.pdf
S-10.11CC
Subject: Certified Academy Recruit Training Officer Course
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing the City Administrator, on behalf of the City
of Oakland, to execute an agreement with the California Commission on Peace Officer
Standards and Training (POST) for the purpose of permitting the Police Department to present

the POST Certified Academy Recruit Training Officer Course up to three times to a maximum
cumulative total of seventy-two (72) students, and to receive up to eight thousand four hundred
fifty-three dollars and eighty-two cents (\$8,453.82) in reimbursement funds (04-0669)
A motion was made by Councilmember Reid, seconded by Vice Mayor Chang, that this matter be Adopted. The motion carried by the following
wata
vote: Votes:
Votes:
Votes: ORA\Councilmember Excused: 1 - Councilmember Quan
Votes: ORA\Councilmember Excused: 1 - Councilmember Quan ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Votes: ORA\Councilmember Excused: 1 - Councilmember Quan ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, President of the Council De La Fuente,

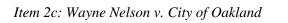
Supplemental Council Report 10.11CC 9-21-04.pdf, Resolution 78793.pdf S-10.12CC POST Certified Emergency Vehicle Operations Course (EVOC) Subject: Oakland Police Department From: Recommendation: Adopt a Resolution authorizing the City Administrator, on behalf of the City of Oakland, to execute an agreement with the California Commission on Peace Officer Standards and Training (POST) for the purpose of permitting the Police Department to present



Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78794 C.M.S
Committee Report Item 5 9-14-04.pdf,
Supplemental Council Report 10.12CC 9-21-04.pdf,
Resolution 78794.pdf
S-10.13CC
Subject: Global Warming
From: Councilmember Nadel
Recommendation: Adopt a Resolution in Support of California's Law to reduce Global
Warming pollution from passenger cars and light trucks (04-0655)
A motion was made by Councilmember Reid, seconded by Vice Mayor
Chang, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan,	President of the Council De La Fuente,
Councilmember Brooks, Counci	lmember Reid and Vice Mayor Chang
Resolution Number 78782 C.M.S.	S
Committee Report - Item 8 - 9-1	6-04.pdf,
Supplemental Council Report 10).13CC 9-21-04.pdf,
Resolution 78782.pdf	
11	
An oral report from the Agency	Counsel / City Attorney of final decisions made during
Closed Session	
A motion was made by Counci	lmember Reid, seconded by Vice Mayor
Chang, to *Approve as Submit	ted. The motion carried by the following
Chang, to *Approve as Submit	ted. The motion carried by the following
	ted. The motion carried by the following
vote:	
vote: Votes: ORA\Councilmember Excused:	
vote: Votes: ORA\Councilmember Excused: ORA\Councilmember Ayes: 7 -	1 - Councilmember Quan
vote: Votes: ORA\Councilmember Excused: ORA\Councilmember Ayes: 7 -	1 - Councilmember Quan Councilmember Nadel, Councilmember
vote: Votes: ORA\Councilmember Excused: ORA\Councilmember Ayes: 7 -	1 - Councilmember Quan Councilmember Nadel, Councilmember President of the Council De La Fuente,



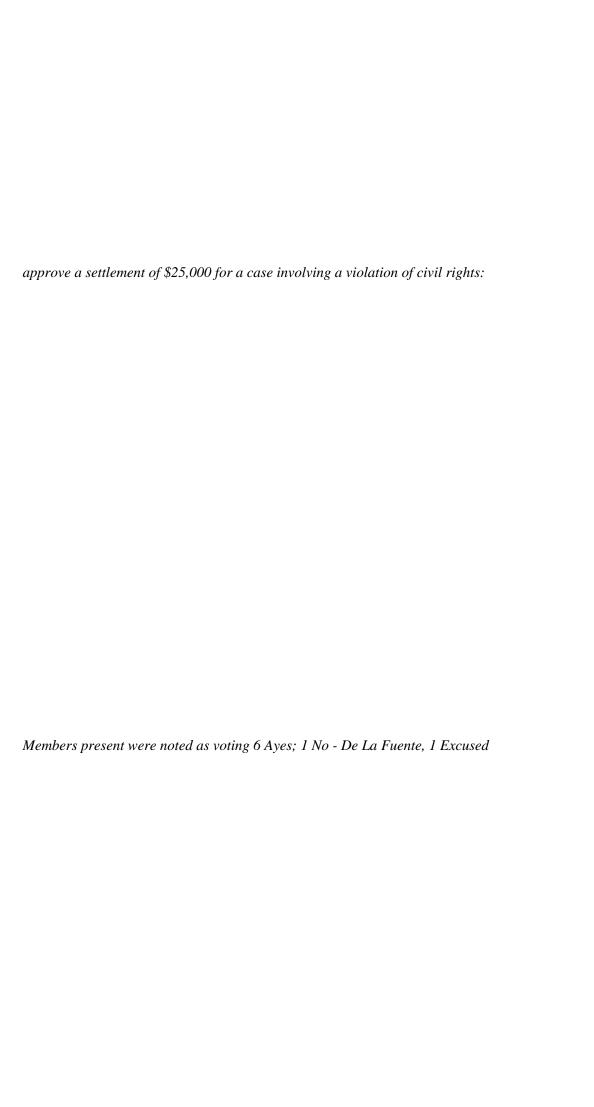






Item 2d: Wayne Johnson v. City of Oakland





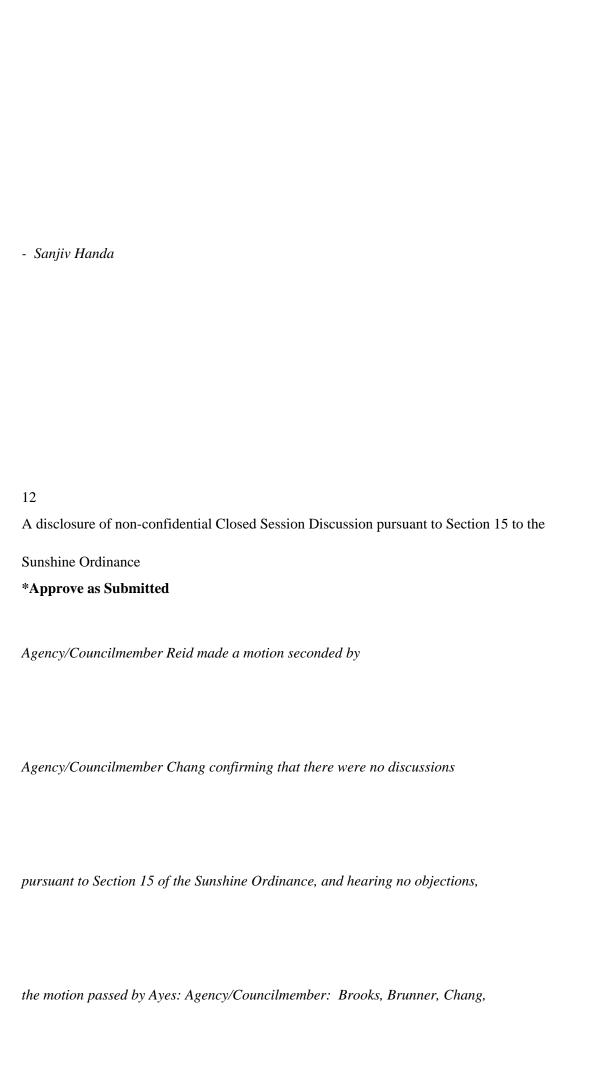
- Quan





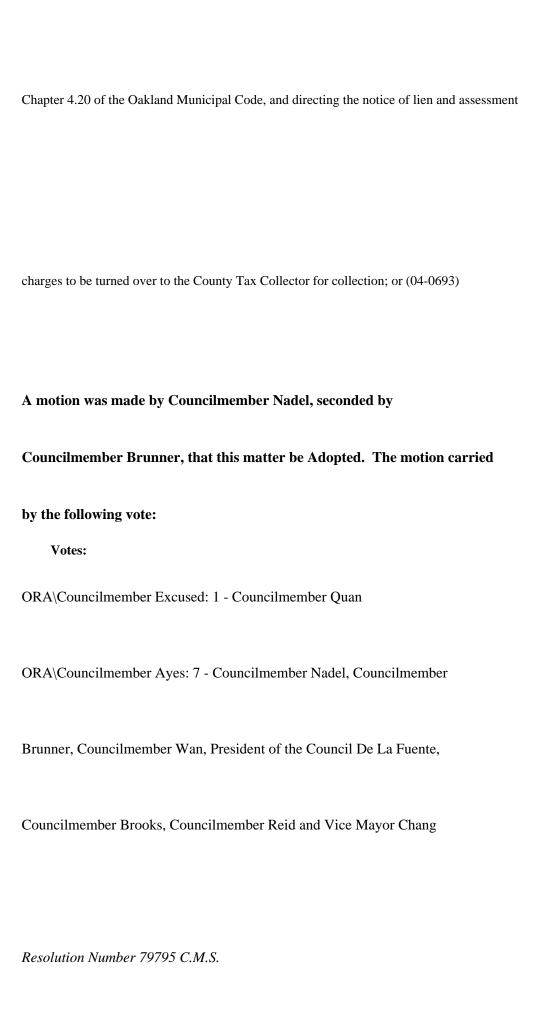


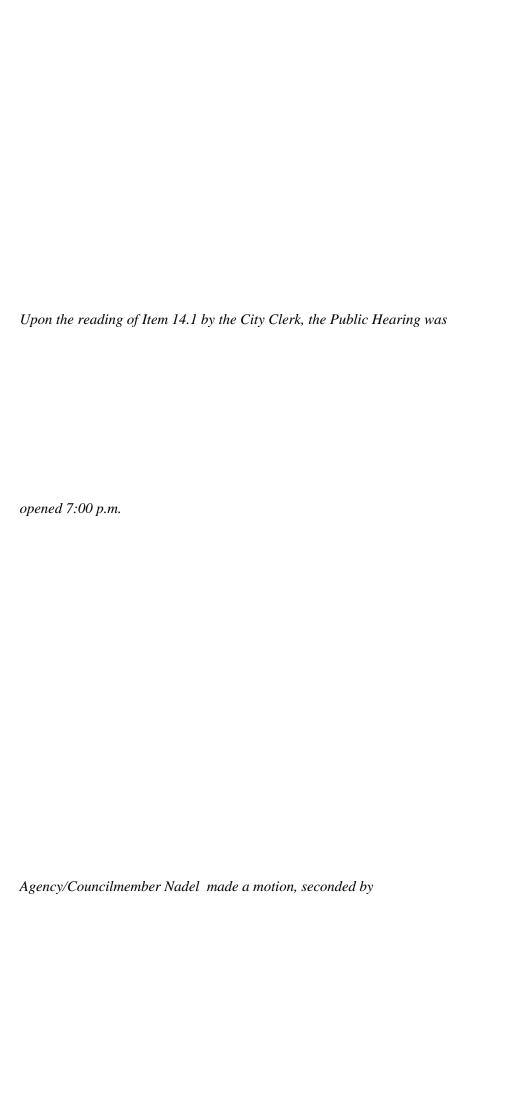




Nadel, Reid, Wan and President of the Council De La Fuente -7, Excused - 1
Quan
COMMENCING AT 7:00 P.M. OR AS SOON AS REASONABLY PRACTICAL
THEREAFTER: 13 Reconsideration of Ordinances pursuant to Charter Section 216 There was no action necessary for this item. 14. Consideration of items with statutory Public Hearing Requirements: 14.1
Subject: Delinquent 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

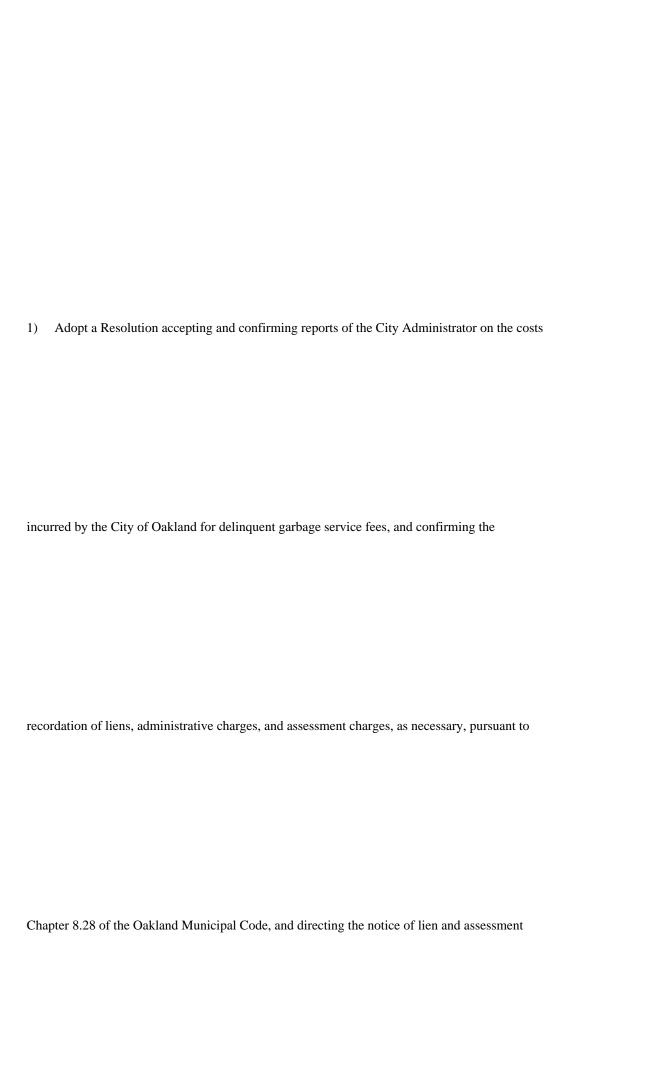




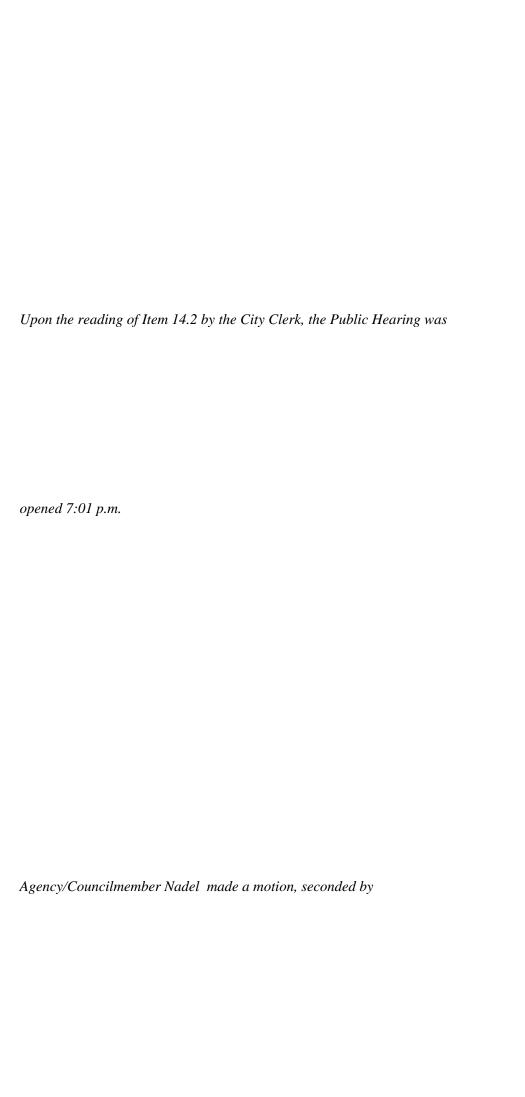
Agency/Councilmember Brooks, to close the Public Hearing, and hearing no
objections, the motion passed by Ayes: Agency/Councilmember: Brooks,
Brunner, Chang, Nadel, Reid, Wan and President of the Council De La Fuente
-7, 1 Excused - Quan
Council Report Item 14.1 9-21-04.pdf 2) Adopt a Resolution overruling protests and objections, and accepting and confirming
reports of the City Administrator on the costs incurred by the City of Oakland for delinquent

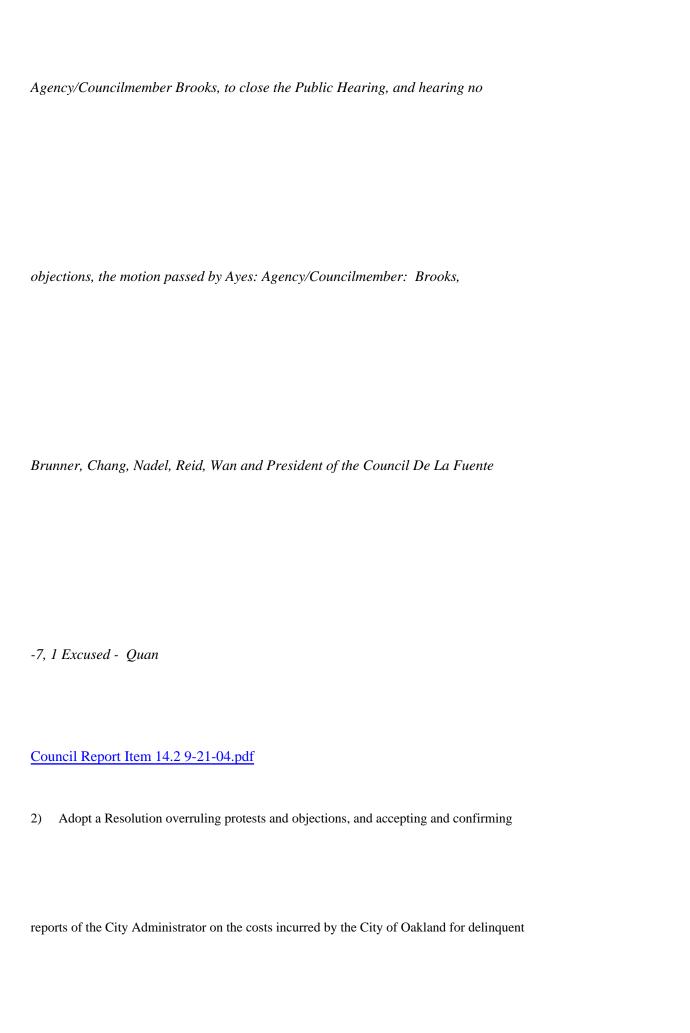
real proper	rty transfer taxes, and authorizing the recordation of liens, administrative charges as
necessary	- pursuant to Chapter 4.20 of the Oakland Municipal Code, and directing the notice
of lien and	d assessment charges to be turned over to the County Tax Collector for collection; or
(04-0693a	
Not Adop Council F	pted Report Item 14.1.pdf
3) Adop	ot a Resolution continuing hearing on reports of the City Administrator on the
delinquent	t real property transfer taxes and confirming the recordation of liens, admininstrative
charges, an	nd 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 Alame	eda County Tax Collector for collection (04-0693b)
Not Adop Council F 14.2	pted Report Item 14.1.pdf

Subject:	Delinquent Mandatory Garbage Fees - Public Hearing
From:	Finance and Management Agency
Recomm	endation: Conduct a Public Hearing regarding Delinquent Mandatory Garbage Fees
for Janua	ry - March 2004, monthly accounts and April - June 2004 monthly accounts and upon
conclusio	on adopt one of the following Resolutions:



charges to be turned over to the County Tax Collector for collection; or (04-0694)
A motion was made by Councilmember Nadel, seconded by
Councilmember Brunner, that this matter be Adopted. The motion carried
by the following vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78796 C.M.S.





garbage servic	re fees, and authorizing the recordation of liens, administrative charges, as
necessary, pur	suant to Chapter 8.28 of the Oakland Municipal Code, and directing the notice of
lien and assess	sment charges to be turned over to the County Tax Collector for collection; or
(04-0694a)	
Not Adopted	l ort Item 14.2.pdf
3) Adopt a	Resolution continuing hearing on reports of the City Administrator on the
delinquent gar	bage service fees, and confirming the recordation of liens, administrative
charges, and a	ssessment charges, as necessary, pursuant to Chapter 8.28 of the Oakland
Municipal Coo	de, and directing the notice of lien and assessment charges to be turned over to
the Alameda C	County Tax Collector for collection (04-0694b)
Not Adopted Council Repo	ort Item 14.2.pdf

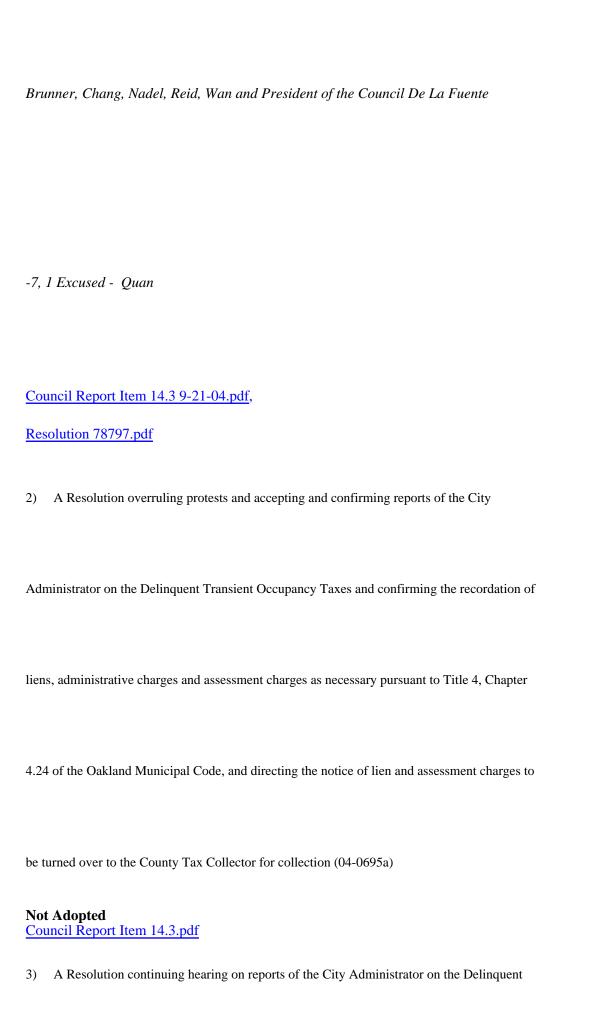
Subject:	Delinquent Transient Occupancy Taxes - Public Hearing
From:	Finance and Management Agency
Recomme	endation: Conduct a Public Hearing regarding the assessment of liens for Delinquent
Transient	Occupancy Taxes and upon conclusion adopt one of the following Resolutions:

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 (04-0695)
A motion was made by Councilmember Nadel, seconded by
Councilmember Brunner, that this matter be Adopted. The motion carried

by the following vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78797 C.M.S.

Upon the reading of Item 14.3 by the City Clerk, the Public Hearing was

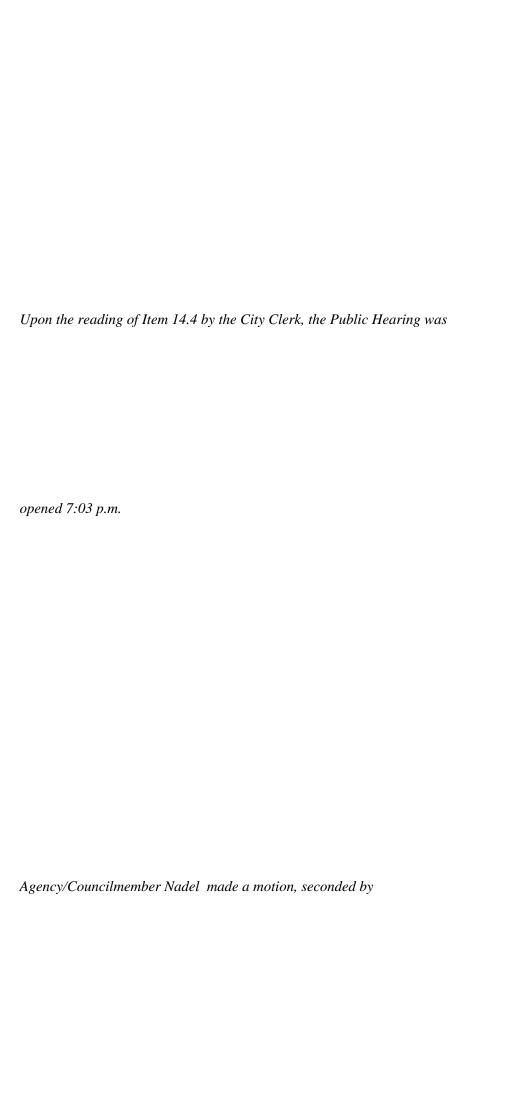


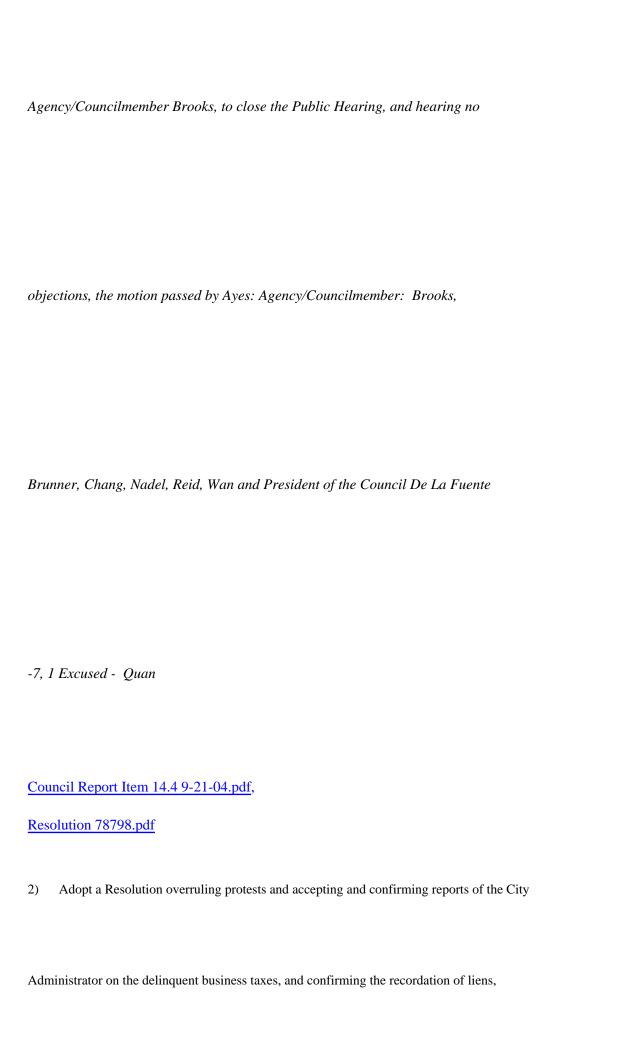


Transient Occupancy Taxes and confirming the recordation of liens, administrative charges and
assessment charges as necessary pursuant to Title 4, Chapter 4.24 of the Oakland Municipal
Code (04-0695b)
Not Adopted Council Report Item 14.3.pdf 14.4
Subject: Delinquent Business Taxes - Public Hearing
From: 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 (04-0696)
A motion was made by Councilmember Nadel, seconded by
Councilmember Brunner, that this matter be Adopted. The motion carried
by the following vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78798 C.M.S.



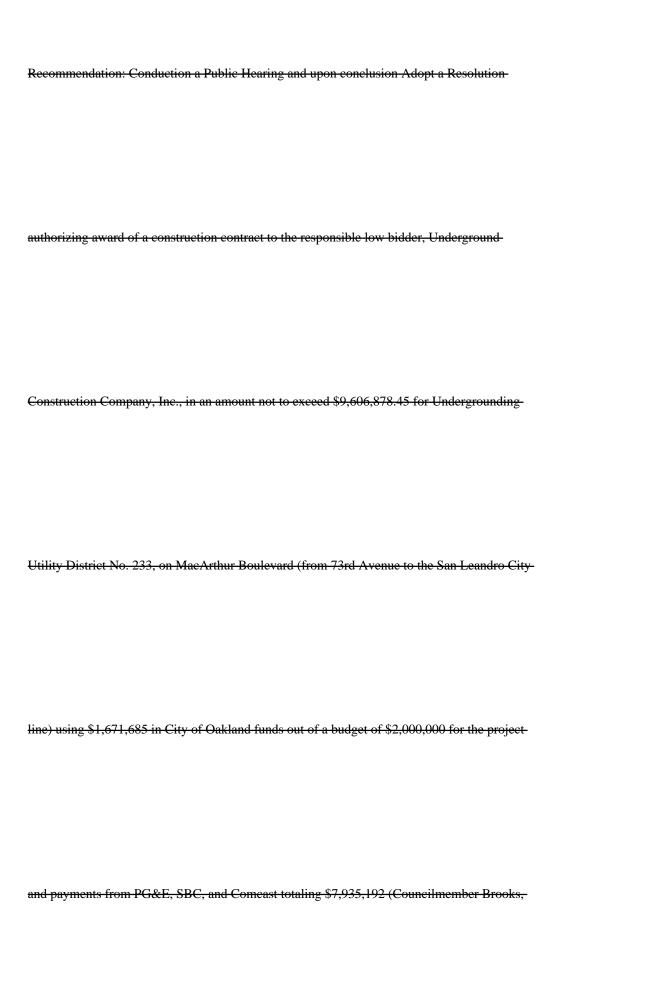


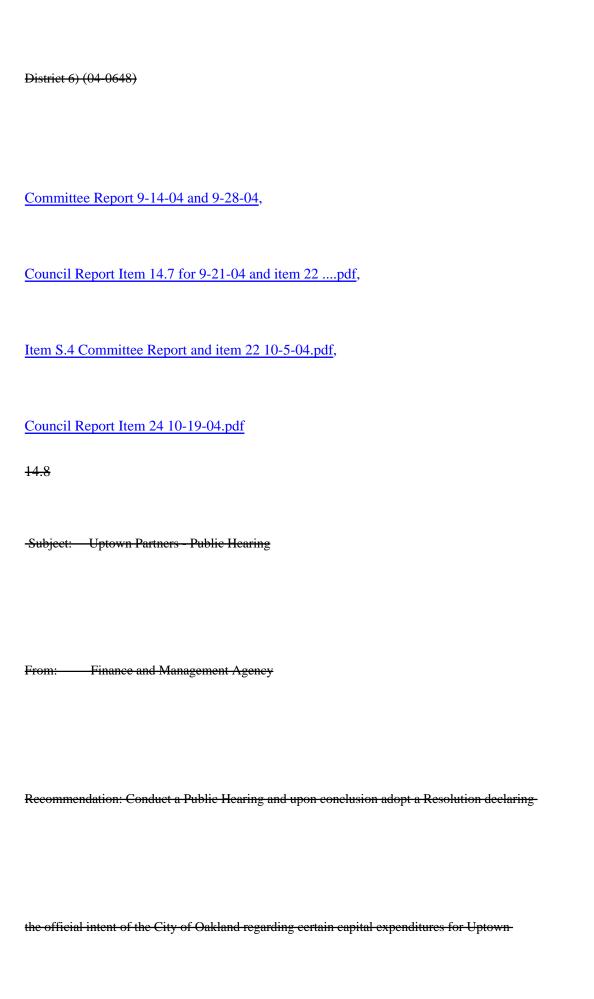
administrative charges, and assessment charges as necessary, pursuant to Title 5, Chapter 5.04
of the Oakland Municipal Code, and directing the notice of lien and assessment charges to be
turned over to the County Tax Collector for collection; or (04-0696a)
Not Adopted Council Report Item 14.4.pdf
3) 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 (04-0696c)
Not Adopted Council Report Item 10.3CC 9-21-04.pdf 14.5
-Subject: On Broadway Permit Revocation - Public Hearing
From: Office of the City Administrator
Recommendation: Conduct a Public Hearing and upon conclusion approve the
recommendation to revoke the "On Broadway" cabaret permit and deny the appeal of Charles-

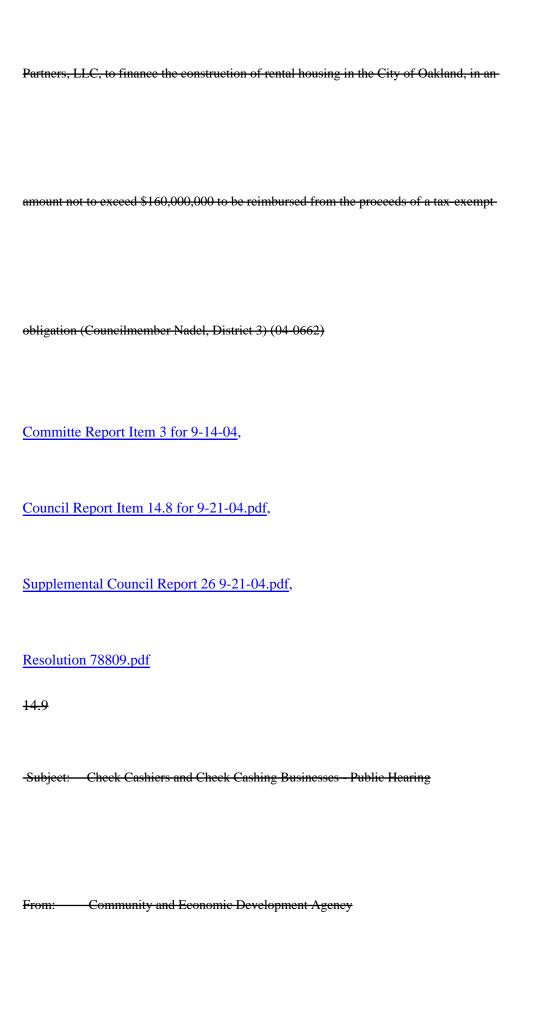
Council Report Item 14.5 9-21-04.pdf 14.6
Subject: Tree Permit Appeal-4437 Mountain View Avenue - Public Hearing
From: Office of Parks and Recreation
Recommendation: Conduct a Public Hearing and upon conclusion adopt a Resolution denying
the appeal filed by Guy Moore and Shirley Leonard-Moore against the decision of the Director
of the Office of Parks and Recreation approving the issuance of a tree removal permit -
DR04-021 at 4455 - Mountain View Avenue (Councilmember Brooks - District 6) (04-0524)
A motion was made by Councilmember Brunner, seconded by
Councilmember Nadel, that this matter be Adopted. The motion carried
by the following vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78799 C.M.S.
The following individual spoke in favor of this item:
- Shirley Moore
Council Report Item 14.6 9-21-04.pdf,
Supplemental Council Report 14.6 9-21-04.pdf,
Resolution 78799.pdf
14.7
-Subject: MacArthur Boulevard Utility Undergrounding Public Hearing

From: Public Works Agency







Recommendation: Conduct a Public Hearing and upon conclusion approve the Introduction
(First Reading) of an Ordinance amending the Oakland Planning Code to add a new use-
elassification and amend related code sections to regulate check cashiers and or check cashing
businesses and limiting where such activities may be permitted (Vice Mayor Chang, City wide)
(04-0650)
Committee Report Item 5 9-14-04,
Council Report Item 14.9 9-21-04.pdf,
<u>Item 14.1 10-05-04 and item 17 10-19-04.pdf</u> <u>ACTION ON NON-CONSENT ITEMS:</u> 15
Subject: Ratification of the Mayor's Actions During 2004 Recess
From: Office of the City Clerk

Recommendation: Adopt a Resolution ratifying action taken by the Mayor during the Oakland
City Council 2004 Annual Recess in conformance with Resolution Number 78307 C.M.S.
dated January 20, 2004 (04-0689)
A motion was made by Councilmember Reid, seconded by Councilmember
Wan, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78800 C.M.S.
The following individual spoke and did not indicate a position on this item:

Council Report Item 15 9-21-04.pdf 16
Subject: Interstate-880 North Safety Improvement Project
From: Council President De La Fuente
Recommendation: Adopt a Resolution designating the Alameda County Congestion
Management Agency (ACCMA) as the lead project sponsor and implementing agency for the
Interstate-880 North Safety Improvement Project, with Oakland's Community and Economic
Development Agency as an active partner that ACCMA will consult and include in all material
discussions. (04-0691)

- Sanjiv Handa

A motion was made by Councilmember Reid, seconded by Councilmember
Nadel, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78801 C.M.S.
Council Report Item 16 9-21-04.pdf,
Resolution 78801.pdf 17
Subject: Oakland Chinatown Advisory Committee Appointments
From: Councilmember Wan

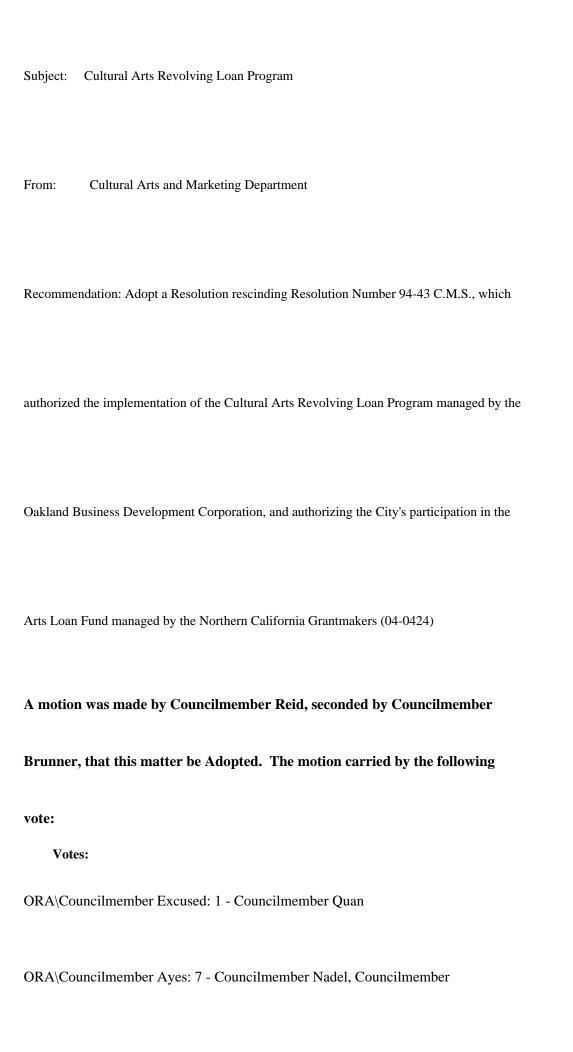
Recommendation: Adopt a Resolution appointing Colland Jang and Christopher Tom as the
City of Oakland representatives and Willie Yee as an alternate representative on the Oakland
Chinatown Advisory Committee, per the settlement agreement in the matter of the City of
Oakland v. City of Alameda Point (Alameda County Superior Court case number
RG-03133599), between the City of Oakland, City of Alameda, Asian Health Services and the
Oakland Chinatown Chamber of Commerce (Alameda Point General Plan Amendment).

(04-0692)
A motion was made by Councilmember Wan, seconded by Councilmember
Reid, that this matter be Adopted. The motion carried by the following
vote:
Votes: ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78802 C.M.S.

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

- Sanjiv Handa

Council Report Item 17 9-21-04.pdf 18



Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78803 C.M.S
Council Report Item 18 9 -21-04.pdf,
Resolution 78803.pdf 19
Subject: Nuisance Abatement Liens and Costs
From: Community and Economic Development Agency
Recommendation: Approve the Introduction (First Reading) of an Ordinance amending
Oakland Municipal Code Sections 15.08.130, 1.08.040, 1.12.040 and 1.16.040 to authorize
foreclosure proceedings to collect nuisance abatement liens and costs, and amending Oakland
Municipal Code 1.08.060 to increase the maximum annual cumulative civil penalties from

\$250,000 to \$365,000. (04-0604)
A motion was made by Councilmember Reid, seconded by Councilmember
Nadel, 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, 2004. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Nos: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,

Councilmember Reid and Vice Mayor Chang
Committee Report 7-13-04 Item 11 and Council Repor,
<u>Item 15 10-05-04.pdf</u> ,
Ordinance No.12623.pdf
20
Subject: Street Tree Protection
From: Councilmember Brunner
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending
Oakland Municipal Code Sections 12.36.010 and 12.36.090 and adding a new Section
12.04.400 for the purpose of further protecting Oakland's City-owned street trees (04-0543)
A motion was made by Councilmember Brunner, seconded by
Councilmember Nadel, that this matter be Approved for Final Passage.
The motion carried by the following vote: Votes:
v 011.5.
ORA\Councilmember Excused: 1 - Councilmember Quan

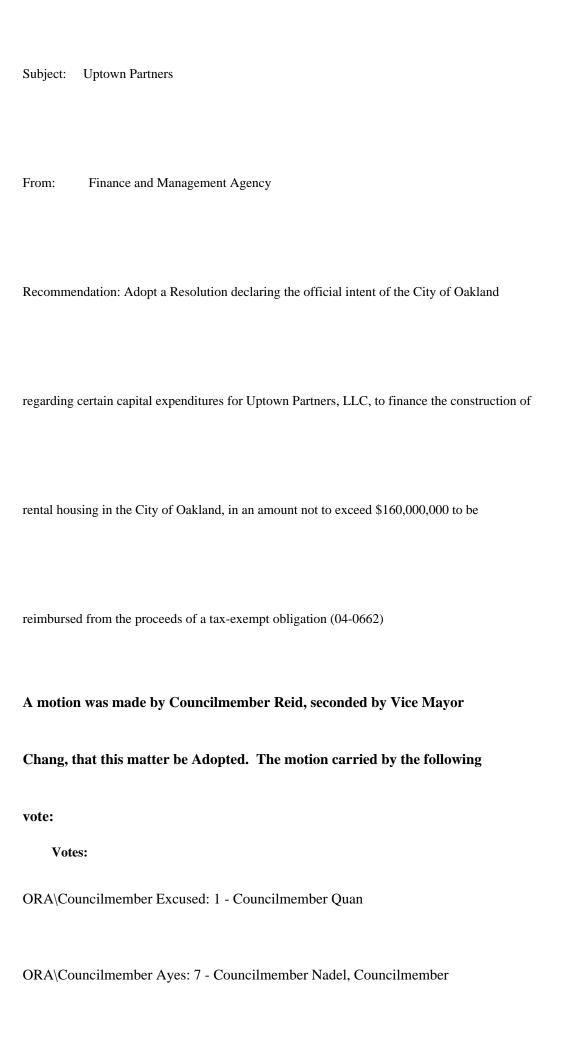
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Ordinance Number 12622 C.M.S.
Council Report 7 6-22-04.pdf,
Committee Report Item 3 7-13-04.pdf,
Council Report Item S30 7-20-04.pdf,
Council Report Item 20.pdf
21
Subject: Library Advisory Commission Appointments
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Bridget Berrigan as a member of the Library
Advisory Commission (04-0697)
A motion was made by Councilmember Nadel, seconded by
Councilmember Brunner, that this matter be Adopted. The motion carried
by the following vote:
Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78804 C.M.S. Council Report Item 21 9-21-04.pdf 22
Subject: Citizen's Police Review Board
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Angela Cheung as a member of the Citizen's
Police Review Board (04-0698)
A motion was made by Councilmember Nadel, seconded by
Councilmember Brunner, that this matter be Adopted. The motion carried
by the following vote:
Votes: ORA\Councilmember Excused: 1 - Councilmember Quan
- ,
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78805 C.M.S. Council Report Item 22 9-21-04.pdf 23
Subject: Cultural Affairs Commission Appointments
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Lolita Ratchford, Tony Caparelli, and Nicole
Neditch as a member of the Cultural Affairs Commission (04-0699)
A motion was made by Councilmember Nadel, seconded by
Councilmember Brunner, that this matter be Adopted. The motion carried
by the following vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,

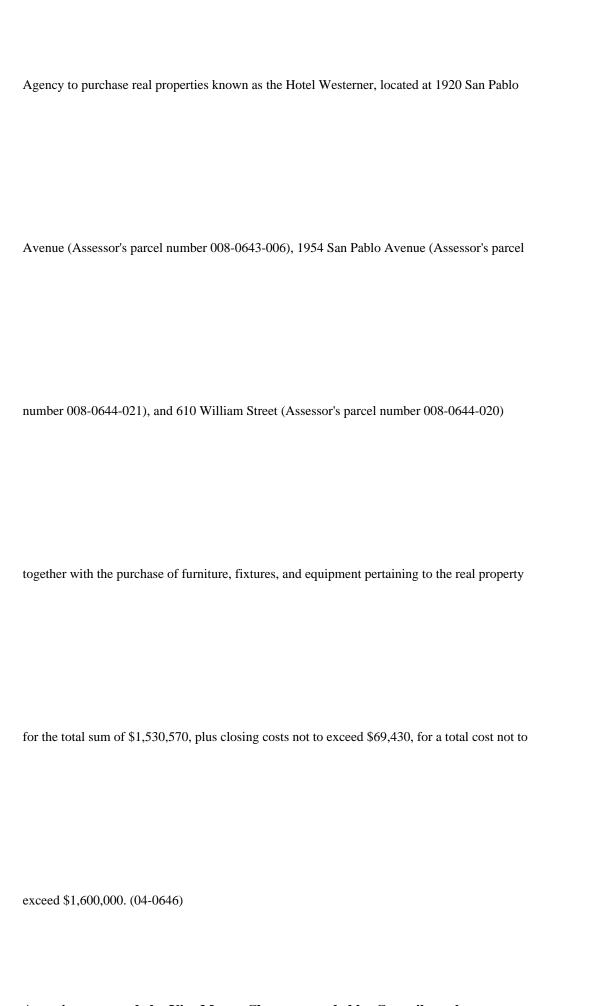
Subject: Commission on Aging - Appointments
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Ron Timpson, Brenda Crawford, James D.
Grady and Anne Spanier as members of the Commission on Aging (04-0700)
A motion was made by Councilmember Nadel, seconded by
Councilmember Brunner, that this matter be Adopted. The motion carried
by the following vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78807 C.M.S. Council Report Item 24 9-21-04. pdf S-25
Subject: Foothill Bikeway
From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City of Oakland to design and construct
the Foothill Bikeway from 36th Avenue to 41st Avenue, by reconfiguring the travel lanes from
four to three with a center turn lane, as part of the Foothill Resurfacing Project (04-0673)
A motion was made by Councilmember Reid, seconded by Councilmember
Brooks, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78808 C.M.S.
Committee Report - Item 5 for 9-14-04.pdf,
Supplemental Council Report 25 9-1-04.pdf,
Resolution 78808.pdf



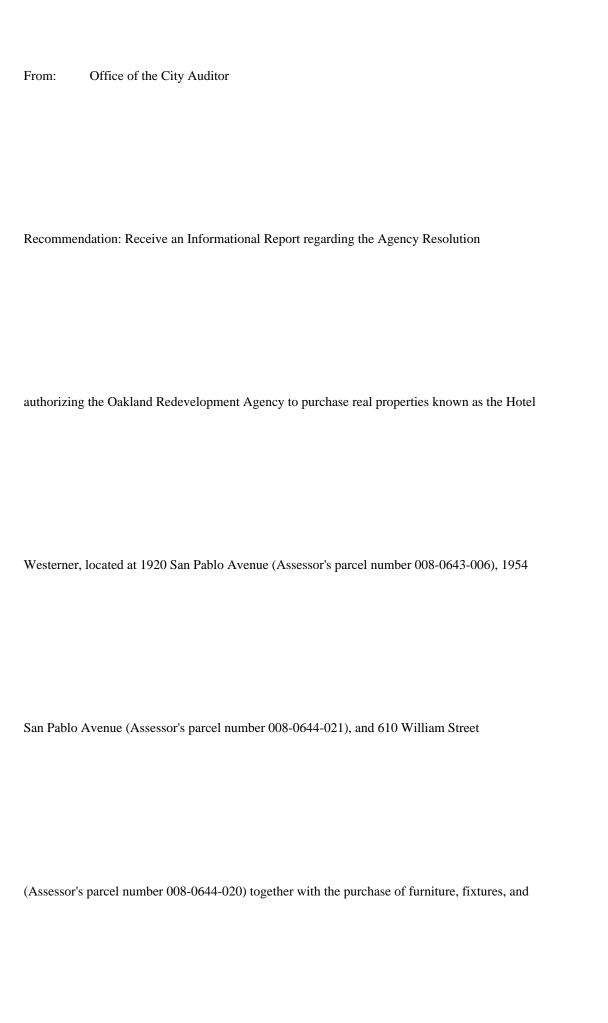
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78809 C.M.S.
The following individual spoke and did not indicate a position on this item:
- Sanjiv Handa
The following individual speke against this item.
The following individual spoke against this item:

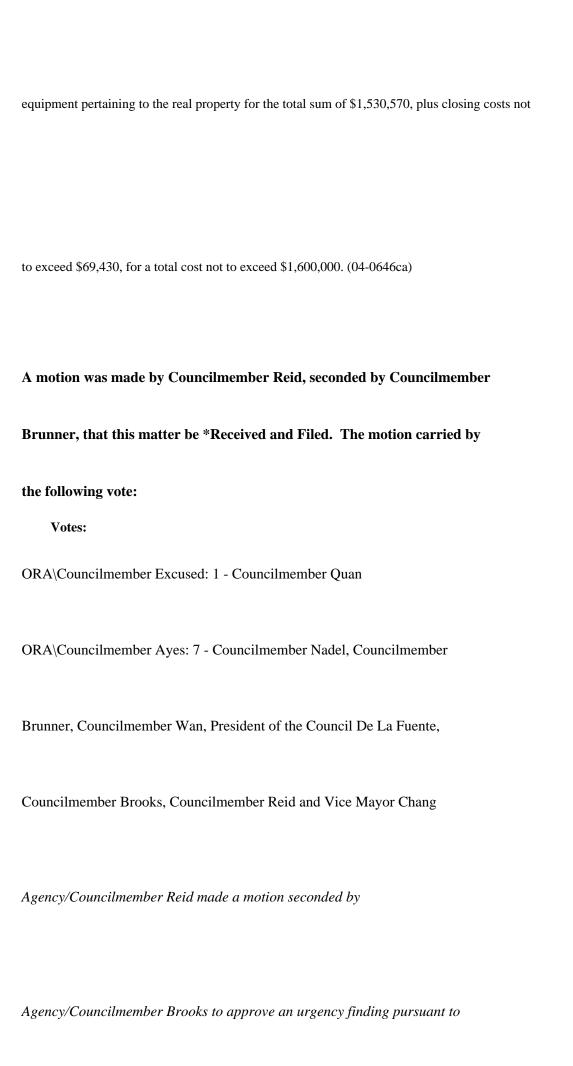
- Hugh Bassette
Committe Report Item 3 for 9-14-04,
Council Report Item 14.8 for 9-21-04.pdf,
Supplemental Council Report 26 9-21-04.pdf,
Resolution 78809.pdf
S-27
Subject: Purchase of Hotel Westerner
From: Community and Economic Development Agency
Recommendation: Adopt an Agency Resolution authorizing the Oakland Redevelopment



A motion was made by Vice Mayor Chang, seconded by Councilmember

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

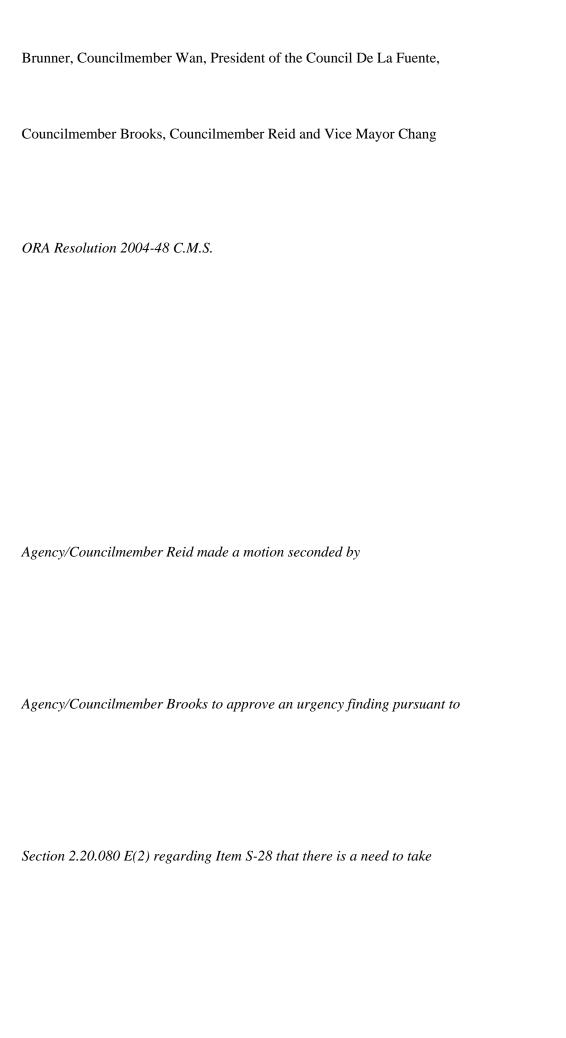




Section 2.20.080 E(2) regarding Item S-27-1 that there is a need to take
immediate action as it is time sensitive and to avoid a substantial adverse
impact that would occur if the action were deferred to a subsequent special or
regular meeting.
Committee Report S-3.1 9-14-04.pdf, Supplemental Council Report 27.1 9-21-04.pdf S-28
Subject: Oakland Business Development Corporation (OBDC)
From: Community and Economic Development Agency
Recommendation: Adopt the following pieces of legislation:

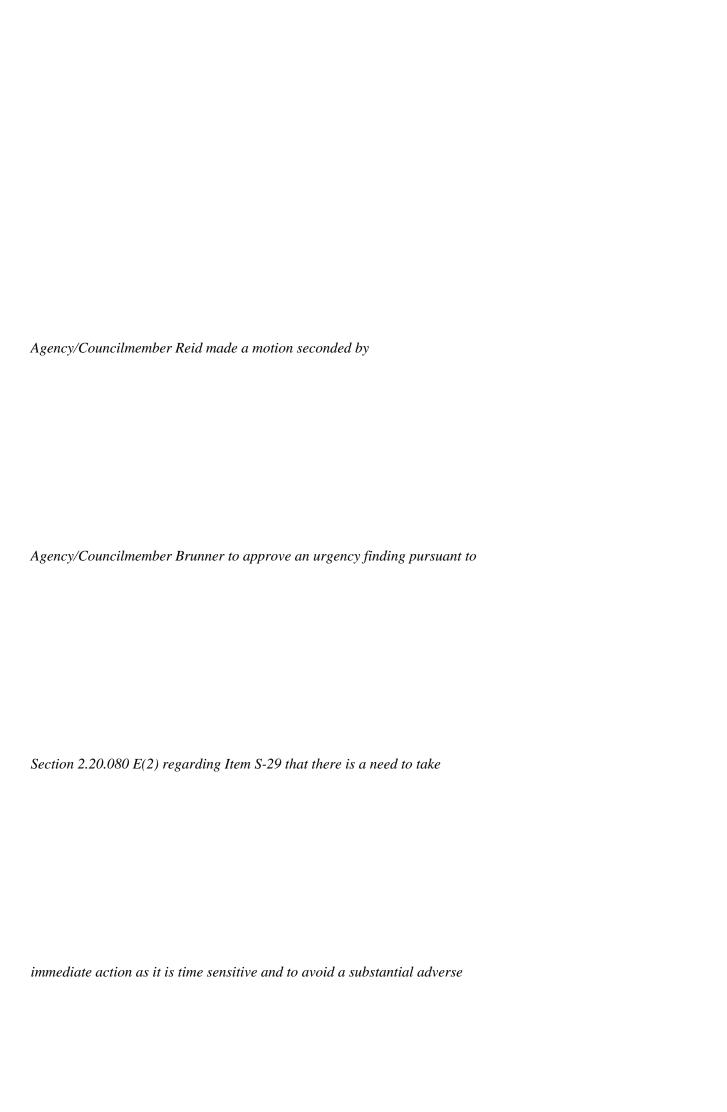
1) A Resolution amending Resolution No. 78588 C.M.S. and authorizing the City
Administrator to increase the amount of the agreement with the Oakland Business
Development Corporation (OBDC) by \$122,400 for a total amount of \$512,733 during Fiscal
Year 2004 - 2005 for expanded services and an increase of OBDC's lending authority to
\$249,500 for City commercial loan programs; and (04-0078-1)
A motion was made by Councilmember Reid, seconded by Councilmember
Brunner, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
Resolution Number 78810 C.M.S.
Committee Report Item 4 9-14-04.pdf,
Supplemental Council Report 28 9-21-04.pdf,
Resolution 78810.pdf
2) An Agency Resolution authorizing the Agency Adminstrator to negotiate and execute an
agreement with the Oakland Business Development Corporation for services to include the
underwriting and approval of commercial loans in amounts not to exceed \$249,500
(04-0078-2)
A motion was made by Councilmember Reid, seconded by Councilmember
Brunner, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember



immediate action as it is time sensitive and to avoid a substantial adverse
impact that would occur if the action were deferred to a subsequent special or
regular meeting.
Committee Report Item 4 9-14-04.pdf,
Supplemental Council Report 28 9-21-04.pdf,
ORA Resolution 2004-48.pdf S-29
Subject: 2150 Franklin Street - Transfer of Interest Fee
From: Community and Economic Development Agency
Recommendation: Adopt an Agency Resolution authorizing the Agency Administrator to

negotiate and approve transfer of fee interest in 2150 Franklin Street, Oakland (former site of
the Bermuda Building) and transfer the existing disposition and development agreement from
Oakland Bermuda, LLC to Prentiss Properties Acquisition Partners, LP (04-0678)
A motion was made by Councilmember Reid, seconded by Councilmember
Brunner, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Brunner, Councilmember Wan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

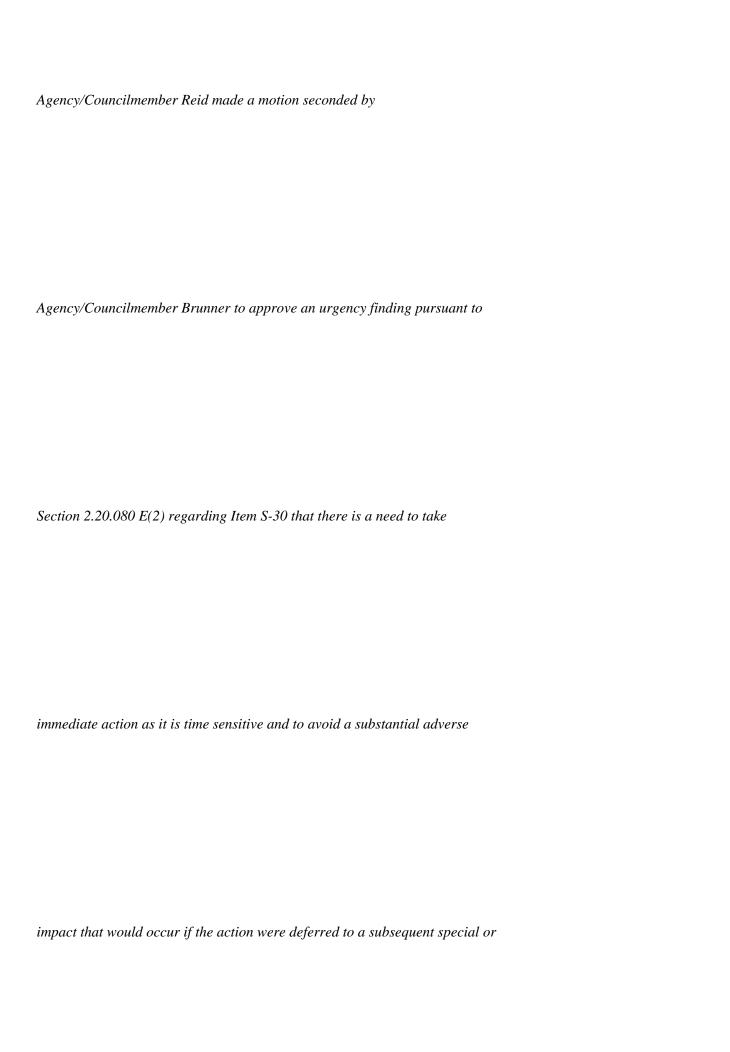


impact that would occur if the action were deferred to a subsequent special or	
regular meeting.	
The following individual spoke and did not indicate a position on this item:	
- Sanjiv Handa	

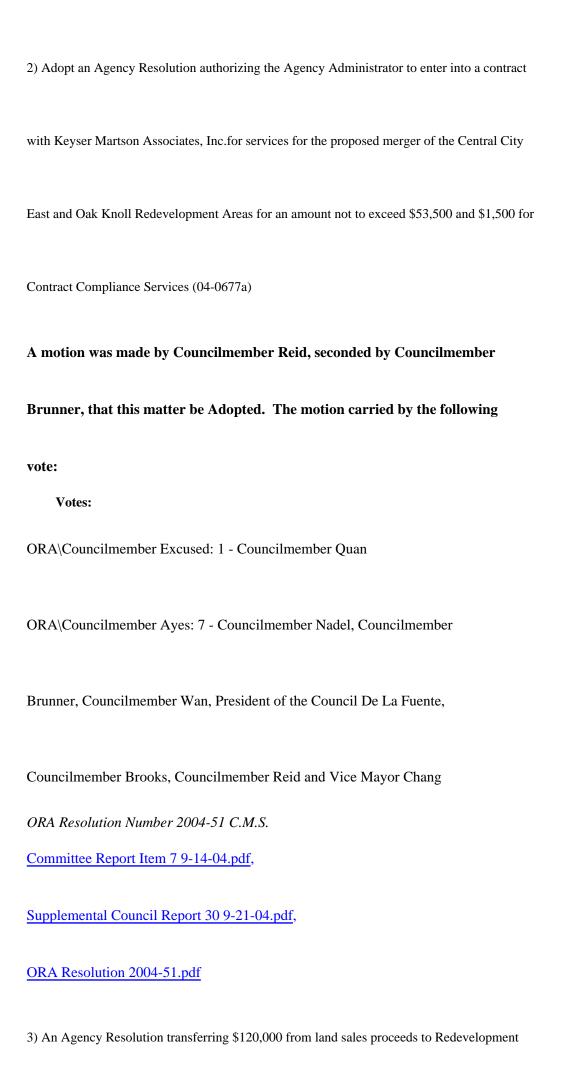
Committee Report Item 6 9-14-04.pdf,
Supplemental Council Report 29 9-21-04.pdf,
ORA Resolution 2004-49.pdf S-30
Subject: Oak Knoll Redevelopment Project Area
From: Community and Economic Development Agency
Recommendation: Adopt the following legislation:
1) Adopt an Agency Resolution authorizing the Agency Administrator to enter into a contract
with Burns & Watry, Inc. for services for the proposed merger of the Central City East and Oak
Knoll Redevelopment Areas for an amount not to exceed \$53,500 and \$1,500 for Contract

A motion was made by Councilmember Reid, seconded by Councilmember
Brunner, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
ORA Resolution Number 2004-50 C.M.S.

Compliance Services (04-0677)







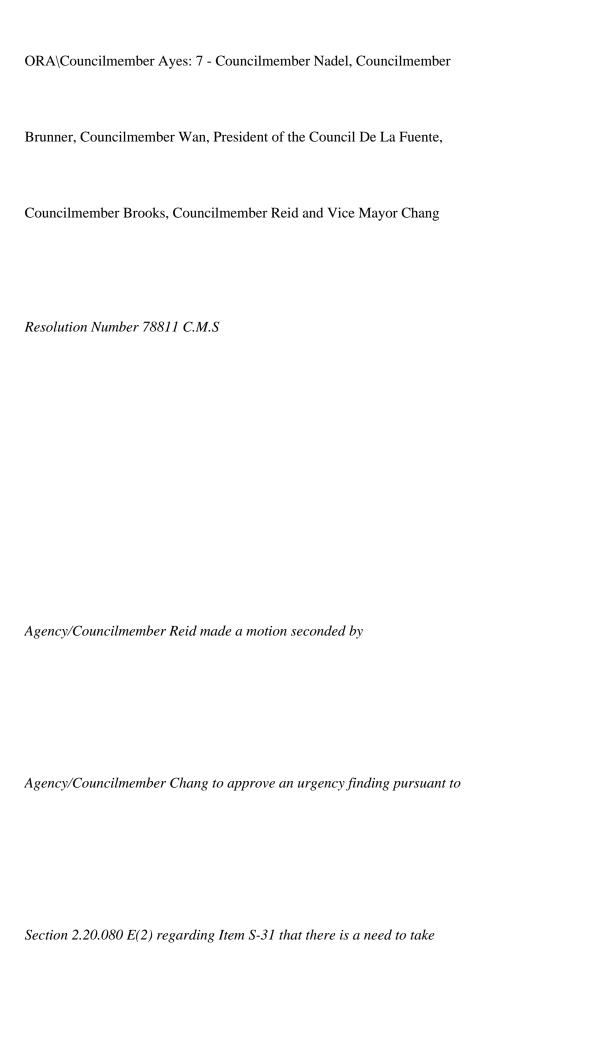
Planning Fund and allocating \$10,000 for public noticing services for the proposed merger of
the Central City East Redevelopment Project Area and the Oak Knoll Redevelopment Project
Area (04-0677b)
A motion was made by Councilmember Reid, seconded by Councilmember
Brunner, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Wan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Vice Mayor Chang
ORA Resolution Number 2004-52 C.M.S.

Agency/Councilmember Reid made a motion seconded by
Agency/Councilmember Brunner to approve an urgency finding pursuant to
Section 2.20.080 E(2) regarding Item S-30 that there is a need to take
immediate action as it is time sensitive and to avoid a substantial adverse
impact that would occur if the action were deferred to a subsequent special or
regular meeting.
Committee Report Item 7 9-14-04.pdf,

Supplemental Council Report 30 9-21-04.pdf,

ORA Resolution 2004-52.pdf

S-31
Subject: Oakland State Enterprize Zone Program
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution authorizing the City Administrator to enter into a
Memorandum of Understanding and audit agreement with the State of California Business,
Transportation and Housing Agency regarding the City of Oakland's Enterprise Zone Program
(04-0663)
A motion was made by Councilmember Reid, seconded by Vice Mayor
Chang, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan



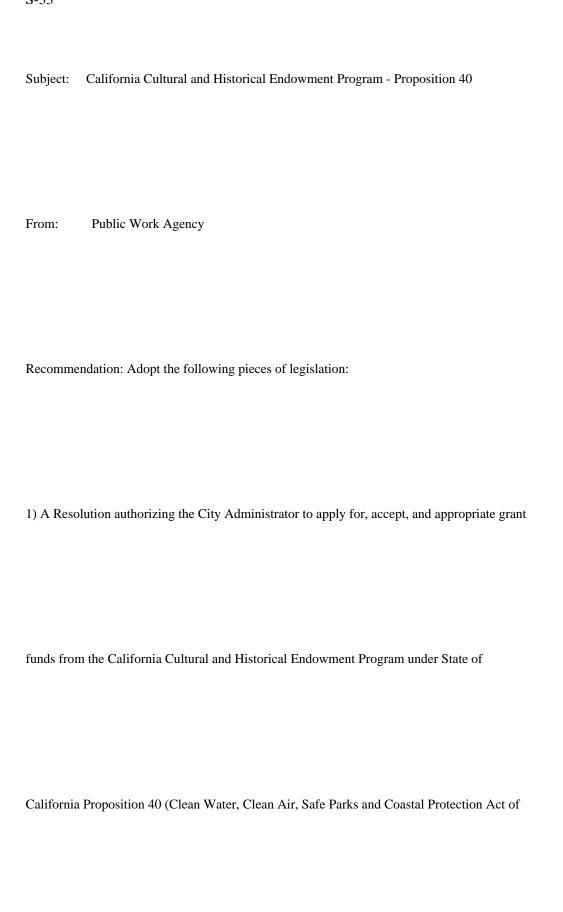
immediate c	action as it is time sensitive and to avoid a substantial adverse
impact that	would occur if the action were deferred to a subsequent special or
regular mee	eting.
Committee	Report Item 8 9-14-04.pdf,
Supplement	tal Council Report 31 9-21-04.pdf,
Resolution '	78811.pdf
S-32	
Subject: P	rofessional Service Contract - OCCUR Community Information Service
From: (Community and Economic Development Agency
Recommenda	ation: Adopt a Resolution amending Resolution No. 78467 C.M.S. authorizing a

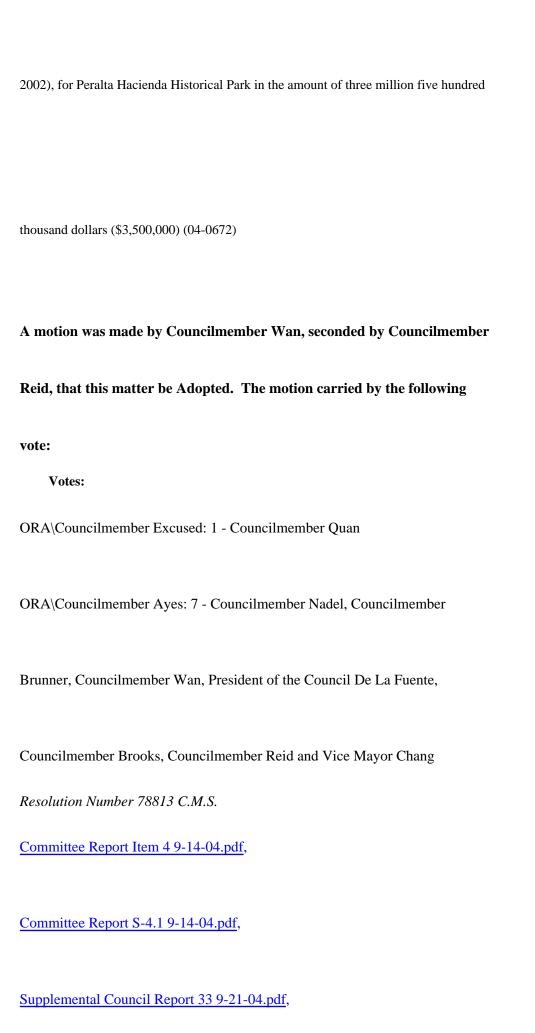
Professional Service Contract with OCCUR Community Information Service, Mills College
and California Main Street Alliance for the provision of consulting services for establishment
of a Main Street Program in City Council District Six, to delete the California Main Street
Alliance (04-0664)
A motion was made by Councilmember Reid, seconded by Councilmember
A motion was made by Councilmember Reid, seconded by Councilmember Nadel, that this matter be Adopted. The motion carried by the following
Nadel, that this matter be Adopted. The motion carried by the following vote:
Nadel, that this matter be Adopted. The motion carried by the following
Nadel, that this matter be Adopted. The motion carried by the following vote: Votes:
Nadel, that this matter be Adopted. The motion carried by the following vote: Votes: ORA\Councilmember Excused: 1 - Councilmember Quan



2.20.080~E(2) regarding Item S-32 that there is a need to take immediate action	
as it is time sensitive and to avoid a substantial adverse impact that would	
occur if the action were deferred to a subsequent special or regular meeting.	

The following individual(s) spoke in favor of this	titem:	
- David Glover		
- Emery Roe		
- Mtangulizi Sanyika		
Committee Report Item 9 9-14-04.pdf,		
Supplemental Council Report 32 9-21-04.pdf,		

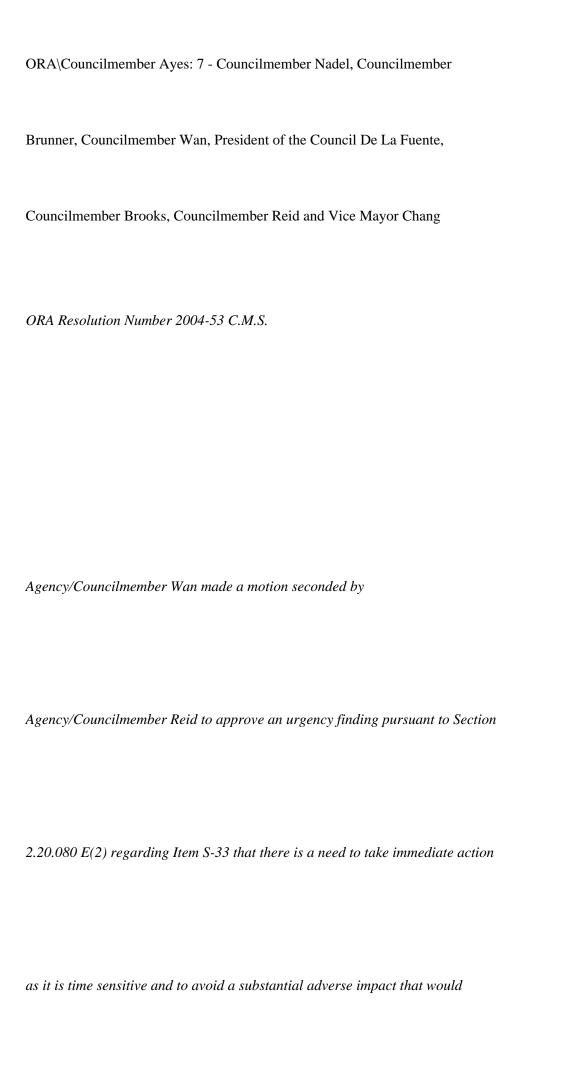


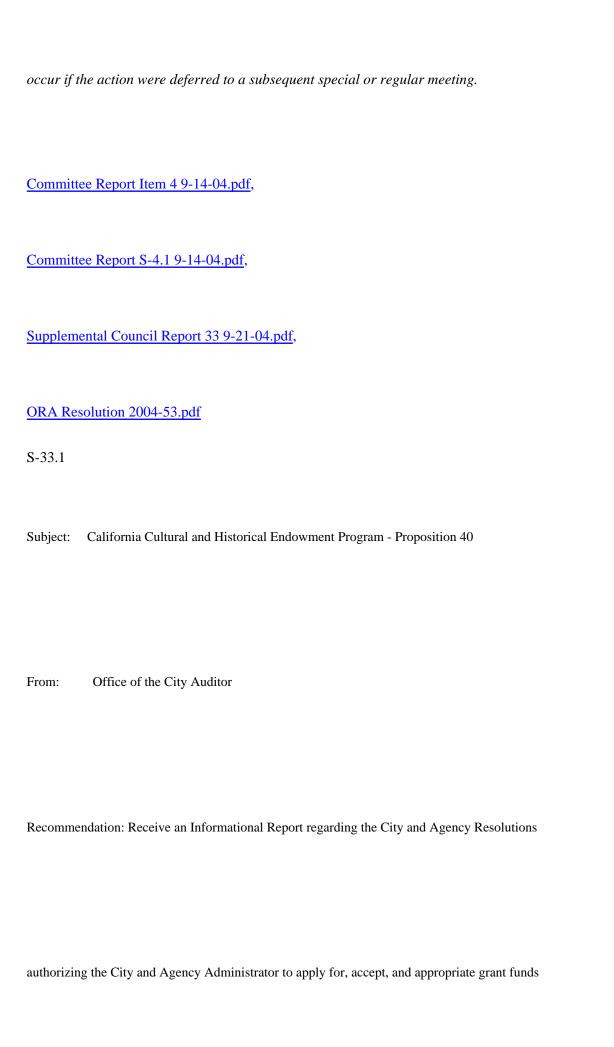


Resolution 78813.pdf
2) Adopt an Agency Resolution authorizing the Agency Administrator to apply for, accept, and
appropriate grant funds from the California Cultural and Historical Endowment Program under
State of California Proposition 40 (Clean Water, Clean Air, Safe Parks and Coastal Protection
Act of 2002), for Fox Theater renovation in an amount of five million dollars (\$5,000,000) and
authorizing the Agency Administrator to identify matching funds by the date of grant
application (04-0672a)
A motion was made by Councilmember Wan, seconded by Councilmember
Reid, that this matter be Adopted. The motion carried by the following
vote:

Votes:

 $ORA \backslash Councilmember\ Excused:\ 1\ -\ Councilmember\ Quan$



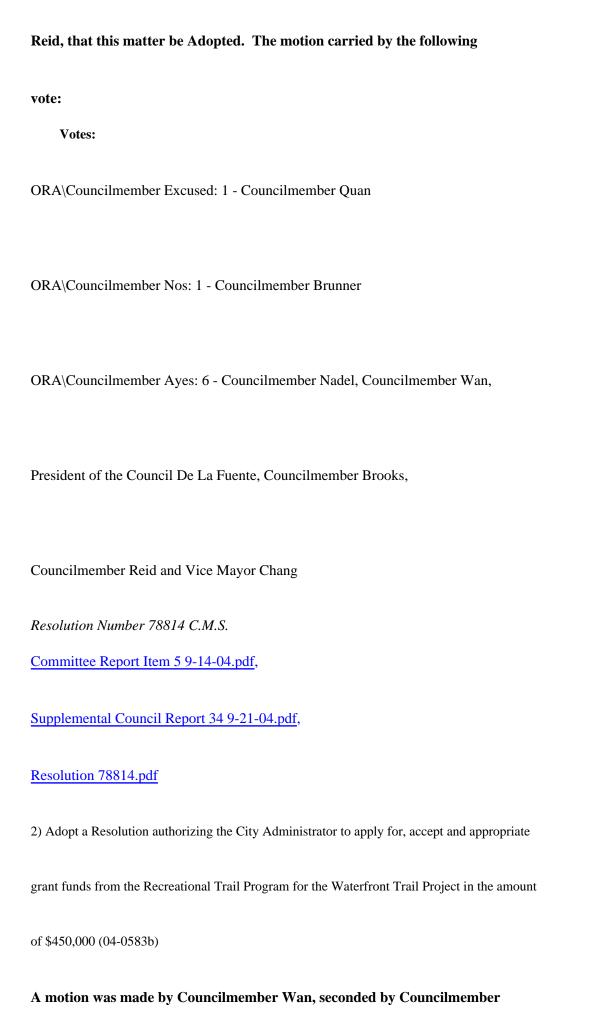


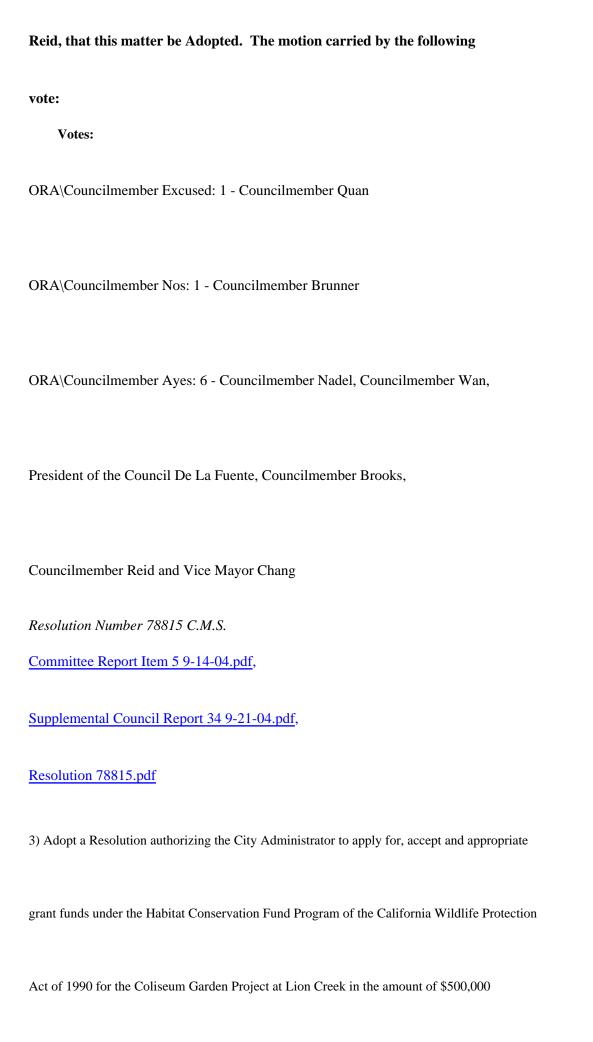
from the California Cultural and Historical Endowment Program under State of California
Proposition 40 (Clean Water, Clean Air, Safe Parks and Coastal Protection Act of 2002), for
Fox Theater renovation in an amount of five million dollars (\$5,000,000) and authorizing the
Agency Administrator to identify matching funds by the date of grant application (04-0672ca)
*Received and Filed
Agency/Councilmember Wan made a motion seconded by
Agency/Councilmember Reid to approve an urgency finding pursuant to Section
2.20.080 E(2) regarding Item S-33-1 that there is a need to take immediate

action as i	t is time sensitive and to avoid a substantial adverse impact that
would occi	ur if the action were deferred to a subsequent special or regular
meeting.	
Committee	Report S-4.1 9-14-04.pdf,
Supplemen	atal Council Report 32 9-21-04.pdf
S-34 Subject: 1	Recreational Grants
From:	Public Works Agency
Recommend	dation: Adopt the following pieces of legislation:

1) A Resolution authorizing the City Administrator to apply for, accept and appropriate grant
funds from the Youth Soccer and Recreation Development Program under the California Clean
Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for the
following projects and amounts: 1) Josie De La Cruz Field for \$750,000; 2) Raimondi Field for
\$1,000,000 and 3) "Leveling the Playing Field" Girls' Ball Fields Renovation Project for
\$1,000,000 (04-0583)

A motion was made by Councilmember Wan, seconded by Councilmember





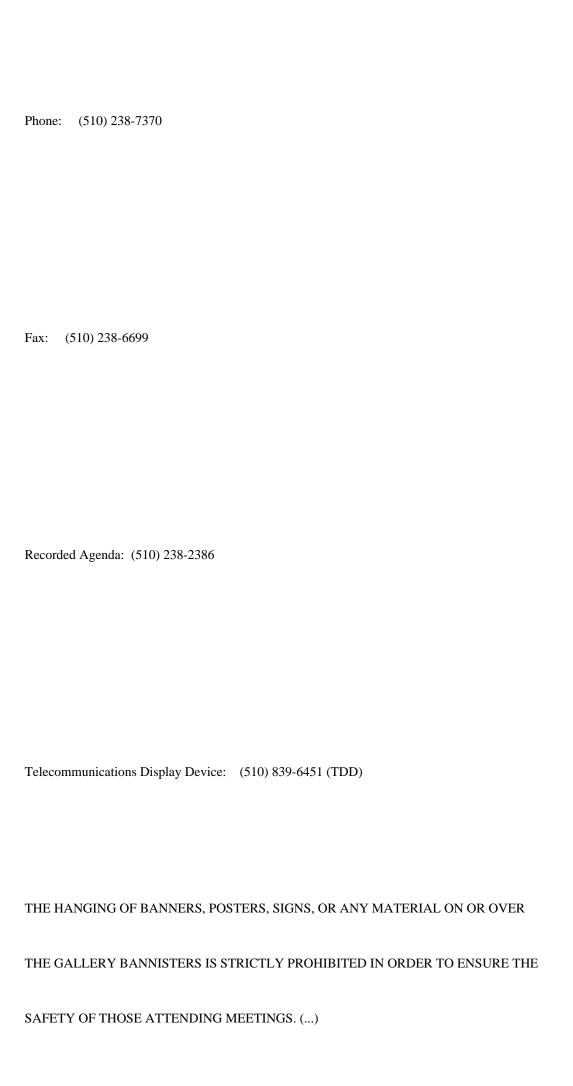
A motion was made by Councilmember Wan, seconded by Councilmember
Reid, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Excused: 1 - Councilmember Quan
ORA\Councilmember Nos: 1 - Councilmember Brunner
ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember Wan,
President of the Council De La Fuente, Councilmember Brooks,
Councilmember Reid and Vice Mayor Chang
Resolution Number 78816 C.M.S.

Agency/Councilmember Wan made a motion seconded by	
Agency/Councilmember Reid to approve an urgency finding pursuant to Section	
2.20.080 E(2) regarding Item S-34 that there is a need to take immediate action	
as it is time sensitive and to avoid a substantial adverse impact that would	
occur if the action were deferred to a subsequent special or regular meeting.	

The Council directed staff to forward a Rules request regarding the Capital
Improvements Projects list to the Life Enrichment Committee
Committee Report Item 5 9-14-04.pdf,
Supplemental Council Report 34 9-21-04.pdf,
Resolution 78816.pdf 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
<u>Council)</u>
There being no further business, and upon the motion duly made, the
Agency/Council adjourned the meeting in memory of Chuck Johnson, Anna
Agency/Council adjourned the meeting in memory of Chuck Johnson, Anna Bae Bernadette Bell, Samuel Gene Guintini, Sargeant Bob Crawford's

Americans With Disabilities Act
If you need special assistance to participate in Oakland City Council and Committee meetings
please contact the Office of the City Clerk. When possible, please notify the City Clerk 48
hours prior to the meeting so we can make reasonable arrangements to ensure accessibility.





City Clerk and Clerk of the Council