

# City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California

94612

Ceda Floyd, City Clerk

## Online Meeting Minutes - Draft

### Concurrent Meeting of the Oakland Redevelopment Agency/City Council

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

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

6:00 PM

Oakland City Hall, 3rd Floor

Tuesday, March 16, 2004

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 convened at 6:14 p. m.

1 Pledge of Allegiance

2 Roll Call / ORA & Council  
COUNCIL MEMBERS: Jane Brunner, Dist. 1; Danny Wan, Dist. 2; Nancy Nadel, Dist. 3; 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

**ORA\Councilmember Excused:** Councilmember Brooks

**ORA\Councilmember Present:** Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

3 Open Forum / Citizens Comments  
(Time Available: 15 minutes)

The following individuals spoke on this item:

-Hugh Bassette  
-Delores Allen  
-Angela Leonard  
-Dorothy Coleman  
-Bakari Ojatunji  
-Alyssa Pham  
-Morris Tatum  
-Greg Hodge  
-Yao Kakou  
-Michael Collins  
-Stephen Tompkins  
-Dave Kadlecek

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 February 17, 2004.

Under item 19, the motion will be amended under Section 5.80.040, Item A to state: ...."  
no more than 12 mature and 6 immature..."

**A motion was made by Councilmember Reid, seconded by Vice Mayor Chang, to \***  
**Approve with the following amendments. The motion carried by the following**  
**vote:**

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember  
Wan, Councilmember Quan, President of the Council De La Fuente,  
Councilmember Reid and Vice Mayor Chang

#### 8. PRESENTATION OF CEREMONIAL MATTERS

8.1 Subject: Junior Center for Arts and Sciences  
From: Councilmember Nadel  
Recommendation: Adopt a Resolution honoring the Junior Center of Art and  
Science on the occasion of its 50th Anniversary  
Attachments: [78376 CMS.pdf](#),  
[Item 8.1 3-16-04.pdf](#)

Resolution Number 73276 C.M.S.

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember  
Wan, Councilmember Quan, President of the Council De La Fuente,  
Councilmember Reid and Vice Mayor Chang

**Enactment No: 78376**

8.2 Subject: 2004 Alameda County Earned Income Tax Credit  
From: Department of Human Services  
Recommendation: A presentation from United Way on the 2004 Alameda  
County Earned Income Tax Credit (EITC) Initiative within the City of Oakland  
Attachments: [04-0170.pdf](#)

8.3 Subject: March 2004 - American Red Cross Month  
From: President De La Fuente  
Recommendation: Adopt a Resolution proclaiming March 2004 as "American  
Red Cross Month" in the City of Oakland  
Attachments: [78377 CMS.pdf](#),  
[Item S-8-3 3-16-04.pdf](#)

Resolution Number 78377 C.M.S.

Agency/Councilmember Quan made a motion seconded by Agency/Councilmember  
Wan to approve an urgency finding pursuant to Section 2.20.070 E(2) regarding Item 8.  
3 that the action is purely commendatory and that the need for such action came to the  
attention of the body after the posting of the 10-day agenda.

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

Councilmember Brooks

**ORA\Councilmember Excused:** 1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78377

8.4

Subject: Immigrant Women's Day  
From: Councilmember Wan and Councilmember Quan  
Recommendation: Adopt a Resolution honoring immigrant women on the occasion of the Second National Immigrant Women's Leadership gathering and declaring Friday, March 26, 2004 as "Immigrant Women's Day" in the City of Oakland

**Attachments:** [78378 CMS.pdf](#),  
[Item S-8-4 3-16-04.pdf](#)

Resolution Number 78378 C.M.S.

Agency/Councilmember Quan made a motion seconded by Agency/Councilmember Wan to approve an urgency finding pursuant to Section 2.20.070 E(2) regarding Item 8.4 that the action is purely commendatory and that the need for such action came to the attention of the body after the posting of the 10-day agenda.

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

Councilmember Brooks

**ORA\Councilmember Excused:** 1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78378

#### 9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Agency/Councilmember Quan took a point of personal privilege and requested that the meeting be adjourned in memory of George Rothman.

Agency/Councilmember Nadel took a point of personal privilege and requested that the meeting be adjourned in memory of Carolyn Howard, Brenda Morris, and Lester Tims.

Agency/Councilmember Chang took a point of personal privilege and requested that the meeting be adjourned in memory of Abdul-Malik Algazzali and Bing Gee.

#### 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 AIDS epidemic

**Attachments:** [10.1CC.pdf](#),  
[78379 CMS.pdf](#)

Resolution Number 78379 C.M.S.

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

Councilmember Brooks

**ORA\Councilmember Excused:** 1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

Enactment No: 78379

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

Attachments: [10.2CC.pdf](#),  
[78380 CMS.pdf](#)

Resolution Number 78380 C.M.S.

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

Enactment No: 78380

10.3CC

Subject: California Department of Transportation - 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 City of Oakland, et al. v. California Department of Transportation et. al., (Federal District Court number C02-1307SI, Sacramento County Superior Court case number 02CS000391, our file number AO1091) with the acceptance of easements for the use of approximately 12.5 acres of land adjacent to the former Oakland Army Base (Community and Economic Development Agency); and

Attachments: [04-0133.pdf](#),  
[10.3CC.pdf](#),  
[10.6CC.pdf](#),  
[78381 CMS.pdf](#)

Resolution Number 78381 C.M.S.

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

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

Enactment No: 78381

2) Adopt an Agency Resolution authorizing and directing the Agency Counsel to compromise and settle the case of City of Oakland, et. al. v. California Department of Transportation et.al., (Federal District Court case number C02-1307SI, Sacramento County Superior Court case number 02CS000391, our file number AO1091) with the acceptance of easements for the use of approximately 12.5 acres of land adjacent to the former Oakland Army Base (Community and Economic Development Agency)

Attachments: [10.3CC.pdf](#),  
[10.6CC.pdf](#),  
[2004-014 CMS.pdf](#)

ORA Resolution Number 2004-14 C.M.S.

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

Councilmember Brooks

**ORA\Councilmember Excused:**

1 -

**ORA\Councilmember Ayes:**

7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 2004-14

10.4CC

Subject: Donald Jones - 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 Donald Jones v. City of Oakland, et al., United States District Court Case No. C03-3303 WHA, our file number 23206, in the amount of \$8,000.00. This case involves claims of violations of civil rights against Oakland Police Officers (Oakland Police Department-Police Conduct)

Attachments: [04-0185 Withdrawn.pdf](#),  
[10.4CC.pdf](#),  
[10.4CC.pdf](#)

**\*Withdrawn with No New Date**

10.5CC

Subject: Ta Tanisha Prescott - 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 21st Century Insurance Company as subrogee for Ta Tanisha Prescott, in the amount of \$6,167.34 as a result of property damage sustained when the driver of a City of Oakland vehicle rear-ended the vehicle driven by Ta Tanisha Prescott (Public Works Agency)

Attachments: [10.5CC.pdf](#),  
[78382 CMS.pdf](#)

Resolution Number 78382 C.M.S.

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

Councilmember Brooks

**ORA\Councilmember Excused:**

1 -

**ORA\Councilmember Ayes:**

7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78382

10.6CC

Subject: Margarete Schlachter - 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 SAFECO Insurance as subrogee for Margarete Schlachter, in the amount of \$13,502.16, as a result of property damage sustained when the driver of a City of Oakland vehicle rear-ended the vehicle driven by Margarete Schlachter (Public Works Agency)

Attachments: [10.6CC.pdf](#),  
[78383 CMS.pdf](#)

Resolution Number 78383 C.M.S.

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

Councilmember Brooks

**ORA\Councilmember Excused:**

1 -

**ORA\Councilmember Ayes:**

7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

Enactment No: 78383

10.7CC

Subject: Maria Campos - 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 Campos, in the amount of \$10,000, as a result of property damages sustained when a City of Oakland vehicle collided with the fence and building owned by Maria Campos (Oakland Police Department)

Attachments: [10.7CC.pdf](#),  
[78384 CMS.pdf](#)

Resolution Nubmer 78384 C.M.S.

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

ORA\Councilmember Excused: Councilmember Brooks  
1 -

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

Enactment No: 78384

10.8CC

Subject: Rufus Cole - 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 Nationwide Insurance as subrogee for Rufus Cole, in the amount of \$13,154.03, as a result of property damage sustained when a City of Oakland vehicle collided with a parked vehicle (Oakland Fire Department)

Attachments: [10.8CC.pdf](#),  
[78385 CMS.pdf](#)

Resolution Number 78385 C.M.S.

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

ORA\Councilmember Excused: Councilmember Brooks  
1 -

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

Enactment No: 78385

10.9CC

Subject: Ruth E. Abrams - 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 Ruth E. Abrams v. City of Oakland, et al., Alameda County Superior Court Case Number 2003-078453, our file number 22616, in the amount of \$7,500.00 (Public Works Agency)

Attachments: [10.9CC.pdf](#),  
[78386 CMS.pdf](#)

Resolution Number 78386 C.M.S.

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

ORA\Councilmember Excused: Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78386

10.10  
CC

Subject: Glennis Campbell - 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 Glennis Campbell in the amount of \$10,000.00 as a result of a trip and fall at Lakeview Branch Library

Attachments: [10.10CC.pdf](#),  
[78387 CMS.pdf](#)

Resolution Number 78387 C.M.S.

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78387

10.11  
CC

Subject: Toni Weathers - 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 Toni Weathers v. City of Oakland, et al., Alameda County Superior Court Case Number 2002-072984, our file number 22498, in the amount of \$50,000.00 (Public Works Agency, trip and fall in a City street)

Attachments: [10.11CC.pdf](#),  
[78388 CMS.pdf](#)

Resolution Number 78388 C.M.S.

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78388

10.12  
CC

Subject: Alameda County Continuum of Care Plan  
From: Department of Human Services  
Recommendation: Adopt a Resolution authorizing the redirecting of \$18,000 of unexpended Homeless Program funds from Fiscal Year 2002-2003 Community Promotions Program for service organizations to the Alameda County-wide Continuum of Care Plan Activities and authorizing a Memorandum of Understanding with the Alameda County Housing and Community Development for the amount of \$18,000

Attachments: [04-0153.pdf](#),  
[10.12CC.pdf](#)

This item was withdrawn from the agenda with no new date.

**\*Withdrawn with No New Date**

Subject: Architectural Design Services  
From: Public Works Agency  
Recommendation: Adopt the following Resolutions authorizing professional services agreements for as-needed architectural design services:

1) Resolution authorizing a professional services agreement with YHLA Architects for as-needed architectural design services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [0063.pdf](#),  
[10.13CC.pdf](#),  
[78389 CMS.pdf](#),  
[Item 4 2-24-04.pdf](#)

Resolution Number 78389 C.M.S.  
Contract Number 04-1674

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78389

2) Resolution authorizing a professional services agreement with Byrens Associates Architecture-Planning for as-needed architectural design services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [10.13CC.pdf](#),  
[78390 CMS.pdf](#),  
[Item 4 2-24-04.pdf](#)

Resolution Number 78390 C.M.S.  
Contract Number 04-1675

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78390

3) Resolution authorizing a professional services agreement with Muller & Caufield Architects for as-needed architectural design services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [10.13CC.pdf](#),  
[78391 CMS.pdf](#),  
[Item 4 2-24-04.pdf](#)

Resolution Number 78391 C.M.S.  
Contract Number 04-1676

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78391



4) Resolution authorizing a professional services agreement with Murakami/ Nelson Architectural Corporation for as-needed architectural design services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [10.13CC.pdf](#),  
[78392 CMS.pdf](#),  
[Item 4 2-24-04.pdf](#)

Resolution Number 78392 C.M.S.  
Contract Number 04-1677

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78392

5) Resolution authorizing a professional services agreement with the KPA Group for as-needed architectural design services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [10.13CC.pdf](#),  
[78393 CMS.pdf](#),  
[Item 4 2-24-04.pdf](#)

Resolution Number 78393 C.M.S.  
Contract Number 04-1678

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78393

6) Resolution authorizing a professional services agreement with the Shah Kawasaki Architects for as-needed architectural design services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [10.13CC.pdf](#),  
[78394 CMS.pdf](#),  
[Item 4 2-24-04.pdf](#)

Resolution Number 78394 C.M.S.  
Contract Number 04-1679

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78394

Subject: Civil Engineering Services  
From: Public Works Agency  
Recommendation: Adopt the following Resolutions authorizing professional agreements for as-needed civil engineering services:

1) Resolution authorizing a professional services agreement with CH2M-Hill for as-needed civil engineering services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [04-0103.pdf](#),  
[10.14CC.pdf](#),  
[78395 CMS.pdf](#),  
[Item 5 2-24-04.pdf](#)

Resolution Number 78395 C.M.S.

Contract Number 04-1680

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78395

2) Resolution authorizing a professional services agreement with DKS Associates for as-needed civil engineering services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [10.14CC.pdf](#),  
[78396 CMS.pdf](#),  
[Item 5 2-24-04.pdf](#)

Resolution Number 78396 C.M.S.

Contract Number 04-1681

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78396

3) Resolution authorizing a professional services agreement with Moffatt and Nichol Engineers for as-needed civil engineering services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [10.14CC.pdf](#),  
[78397 CMS.pdf](#),  
[Item 5 2-24-04.pdf](#)

Resolution Number 78397 C.M.S.

Contract Number 04-1682

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78397

4) Resolution authorizing a professional services agreement with HQE, Inc., for as-needed civil engineering services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [10.14CC.pdf](#),  
[78398 CMS.pdf](#),  
[Item 5 2-24-04.pdf](#)

Resolution Number 78398 C.M.S.

Contract Number 04-1683

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78398

5) Resolution authorizing a professional services agreement with Rajappan & Meyer Consulting Engineers, Inc., for as-needed civil engineering services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [10.14CC.pdf](#),  
[78399 CMS.pdf](#),  
[Item 5 2-24-04.pdf](#)

Resolution Number 78399 C.M.S.

Contract Number 04-1684

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78399

6) Resolution authorizing a professional services agreement with DMJM & Harris for as-needed civil engineering services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [10.14CC.pdf](#),  
[78400 CMS.pdf](#),  
[Item 5 2-24-04.pdf](#)

Resolution Number 78400 C.M.S.

Contract Number 04-1685

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78400

10.15  
CC

Subject: December 29, 2003 Storm Event  
From: Public Works Agency  
Recommendation: Receive an Informational Report on the flooding and other storm-related impacts of the December 29, 2003 storm in Oakland and City response to flooding and other storm-related problems (TITLE CHANGE)

Attachments: [04-0109.pdf](#),  
[10.15CC.pdf](#),  
[Item 7 2-24-04.pdf](#)

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

10.16  
CC

Subject: Coliseum Transit Hub Streetscape Project  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate six hundred thousand dollars (\$600,000) from the Alameda-Contra Costa Transit Agency (AC Transit) and enter into an agreement with AC Transit for planning, designing, engineering, procurement, construction and contract administration for the Coliseum Transit Hub Streetscape Project (San Leandro Street from 66th Avenue to 73rd Avenue) (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments: [04-0120.pdf](#),  
[10.16CC.pdf](#),  
[78401 CMS.pdf](#),  
[Item 6 2-24-04.pdf](#)

Resolution Number 78401 C.M.S.  
Contract Number 04-1686

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78401

10.17  
CC

Subject: Public Employees Retirement System Service Credit  
From: Finance and Management Agency  
Recommendation: Adopt a Resolution authorizing pre-tax payroll deduction for service credit purchase from California Public Employees' Retirement System (CalPERS) - Employer Pickup Resolution Pre-Tax Payroll Deduction Plan for Service Credit Purchases (Contribution Code 14)

Attachments: [04-0115.pdf](#),  
[10.17CC.pdf](#),  
[78402 CMS.pdf](#),  
[Item 3 2-24-04.pdf](#)

Resolution Number 78402 C.M.S.

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

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

Enactment No: 78402

Subject: Hinderliter, de Llamas and Associates  
From: Community and Economic Development Agency and Finance and Management Agency  
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a professional services contract with Hinderliter, de Llamas and Associates for tax auditing, consulting, economic analysis and data services for an amount not to exceed \$362,100 in fixed costs plus additional audit fees for an initial three-year period ending March 31, 2007, plus two optional annual extensions; and authorizing an increase in the Finance and Management Agency's baseline budget by \$137,800 in Fiscal Year 2004-2005 and \$66,800 in Fiscal Year 2005-2006, increasing business tax revenue expectations for Fiscal Year 2004-2005 and Fiscal Year 2005-2006, and using a portion of such increase in revenues to pay for the business tax service component included in the contract

Attachments: [0074.pdf](#),  
[10.18CC.pdf](#),  
[78403 CMS.pdf](#),  
[Item 4 2-24-04.pdf](#)

Resolution Number 78403 CMS  
Contract Number 04-1687

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

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

ORA\Councilmember Excused: Councilmember Brooks  
1 -

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

Enactment No: 78403

Subject: Pedestrian and Traffic Safety Plan  
From: Community and Economic Development Agency  
Recommendation: Adopt the following legislation regarding a Pedestrian and Traffic Safety Plan:  
1) Agency Resolution appropriating \$18,900 of Coliseum funds as matching funds for a California Department of Transportation (CALTRANS) Environmental Justice Grant to the City of Oakland to fund a comprehensive plan for pedestrian and traffic safety for Fruitvale Avenue, and;

Attachments: [04-0086.pdf](#),  
[10.19CC.pdf](#),  
[2004-15 CMS.pdf](#),  
[Item 4.pdf](#)

ORA Resolution Number 2005-15 C.M.S.

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

ORA\Councilmember Excused: Councilmember Brooks  
1 -

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

Enactment No: 2004-15

10.18  
CC

10.19  
CC

2) Resolution authorizing acceptance of an Environmental Justice Grant for \$ 170,000 from the California Department of Transportation (CALTRANS), and \$ 18,900 in matching funds from the Redevelopment Agency, appropriating such funds to pay for a comprehensive plan for pedestrian and traffic safety for Fruitvale Avenue, and appropriating additional Neighborhood Commercial Revitalization Funds of \$15,000 to extend the plan to the Dimond District

Attachments:

[10.19CC.pdf](#),

[78404 CMS.pdf](#),

[Item 4.pdf](#)

Resolution Number 78404 C.M.S.

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78404

10.20  
CC

Subject: 51st and Desmond Street - Surplus Property  
From: Community & Economic Development Agency  
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance authorizing the City Manager to enter into an offer to purchase agreement with Frank L. Ciangi and Angelique B. Ciangi the adjoining property owners for 1,500 square feet of surplus real property located at 51st Street and Desmond Street for the fair market value of \$1,500

Attachments:

[0071.pdf](#),

[10.20CC.pdf](#),

[12587 CMS.pdf](#),

[3 2-10-04.pdf](#),

[S-10.13CC 2-17-04.pdf](#)

Ordinance Number 12587 C.M.S.

Contract Number 04-1673

**A motion was made by Vice Mayor Chang, seconded by Councilmember Reid, that this matter be Approved for Final Passage. The motion carried by the following vote:**

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 12587

10.21  
CC

Subject: 12th Street Reconstruction Project  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a professional services agreement with Rajappan & Meyer Consulting Engineers, Inc. for design services for the 12th Street Reconstruction Project for an amount not to exceed four million seven hundred thousand dollars (\$4, 700,000)

Attachments:

[04-0102.pdf](#),

[78405 CMS.pdf](#),

[Item 3 2-24-04.pdf](#),

[Item 3 3-9-04.pdf](#),

[Item 3 SUP 3-9-04](#),

[Item S-10.21CC.pdf](#)

Resolution Number 78405 C.M.S.

Contract Number 04-1688

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

10.22  
CC

**ORA\Councilmember Excused:**

Councilmember Brooks

1 -

**ORA\Councilmember Ayes:**

7 -

Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78405

Subject: Franklin Garage Elevator Renovation Project

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Manager to reject all bids for the Franklin Garage Elevator Renovation Project, Project Number C 181410, to revise the scope of work, and to formally re-bid the project and return to City Council for the award of a construction contract

Attachments:

[04-0150.pdf](#),

[78406 CMS.pdf](#),

[Item 4 3-9-04.pdf](#),

[S-10.22CC.pdf](#)

Resolution Number 78406 C.M.S.

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

**ORA\Councilmember Excused:**

Councilmember Brooks

1 -

**ORA\Councilmember Ayes:**

7 -

Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78406

10.23  
CC

Subject: Traffic Signal Installation - 7th Street and Franklin

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City to accept and appropriate

\$246,176 and to enter into an agreement with the State of California, Department of Housing and Community Development, to install a traffic signal at the intersection of 7th Street and Franklin Street, and for other pedestrian safety improvements in the Chinatown area

Attachments:

[04-0162.pdf](#),

[78407 CMS.pdf](#),

[Item 5 3-9-04.pdf](#),

[S 10.23CC.pdf](#)

Resolution Number 78407 C.M.S.

Contract Number 04-1689

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

**ORA\Councilmember Excused:**

Councilmember Brooks

1 -

**ORA\Councilmember Ayes:**

7 -

Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78407

Subject: Hydrology & Creek Restoration Design Services  
From: Public Works Agency  
Recommendation: Adopt five (5) Resolutions authorizing professional services agreements for as-needed hydrology & creek restoration design services; on the March 9, 2004 Public Works Committee agenda

Attachments: [04-0152.pdf](#),  
[10.24-1CC.pdf](#),  
[78408 CMS.pdf](#),  
[Item 6 3-9-04.pdf](#)

Resolution Number 78408 C.M.S.  
Contract Number 04-1690

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78408

2) A Resolution authorizing a professional services agreement with WRECO for as-needed hydrology and creek restoration design services for an amount not to exceed two hundred thousand dollars (\$200,000)

Attachments: [10.24-1CC.pdf](#),  
[78409 CMS.pdf](#),  
[Item 6 3-9-04.pdf](#)

Resolution Number 78409 C.M.S.  
Contract Number 04-1961

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78409

3) A Resolution authorizing a professional services agreement with Wolfe Mason Associates, Inc. for as-needed hydrology and creek restoration design services for an amount not to exceed two hundred thousand dollars (\$200,000)

Attachments: [10.24-1CC.pdf](#),  
[78410 CMS.pdf](#),  
[Item 6 3-9-04.pdf](#)

Resolution Number 78410 C.M.S.  
Contract Number 04-1692

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78410



4) A Resolution authorizing a professional services agreement with Questa Engineering Corporation for as-needed hydrology and creek restoration design services for an amount not to exceed two hundred thousand dollars (\$200,000)

Attachments: [10.24-1CC.pdf](#),  
[78411 CMS.pdf](#),  
[Item 6 3-9-04.pdf](#)

Resolution Number 78411 C.M.S.

Contract Number 04-1693

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78411

5) A Resolution authorizing a professional services agreement with Moffatt and Nichol Engineers for as-needed hydrology and creek restoration design services for an amount not to exceed two hundred thousand dollars (\$200,000)

Attachments: [10.24-1CC.pdf](#),  
[78412 CMS.pdf](#),  
[Item 6 3-9-04.pdf](#)

Resolution Number 78412 C.M.S.

Contract Number 04-1694

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78412

Subject: Landscape Architectural Design Services

From: Public Works Agency

Recommendation: Adopt the following six Resolutions authorizing professional services agreements for as-needed landscape architectural design services:

1) A Resolution authorizing a professional services agreement with The Planning Collaborative for as-needed landscape architectural design services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [04-0149.pdf](#),  
[78413 CMS.pdf](#),  
[Item 7 3-9-04.pdf](#),  
[S-10.25CC.pdf](#)

Resolution Number 78413 C.M.S.

Contract Number 04-1695

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78413

2) A Resolution authorizing a professional services agreement with PGA Design Landscape Architects for as-needed landscape architectural design services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [78414 CMS.pdf](#),  
[Item 7 3-9-04.pdf](#),  
[S-10.25CC.pdf](#)

Resolution Number 78414 C.M.S.

Contract Number 04-1696

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78414

3) A Resolution authorizing a professional services agreement with Wolfe Mason Associates for as-needed landscape architectural design services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [78415 CMS.pdf](#),  
[Item 7 3-9-04.pdf](#),  
[S-10.25CC.pdf](#)

Resolution Number 78415 C.M.S.

Contract Number 04-1697

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78415

4) A Resolution authorizing a professional services agreement with Amphion Environmental for as-needed landscape architectural design services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [78416 CMS.pdf](#),  
[Item 7 3-9-04.pdf](#),  
[S-10.25CC.pdf](#)

Resolution Number 78416 C.M.S.

Contract Number 04-1698

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78416

5) A Resolution authorizing a professional services agreement with Wallace Roberts & Todd for as-needed landscape architectural design services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [78417 CMS.pdf](#),  
[Item 7 3-9-04.pdf](#),  
[S-10.25CC.pdf](#)

Resolution Number 78417 C.M.S.

Contract Number 04-1699

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78417

6) A Resolution authorizing a professional services agreement with Dillingham Associates for as-needed landscape architectural design services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [78418 CMS.pdf](#),  
[Item 7 3-9-04.pdf](#),  
[S-10.25CC.pdf](#)

Resolution Number 78418 C.M.S.

Contract Number 04-1700

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78418

Subject: Rajappan and Meyer Consulting Engineers

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing Amendment 2 to increase the contract with Rajappan and Meyer Consulting Engineers, Incorporated, for an additional amount of \$261,261 for a total agreement amount not to exceed \$1,536,261 for professional engineering services for the International Boulevard and MacArthur Boulevard Streetscape Improvement Project (Project No.C 167610)

Attachments: [001309-1.pdf](#),  
[78419 CMS.pdf](#),  
[Item 8 3-9-04.pdf](#),  
[S-10.26CC.pdf](#)

Resolution Number 78419 C.M.S.

Contract Number 04-1701

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78419

10.27  
CC

Subject: Encroachment Permit - 6th Street off Franklin Street  
From: Public Works Agency  
Recommendation: Adopt a Resolution granting to the Salvation Army, a California Corporation, a conditional revocable permit for the encroachment of an existing structural sidewalk and basement into the public right-of-way on 6th Street off Franklin Street

Attachments: [04-0179.pdf](#),  
[78420 CMS.pdf](#),  
[Item 9 3-9-04.pdf](#),  
[S-10.27CC.pdf](#)

Resolution Number 78420 C.M.S.

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78420

10.28  
CC

Subject: International Boulevard Streetscape Improvement Project  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing approval of a cooperative agreement between the City of Oakland and the California Department of Transportation (CALTRANS) for the International Boulevard Streetscape Improvement Project (Project No. C167620)

Attachments: [04-0166.pdf](#),  
[78421 CMS.pdf](#),  
[Item 10 3-9-04.pdf](#),  
[S-10.28CC.pdf](#)

Resolution Number 78421 C.M.S.

Contract Number 04-1702

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78421

10.29  
CC

Subject: Salary Ordinance Amendment - Unrepresented Employee  
From: Finance and Management Agency  
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending the Salary Schedule of Ordinance Number 12187 C.M.S. (the Salary Ordinance) to increase the salaries of Unrepresented Employee job classifications in Units UK1, U31, UN1 and UR1

Attachments: [04-0116.pdf](#),  
[10.10CC.pdf](#),  
[Item 4 3-9-04.pdf](#),  
[S-10.29CC.pdf](#)

The following individual spoke under this item and did not indicate a position:  
- Sanjiv Handa

A motion was made by Vice Mayor Chang, seconded by Councilmember Reid, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on April 6, 2004. The motion carried by the following vote:

Councilmember Brooks  
ORA\Councilmember Excused: 1 -

Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang  
ORA\Councilmember Ayes: 7 -

10.30  
CC

Subject: Citizen's Police Review Board Executive Director  
From: Finance and Management Agency  
Recommendation: Adopt a Resolution recommending to the Civil Service Board that the classification of Citizen's Police Review Board Executive Director be exempted from the operation of Civil Service

Attachments: [04-0123.pdf](#),  
[78422 CMS.pdf](#),  
[Item 5 3-9-04.pdf](#),  
[S-10.30CC.pdf](#)

Resolution Number 78422 C.M.S.

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

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

Councilmember Brooks  
ORA\Councilmember Excused: 1 -

Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang  
ORA\Councilmember Ayes: 7 -

Enactment No: 78422

10.31  
CC

Subject: Hargis and Associates - Lieutenant of Police Exam  
From: Finance and Management Agency  
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a professional or specialized services contract with Hargis and Associates, a consulting firm, to provide examination services for the position of Lieutenant of Police for a total fee not to exceed \$14,900, bringing the total amount of specialized service contracts with this consulting firm during Fiscal Year 2003-2004 to \$50,850

Attachments: [04-0151.pdf](#),  
[78423 CMS.pdf](#),  
[Item 6 3-9-04.pdf](#),  
[S-10.31CC.pdf](#)

Resolution Number 78423 C.M.S.  
Contract Number 04-1703

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

Councilmember Brooks  
ORA\Councilmember Excused: 1 -

Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang  
ORA\Councilmember Ayes: 7 -

Enactment No: 78423

10.32  
CC

Subject: Main Street Program - Council District Six  
From: Community and Economic Development Agency  
Recommendation: A continued discussion regarding a Resolution authorizing a professional services agreement in an amount not to exceed \$68,000 with Toni Cook to provide Main Street consulting services for establishment of a Main Street Program in Council District Six

Attachments:  
[Item 19 4-6-04.pdf](#),  
[Item 3 2-24-04.pdf](#),  
[Item 3 3-9-04.pdf](#),  
[Item 3 SUP 3-9-04.pdf](#),  
[S-10.32CC.pdf](#)

Agency/Councilmember Chang made a motion, seconded by Agency/Councilmember Reid, to approve the recommendation of the March 9, 2004 Community and Economic Development Committee which directed staff to conduct an informal bid process for a professional service agreement to provide Main Street services and return directly to Council on April 6, 2004 for award of the contract, 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 Excused: Brooks -1

The following individuals spoke in favor of this item:

- Charles Chiles
- Shawn A. Townes
- Eva Aguillard

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

- Sanjiv Handa

**A motion was made by Vice Mayor Chang, seconded by Councilmember Reid, that this matter be Approve as Amended. Refer to the adopted motion below. The motion carried by the following vote:**

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

10.33  
CC

Subject: Feather River Camp Agreement  
From: Office of Parks and Recreation  
Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement with Camps in Common, Inc. to operate Feather River Camp for three (3) summer seasons (2004 through 2006) with two (2) additional summer seasons (2007 and 2008) each at the City's sole option

Attachments:  
[04-0052.pdf](#),  
[78424 CMS.pdf](#),  
[Item 3 2-24-04.pdf](#),  
[Item 3 3-9-04.pdf](#),  
[Item 3 SUP 3-9-04](#),  
[S-10.33CC.pdf](#)

Resolution Number 78424 C.M.S.  
Contract Number 04-1704

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78424

10.34  
CC

Subject: Howard E. Michaels M.D. - Medical Consulting Services  
From: Oakland Fire Department  
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a professional services agreement with Howard E. Michaels M.D. to provide emergency medical oversight services for the Fire Department Emergency Medical Services (EMS) program during the period February 28, 2004 through February 28, 2006 in an amount not to exceed \$26,400

Attachments: [04-0159.pdf](#),  
[78425 CMS.pdf](#),  
[Item 4 3-9-04.pdf](#),  
[S-10.34CC.pdf](#)

Resolution Number 78425 C.M.S.  
Contract Number 04-1705

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78425

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

There were five final decisions made during Closed Session:

Item 2K: Uhuru Cooper v. City

The City Council authorized settlement in the amount of \$35,000 in a case involving false arrest from alleged narcotics possession.

The motion was made by Councilmember Wan, seconded by Councilmember Quan to authorize settlement, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Chang, Nadel, Quan, Wan and President of the Council De La Fuente - 5, Abstain: Brunner -1, Absent: Reid-1, Excused: Brooks -1

Item 2F: Ortiz v. City

The City Council authorized settlement in the amount of \$15,000 in a case involving false arrest from the alleged theft of a computer.

The motion was made by Councilmember Quan, seconded by Councilmember De La Fuente to authorize settlement, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Chang, Nadel, Quan, Wan and President of the Council De La Fuente - 5, Absent : Brunner, Reid -2, Excused: Brooks - 1

Item 2C: City/Agency v. California Dept. of Transportation

The City Council authorized settlement of a case that challenged Federal Highway Administration conveyance to CalTrans of various easements and title to approximately 21 acres off land under the Cypress freeway.

The motion was made by Councilmember Nadel, seconded by Councilmember Reid to authorize settlement, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Chang, Nadel, Quan, Reid, and President of the Council De La Fuente - 5, Abstain: Brunner -1 Absent : Wan - 1, Excused: Brooks -1

Item 2D: City v. West Bay Builders

The City Council authorized settlement in the amount of \$600,000 in a case that involved a contract between West Bay Builder and the City of Oakland.

The motion was made by Councilmember Reid, seconded by Vice Mayor Chang to authorize settlement, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Chang, Nadel, Quan, Reid, and President of the Council De La Fuente - 5, Abstain: Brunner - 1, Absent: Wan -1, Excused: Brooks -1

Item 2E: Gustavo Fuentes v. City of Oakland.

The City Council authorized settlement in the amount of \$450,000 in a case involving excessive force.

The motion was made by Councilmember Reid, seconded by Vice Mayor Chang to authorize settlement, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Chang, Nadel, Quan, Reid, Wan and President of the Council De La Fuente - 6, Abstain : Brunner -1, Excused: Brooks -1

Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember Chang, to accept the oral report from the City Attorney on final decisions made during Closed Session, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Quan, Reid, Wan and President of the Council De La Fuente - 7, Excused: Brooks - 1

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

-Sanjiv Handa

**A motion was made by Councilmember Nadel, seconded by Vice Mayor Chang, to  
\*Approve as Submitted. The motion carried by the following vote:**

Councilmember Brooks

**ORA\Councilmember Excused:**



**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

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

Agency/Councilmember Nadel made a motion seconded by Agency/Councilmember Chang 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: Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -7; Excused: Brooks-1

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 Manager 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

Attachments: [78426 CMS.pdf](#),  
[Item 14.1 3-16-04.pdf](#)

Resolution Number 78426 C.M.S.

Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was opened at 7:16 p.m.

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

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No: 78426**

2) Adopt a Resolution overruling protests and objections, and accepting and confirming reports of the City Manager 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

Attachments: [Item 14.1 3-16-04.pdf](#)

**Not Adopted**

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

Attachments:

[Item 14.1 3-16-04.pdf](#)

**Not Adopted**

Subject: Delinquent Mandatory Garbage Fees - Public Hearing  
From: Finance and Management Agency  
Recommendation: Conduct a Public Hearing regarding Delinquent Mandatory Garbage Fees for October - December 2003, quarterly accounts and July - September 2003 monthly accounts and upon conclusion adopt one of the following Resolutions:

1) Adopt a Resolution accepting and confirming reports of the City Manager 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; or

Attachments:

[78427 CMS.pdf](#),

[Item 14.2 3-16-04.pdf](#)

Resolution Number 78427 C.M.S.

Upon the reading of Item 14.2 by the City Clerk, the Public Hearing was opened at 7:17 p.m.

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

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang  
7 -

**Enactment No:** 78427

2) Adopt a Resolution overruling protests and objections, and accepting and confirming reports of the City Manager 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

Attachments:

[Item 14.2 3-16-04.pdf](#)

**Not Adopted**

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

Attachments:

[Item 14.2 3-16-04.pdf](#)

**Not Adopted**

Subject: Planning Commission Appeal - 4690 Tompkins - Public Hearing  
 From: Community and Economic Development Agency  
 Recommendation: Conduct a Continued Public Hearing and upon conclusion adopt a Resolution denying the appeal and sustaining the decision of the City Planning Commission in approving the application for a major Conditional Use Permit to convert an existing rest home facility into a twenty-seven unit residential project located at 4690 Tompkins Avenue, Oakland; (  
 Councilmember Quan: District 4)

Attachments: [13.1 9-30-03.pdf](#),  
[Item 14.2 11-18-03.pdf](#),  
[Item 14.3 3-16-04.pdf](#)

Upon the reading of Item 14.3 by the City Clerk, the Public Hearing was opened at 7:19 p.m.

The following individuals spoke in favor of this item:

-Jeffrey John Doney  
 -Leila Moncharsh  
 -Wilson Ng  
 -Walter Loo

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

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Reid, to uphold the appeal and rule against the permit without prejudice and staff to return to Council with the appropriate legislation, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -7; Excused: Brooks-1

**A motion was made by Vice Mayor Chang, seconded by Councilmember Reid, that this matter be Not Adopted. The motion carried by the following vote:**

ORA\Councilmember Excused:	Councilmember Brooks
1 -	
ORA\Councilmember Ayes:	Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang
7 -	

#### ACTION ON NON-CONSENT ITEMS:

Subject: National League of Cities Annual Congressional Conference  
 From: Councilmember Quan  
 Recommendation: Adopt a Resolution authorizing Councilmember Jean Quan's travel to Washington, D.C. on March 5 - 9, 2004 to attend the National League of Cities, Annual Congressional Conference and designating Councilmember Quan as the City's representative

Attachments: [04-0169.pdf](#),  
[78428 CMS.pdf](#),  
[Item 15 3-16-04.pdf](#)

Resolution Number 78428 C.M.S.

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

ORA\Councilmember Excused:	Councilmember Brooks
1 -	
ORA\Councilmember Ayes:	Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang
7 -	

**Enactment No:** 78428

15.1

Subject: National League of Cities Delegates  
From: Office of the City Clerk  
Recommendation: Adopt a Resolution appointing Councilmember Nadel as the voting delegate and Councilmember Reid as the alternate voting delegate to the National League of Cities for Calendar Year January 2004 to January 2005

Attachments: [78429 CMS.pdf](#),  
[Item 15.1 3-16-04.pdf](#)

Resolution Number 78429 C.M.S.

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78429

15.2

Subject: League of California Cities Delegates  
From: Office of the City Clerk  
Recommendation: Adopt a Resolution appointing Councilmember Wan as the voting delegate and Councilmember Quan as the alternate voting delegate for the League of California Cities for the Calendar Year January 2004 to January 2005

Attachments: [78430 CMS.pdf](#),  
[Item 15.2 3-16-04.pdf](#)

Resolution Number 78430 C.M.S.

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

**ORA\Councilmember Excused:** Councilmember Brooks  
1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78430

16

Subject: Illegal Activities Evictions - Alternative " Y "  
From: Councilmember Reid  
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance requiring rental property owners to evict tenants engaged in certain illegal activities on the premises and including off-premises drug related activities that use the premises to further the off-premises illegal drug activity and authorizing the City Attorney to accept assignment of eviction causes of action from rental property owners for evictions involving certain illegal activities by establishing Section 8.23.100 of the Oakland Municipal Code, "Nuisance Eviction Ordinance"

Attachments: [03-0329.pdf](#),  
[19.pdf](#),  
[Item 16 3-16-04.pdf](#),  
[Item 3 1-27-04.pdf](#),  
[Item 3 12-9-03.pdf](#)

**Not Approved**

Subject: Illegal Activities Evictions - Alternative " Z "

From: Office of the City Attorney

Recommendation: Approve the Introduction (First Reading) of an Ordinance requiring rental property owners to evict tenants engaged in certain illegal activities on the premises and including off-premises drug related activities that use the premises to further the off-premises illegal drug activity and authorizing the City Attorney to accept assignment of eviction causes of action from rental property owners for evictions involving certain illegal activities by establishing Section 8.23.100 of the Oakland Municipal Code, "Nuisance Eviction Ordinance"

Attachments:

[03-0329-1.pdf](#)

[Item 16 4-6-04.pdf](#)

[Item 16.1 3-16-04.pdf](#)

The following individuals spoke in favor of this item:

- Jean  
- Ms. Crawford  
-Hannah L. James  
-Lillian P. Turner  
-Gloria Jeffrey  
-Billy Jean Smith  
-Duane Lee Adams  
-Leila H. Moncharsh  
-Karen B. Lind  
-Hugh Bassette  
-Sylvester Grisby Sr.  
-Audrey D. Grisby

The following individuals spoke against this item:

-Josh Warren-White  
-Sarah Jarmon  
-Jess Alexander  
-Amanda Green  
-Michael Graham  
-Scott Braley  
-Andrea D. Del Moral  
-Kevin R. Reilly  
-Michelle Fay  
-JoAnn Puanani Van Guillory  
-Ingrid Chapman  
-Frank Chu  
-Adam Gold  
-Frederick Dougls Abdullah  
-Lynda Carson  
-Lolin Asher Bosio-Cady  
-Vivian Y. Lee  
-Author D. League  
-Olivia Inex Prater  
-Ise Lyfe  
-Billy Ray Trice, Jr.  
-Roger White  
-Linda Evans  
-Don Link  
-Scott Handleman  
-Julia Harumi Mass  
-Jonah Zern  
-Yvonne Cooks  
-Elder Freeman  
-Dorsey Nunn  
-Rose Braz

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

-Michael Callahan  
-James Colston  
-Guru Jenn Arder  
-Doris Stancil  
-Murchs John  
-Stevin Edrington  
-James Vann  
-Demetria McCain Higgins  
-Wayne Kowland  
-Michael Collins  
-Sanjiv Handa

**A motion was made by Councilmember Reid, seconded by Councilmember Quan, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on April 6, 2004. The motion carried by the following vote:**

**ORA**Councilmember Abstained:

Councilmember Nadel

16.2

Councilmember Brooks

**ORA\Councilmember Excused:** 1 -

**ORA\Councilmember Ayes:** 6 - Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

Subject: Support for Illegal Activities Evictions - Assembly Bill 2523

From: Councilmember Reid

Recommendation: Adopt a Resolution supporting Assembly Bill 2523 that would include Oakland in California Health and Safety Code Section 11571.1 authorizing the City of Oakland to participate in a program of evicting tenants engaged in unlawful drug-related activities

Attachments: [78431 CMS.pdf](#),  
[Item 16.2 3-16-04.pdf](#)

Resolution Number 78431 C.M.S.

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

Councilmember Nadel

**ORA\Councilmember Abstained:** 1 -

Councilmember Brooks

**ORA\Councilmember Excused:** 1 -

**ORA\Councilmember Ayes:** 6 - Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78431

16.3

Subject: Nuisance Enforcement Schedule Fees

From: Office of the City Manager

Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending Ordinance Number 12443 C.M.S. (Master Fee Schedule), as amended, to establish fees assessed by the Office of the City Manager, Nuisance Enforcement Unit, and the Office of the City Attorney for Public Nuisance and Nuisance Eviction cases

Attachments: [12588 CMS.pdf](#),  
[19.2.pdf](#),  
[Item 16.3 3-16-04.pdf](#)

Ordinance Number 12588 C.M.S.

**A motion was made by Councilmember Reid, seconded by Councilmember Quan, that this matter be Approved for Final Passage. The motion carried by the following vote:**

Councilmember Nadel

**ORA\Councilmember Abstained:** 1 -

Councilmember Brooks

**ORA\Councilmember Excused:** 1 -

**ORA\Councilmember Ayes:** 6 - Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 12588

Subject: Medical Cannabis Distribution and Permitting  
 From: City Council Legislative Analyst  
 Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending the Master Fee Schedule to add a \$400.00 application fee related to Chapter 5.80 of the Oakland Municipal Code entitled Medical Cannabis Dispensary Permits

Attachments: [12589 CMS.pdf](#),  
[20.1.pdf](#),  
[Item 17 3-16-04.pdf](#)

Ordinance Number 12589 C.M.S.

**A motion was made by Councilmember Wan, seconded by Councilmember Quan, that this matter be Approved for Final Passage. The motion carried by the following vote:**

**ORA\Councilmember Excused:** Councilmember Brooks  
 1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 12589

AT 9:50 P.M., PRESIDENT OF THE CITY COUNCIL DE LA FUENTE RELINQUISHED THE CHAIR AND AGENCY/COUNCILMEMBER BRUNNER PRESIDED AS PRESIDENT PRO TEMPORE.

Subject: School Closures  
 From: Councilmembers Nadel, Quan, and Brunner  
 Recommendation: Adopt a Resolution regarding the 2004 closure of Oakland Public Schools

Attachments: [78432 CMS.pdf](#),  
[Item 18 3-16-04.pdf](#),  
[Item 4 2-24-04.pdf](#)

Resolution Number 78432 C.M.S.

The following individuals spoke in favor of this item:

-Henry Hitz  
 -Greg Hodge  
 -Lillian Turner  
 -Manny Lopez  
 -Sheila Quintana  
 -Dan Siegal  
 -Jonah Zern  
 -Randy Roth  
 -Patricia Durham  
 -Kitty Epstein  
 -Barbara Ginsberg  
 -Sanjiv Handa  
 -Pamela A. Drake  
 -Therese Marie Jimenez

The Council directed staff to forward the Resolution to the Oakland Schools Administrator and the State Superintendent of Schools.

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

**ORA\Councilmember Excused:** Councilmember Brooks  
 1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78432

PRESIDENT OF THE COUNCIL DE LA FUENTE WAS NOTED PRESENT AT 10:17 P. M. AND RESUMED PRESIDING AS CHAIRPERSON



Subject: Assembly Bill 2450 - Sexually Violent Predators Notice  
 From: Councilmember Brooks  
 Recommendation: Adopt a Resolution declaring the City of Oakland's support of Assembly Bill 2450 which would clarify and improve local agency input in the release of sexually violent predators

Attachments: [04-0175.pdf](#),  
[78433 CMS.pdf](#),  
[Item 19 3-16-04.pdf](#)

Resolution Number 78433 C.M.S.

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

**ORA\Councilmember Excused:** Councilmember Brooks  
 1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78433

Subject: Jessica Pitt - Budget Advisory Committee  
 From: Councilmember Brunner  
 Recommendation: Adopt a Resolution appointing Jessica Pitt as a member of the Budget Advisory Committee

Attachments: [78434 CMS.pdf](#),  
[Item 20 3-16-04.pdf](#)

Resolution Number 78434 C.M.S.

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

**ORA\Councilmember Excused:** Councilmember Brooks  
 1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

Subject: Safi wa Nairobi and Victoria Burns -  
 Commission on Persons with Disabilities  
 From: Office of the Mayor  
 Recommendation: Adopt a Resolution appointing Safi wa Nairobi and Victoria Burns as members of the Commission on Persons with Disabilities

Attachments: [78435 CMS.pdf](#),  
[Item 21 3-16-04.pdf](#)

Resolution Number 78435 C.M.S.

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

**ORA\Councilmember Excused:** Councilmember Brooks  
 1 -

**ORA\Councilmember Ayes:** 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

**Enactment No:** 78435

COUNCILMEMBER BRUNNER WAS NOTED ABSENT AT 10:20 P.M.

Subject: Civil Marriage for Same-Sex Couples  
 From: Councilmembers Wan, Quan, and Nadel  
 Recommendation: Adopt a Resolution urging the Board of Supervisors of Alameda County and County Auditor-Controller/Clerk-Recorder Patrick O'Connell to adopt a policy in support of civil marriage for same-sex couples and to begin issuing marriage licenses to same-sex couples (TITLE CHANGE)

Attachments: [04-0177.pdf](#),  
[Item 7 3-11-04.pdf](#),  
[Item 7 SUP 3-11-04](#),  
[Item S-22 3-16-04.pdf](#)

The following individual spoke against this item:

-Elder Freeman  
 -Cassandra Flowers  
 -Don Edwards

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

**\*Withdrawn with No New Date**

Subject: Salary Ordinance Amendment - Classifications  
 From: Finance and Management Agency  
 Recommendation: Approve the Introduction (First Reading) of an Ordinance amending the Salary Schedule of Ordinance Number 12187 C.M.S. (the Salary Ordinance) to add the classifications of Construction and Maintenance Mechanic, PPT, Head Start Facilities Coordinator, Hearing Officer, Hearing Officer, PPT, Maintenance Mechanic, PPT, Senior Hearing Officer, Senior Hearing Officer, PPT and Web Specialist, and to amend the classifications of Police Identification Section Supervisor, Fire Communications Dispatcher, Senior, Fire Communications Supervisor, Electrical Engineer II and Electrical Engineer III

Attachments: [04-0124.pdf](#),  
[10.11CC.pdf](#),  
[Item 3 3-9-04.pdf](#),  
[Item S-23 3-16-04.pdf](#)

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

- Sanjiv Handa

**A motion was made by Vice Mayor Chang, seconded by Councilmember Wan, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on April 6, 2004. The motion carried by the following vote:**

ORA\Councilmember Excused: Councilmember Brooks  
 1 -

ORA\Councilmember Absent: Councilmember Brunner  
 1 -

ORA\Councilmember Ayes: Councilmember Nadel, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang  
 6 -

The Council moved, seconded and carried a motion to extend the meeting past 10:30 p. m.

COUNCILMEMBER REID WAS NOTED ABSENT AT 10:36 P.M.

Subject: Second Quarter Revenue & Expenditure Report  
 From: Office of the City Manager  
 Recommendation: Receive the Fiscal Year 2003-2004 Second Quarter Revenue and Expenditure Informational Report

Attachments: [04-0157.pdf](#),  
[Item 8 3-9-04.pdf](#),  
[Item S-24 3-16-04.pdf](#)

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

- Sanjiv Handa

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

<b>ORA\Councilmember Excused:</b>	Councilmember Brooks
1 -	
<b>ORA\Councilmember Absent:</b>	Councilmember Brunner and Councilmember Reid
2 -	
<b>ORA\Councilmember Ayes:</b>	
5 -	Councilmember Nadel, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente and Vice Mayor Chang

Continuation of Open Forum

The following individuals spoke on this item:

-Hector Reyna

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 George Rothman, Carolyn Howard, Brenda Morris, Lester Tims, Bing Gee, and Abdul Malik Algazzali at 10:54 p.m.

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. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

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