

Meeting Minutes City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California 94612

LaTonda Simmons, City Clerk

Concurrent Meeting of the Oakland Redevelopment

Agency/City Council

Tuesday, July 20, 2004

6:00 PM

Oakland City Hall, 3rd Floor

A meeting of the Joint Oakland Redevelopment Agency and City Council was

held on the above date. Opening with the Pledge of Allegiance, the meeting

was convened at 6:30 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 Present: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

3

Open Forum / Citizens Comments

(Time Available: 15 minutes)

The following individual(s) spoke under Open Forum:

- *Gregory Jurin*

- *Sal Gomez*

- *Jaye Shupin*

- *Karen Lind*

- *Dorothy Coleman*

- *Judi Bank*

- *Marlene Rodriguez*

- *Ondrietta Johnson*

- *Leo Handy, Jr.*

- *Brady Gordon*

- *Dwight McElroy*

- *Sequonite Buggs*

- *Mustafaa Abdul Ali*

- *Brad Walters*

- *Steve Bristow*

- *Sanjiv Handa*

item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.

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

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Agency/Councilmember Reid made a motion, seconded by

Agency/Councilmember Nadel, to adopt the agenda with the exception of Items

10.31CC and 10.36CC, 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 -8

5

Motion for 'Members' Requests for Reconsideration' of an Action taken at the preceding

Council Meeting, shall be scheduled for the next-succeeding City Council meeting as a

non-consent item. (Motion Maker must have voted on prevailing side)

No action was necessary for this item.

6

Requests from Councilmember(s) to schedule an Action Item considered by Committee but

not forwarded to Council, shall be scheduled for the next-succeeding City Council meeting

as a non-consent item.

No action was necessary for this item.

7

Approval of the Draft Minutes from the 2004-2005 Mid-Cycle Special Budget Review held

on June 29, 2004 and the Concurrent Meeting of the Oakland Redevelopment Agency/City

Council held July 6, 2004

A motion was made by Councilmember Nadel, seconded by

Councilmember Reid, to *Approve with the following amendments. The

motion carried by the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Agency/Councilmember Nadel made a motion, seconded by

Agency/Councilmember Reid, to approve the July 6, 2004 Minutes as amended

to include the following Friendly Amendment proposed by Councilmember

Nadel, accepted by Agency/Councilmember Wan on item 14.3 regarding the

Rotunda Garage Public Hearing:

"Add a provision to the development and disposition agreement that provides

the Adcock Joyner building owners, the same provisions for the right of first

refusal to buy the 524-528 16th Street lot ,as in the original resolution 77542,

but restarting the clock to run until September of 2008."

and hearing no objections, all members present were recorded as voting: Ayes:

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

President of the Council De La Fuente -8

8. PRESENTATION OF CEREMONIAL MATTERS
8.1

Subject: Oakland Citizens' Academy Graduation Class of Spring 2004

From: Office of the City Administrator

Recommendation: A presentation from the City Administrator for the City of Oakland Citizens'

Academy Graduation Class of Spring 2004 (04-0629)

City Administrator, Deborah Edgerly, made a presentation congratulating the

graduates of the Citizens' Academy Class of Spring 2004

The following individual(s) spoke on this item:

- *Sanjiv Handa*

[Scheduling Request.pdf](#),

[Item 8.1.pdf](#)

8.2

Subject: Dwight Chambers - Service Recognition

From: Councilmember Brooks

Recommendation: Adopt a Resolution commending Dwight A. Chambers for 39 years of

dedicated service to the City of Oakland (7874804-0536)

A motion was made by Councilmember Brooks, seconded by

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

the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

[Scheduling Request.pdf](#),

[Item 8.2.pdf](#),

[78680 CMS.pdf](#)

8.3

Subject: Ernie Robinson - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution commending Deputy Chief Ernest A. Robinson III for

30 years of outstanding and dedicated service and congratulating him on his retirement

(04-0613)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

The following individual spoke in favor of this item:

- *Sean Gascie*

[Scheduling Request.pdf](#),

[Item 8.3.pdf](#),

[78681 CMS.pdf](#)

8.4

Subject: Gerald Simon - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution commending Chief Gerald Simon for outstanding and

dedicated service and congratulating him on his retirement (04-0614)

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 Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

The following individual spoke in favor of this item:

- *Sean Gascie*

[Scheduling Request.pdf](#),

[Item 8.4.pdf](#),

[78682 CMS.pdf](#)

8.5

Subject: Henry Renteria - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution commending Henry R. Renteria for his 19 years of

dedicated service as Oakland's Emergency Manager, congratulating him on his retirement from

the City of Oakland, and wishing him well as assumes leadership as the Director of the

Governor's Office of Emergency Services (04-0615)

***Withdrawn with No New Date**

[Scheduling Request.pdf](#),

[Item 8.5.pdf](#),

[78683 CMS.pdf](#)

8.6

Subject: Barry Weiland - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution honoring Barry Weiland upon his retirement from the

City of Oakland (04-0616)

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 Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

[Scheduling Request.pdf](#),

[Item 8.6.pdf](#),

[78683 CMS.pdf](#)

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Agency/Councilmember Brooks took a point of personal privilege and

requested that the meeting be adjourned in memory of Dave McDonald.

Agency/Councilmember Brooks took a point of personal privilege and

requested that the meeting be adjourned in memory of John Sanders.

Agency/Councilmember Brunner took a point of personal privilege and

requested that the meeting be adjourned in memory of Dave McDonald.

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

that the meeting be adjourned in memory of Dave McDonald.

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 (04-0631)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78684 C.M.S.

[Item 10.1CC.pdf](#),

[78684 CMS.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 (04-0632)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78685 C.M.S.

[Item 10.2CC.pdf](#),

[78685 CMS.pdf](#)

10.3CC

Subject: Gary Deskins - 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 Gary Deskins, et al. v. City of Oakland et al., United States

District Court no. C-03-3653-VRW, our file no. 23467, in the amount of \$40,000 (Oakland

Police Department - Warrentless Search) (04-0633)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78686 C.M.S.

[Item 10.3CC.pdf](#),

[78686 CMS.pdf](#)

10.4CC

Subject: Leslie Perez - 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 Leslie Perez, in the amount of \$6,000, as a result of bodily

injury sustained in an auto collision involving a City of Oakland vehicle. (Public Works

Agency) (04-0636)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78687 C.M.S.

[Item 10.4CC.pdf,](#)

[78687 CMS.pdf](#)

10.5CC

Subject: Deborah Carney - 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 Allstate Insurance as subrogee for Deborah Carney, in the

amount of \$9,248.47, as a result of an automobile collision involving a City of Oakland vehicle

(Public Works Agency) (04-0635)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78688 C.M.S.

[Item 10.5CC.pdf,](#)

[78688 CMS.pdf](#)

10.6CC

Subject: Fe Hanson - 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 Fe Hanson v. City of Oakland, et al., Alameda County

Superior Court number RG03124039, our file number 23493, in the amount of sixty thousand

dollars (\$60,000). This case involves a claim for disability discrimination (Oakland Police

Department) (04-0638)

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 Abstained: 2 - Councilmember Brunner and

Councilmember Brooks

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 5 - Councilmember Nadel, Councilmember Wan,

Councilmember Quan, President of the Council De La Fuente and

Councilmember Chang

Resolution Number 78689 C.M.S.

[Item 10.6CC.pdf](#),

[78689 CMS.pdf](#)

10.7CC

Subject: Yakpasua Zazaboi - 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 Yakpasua Zazaboi v. City of Oakland, et al., Alameda

County Superior Court case no. 2001-032605 our file no. 21415, in the amount of \$9,900

(Oakland Police Department) (04-0640)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78690 C.M.S.

[Item 10.7CC.pdf,](#)

[78690 CMS.pdf](#)

10.8CC

Subject: Cheryl D. Taylor - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution commending Cheryl D. Taylor for 31 years of devoted

and dedicated service and congratulating her on her retirement (04-0591)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78691 C.M.S.

[Scheduling Request.pdf](#),

[Item 10.8CC.pdf](#),

[78691 CMS.pdf](#)

10.9CC

Subject: Edna Davis - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution honoring Edna Davis upon her retirement from the City

of Oakland for more than 31 years of devoted and dedicated service and congratulating her on

her retirement (04-0592)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78692 C.M.S.

[Scheduling Request.pdf](#),

[Item 10.9CC.pdf](#),

[78692 CMS.pdf](#)

10.10CC

Subject: Janie B. Young - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution commending Janie B. Young for 36 years of devoted

and dedicated service and congratulating her on her retirement (04-0593)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78693 C.M.S.

[Scheduling Request.pdf,](#)

[Item 10.10CC.pdf,](#)

[78693 CMS.pdf](#)

10.11CC

Subject: Doris M. Malvo - Service Recognition

From: Finance and Management Agency

Recommendation: Adopt a Resolution commending Doris M. Malvo for 36 years of

outstanding and dedicated service and congratulating her on her retirement (04-0607)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78694 C.M.S.

[Scheduling Request.pdf](#),

[Item 10.11CC.pdf](#),

[78694 CMS.pdf](#)

10.12CC

Subject: Standard Specifications for Public Works Construction

From: Public Works Agency

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

"Standard Specifications for Public Works Construction, 2003 Edition" and repealing

Ordinance No. 12321 C.M.S. and all resolutions related thereto (04-0516)

A motion was made by Councilmember Brunner, seconded by

Councilmember Nadel, that this matter be Approved as Amended for Final

Passage. The motion carried by the following vote:

Votes:

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Ordinance Number 12614 C.M.S.

[Scheduling Request,](#)

[Item 4 6-22-04.pdf,](#)

[Item 10.14CC 07-06-04.pdf,](#)

[12614 CMS.pdf](#)

10.13CC

Subject: Sale of City-Owned Property - 3615 and 3619 35th Avenue

From: Community and Economic Development Agency

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

the negotiation and execution of a purchase and sale agreement for the sale of City-owned

property at 3615 and 3619 35th Avenue at fair market value (\$279,000) to Collins/PBA for the

development of a mixed-use project (04-0489)

A motion was made by Councilmember Brunner, seconded by

Councilmember Nadel, that this matter be Approved as Amended for Final

Passage. The motion carried by the following vote:

Votes:

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Ordinance Number 12615 C.M.S.

[Scheduling Request.pdf](#),

[Item 3 6-22-04.pdf](#),

[Item 10.13CC 07-06-04.pdf](#),

[12615 CMS.pdf](#)

10.14CC

Subject: Urban Renewal and Redevelopment Planning

From: Community and Economic Development Agency

Recommendation: Approve the Final Passage (Second Reading) of the following Ordinances

regarding the Acorn, Central District, Oak Center and Stanford/Adeline project areas:

1) Approve the Final Passage (Second Reading) of an Ordinance amending the Acorn Urban

Renewal Plan to extend the time limits on plan effectiveness and receipt of tax increment

revenue by one year; and (04-0427)

A motion was made by Councilmember Brunner, seconded by

Councilmember Nadel, that this matter be Approved as Amended for Final

Passage. The motion carried by the following vote:

Votes:

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Ordinance Number 12616 C.M.S.

[Scheduling Request.pdf](#),

[Item 5 6-22-04.pdf,](#)

[Item 10.21-1CC 07-06-04.pdf,](#)

[Item 10.14-1-4CC.pdf,](#)

[12616 CMS.pdf](#)

2) Approve the Final Passage (Second Reading) of an Ordinance amending the Central District

Urban Renewal Plan to extend the time limits on plan effectiveness and receipt of tax

increment revenue by one year; and (04-0427a)

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:

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Ordinance Number 12617 C.M.S.

[Item 5 6-22-04.pdf,](#)

[Item 10.21-2CC 07-06-04.pdf,](#)

[Item 10.14-1-4CC.pdf,](#)

[12617 CMS.pdf](#)

3) Approve the Final Passage (Second Reading) of an Ordinance amending the Oak Center

Urban Renewal Plan to extend the time limits on plan effectiveness and receipt of tax

increment revenue by one year; and (04-0427b)

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:

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Ordinance Number 12618 C.M.S.

[Item 5 6-22-04.pdf,](#)

[Item 10.21-3CC 07-06-04.pdf,](#)

[Item 10.14-1-4CC.pdf,](#)

[12618 CMS.pdf](#)

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

Stanford/Adeline Redevelopment Plan to extend the time limits on plan effectiveness and

receipt of tax increment revenue (04-0427c)

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:

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Ordinance Number 12619 C.M.S.

[Item 5 6-22-04.pdf,](#)

[Item 10.21-4CC 07-06-04.pdf,](#)

[Item 10.14-1-4CC.pdf,](#)

[12619 CMS.pdf](#)

10.15CC

Subject: Amendment to View Ordinance

From: Councilmember Quan

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

Oakland Municipal Code Section 15.52 (View Ordinance) to clarify application to properties in

the entire City of Oakland and that the private right to reconciliation and arbitration established

by the View Ordinance is not affected by the provisions of Section 15.52.040, protected view

corridors in the North Oakland Hill Area Specific Plan (04-0573)

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:

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Ordinance Number 12620 C.M.S.

[Item 20 07-06-04.pdf,](#)

[Item 10.15CC.pdf,](#)

[12620 C.M.S..pdf](#)

10.16CC

Subject: Increase of City Council Salaries

From: Public Ethics Commission and Office of the City Administrator

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

Ordinance Number 4727 C.M.S. to adjust the monthly salary schedule for the classification of

Council Member (04-0541)

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:

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Ordinance Number 12621 C.M.S.

[Scheduling Request.pdf](#),

[Item 2.5 Staff Report & Legislation 6-29-04.pdf](#),

[Item 10.16CC.pdf,](#)

[12621 CMS.pdf](#)

S-10.17CC

Subject: I-880 Public Art Project

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to allocate an

additional \$70,000 from the City's Public Art Municipal Capital Improvement Fund (Fund

5505) for the Broadway at I-880 Public Art Project, to reject all bids, to negotiate a contract

and to award a construction contract in an amount not to exceed \$385,000, without returning to

Council (TITLE CHANGE) (PURSUANT TO SECTION 902-E OF THE CITY CHARTER,

THIS ITEM REQUIRES A 2/3 VOTE OF THE COUNCIL - 6 AFFIRMATIVE VOTES)

(04-0397-1)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78695 C.M.S.

Contract Number 04-1773

[Item 4 7-13-04.pdf,](#)

[Item S10-17CC.pdf,](#)

[78695 CMS.pdf](#)

S-10.18CC

Subject: Lake Merrit Clean Up

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the sixth amendment to the professional

services agreement with the Lake Merritt Institute for the cleanup of Lake Merritt for Fiscal

Year 2004-2005 in an amount not to exceed \$151,570 for a total contract amount not to exceed

\$951,725 (04-0436-1a)

A motion was made by Councilmember Brunner, seconded by

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

motion carried by the following vote:

Votes:

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78696 C.M.S.

Contract Number 04-1774

Agency/Councilmember Nadel made a motion, seconded by

Agency/Councilmember Brunner, to adopt the resolution as amended on Item

S-10.18CC to include the following language:

"FURTHER RESOLVED: This resolution supercedes and hereby revokes

Resolution No. 78673 passed on July 6, 2004, which extended the LMI contract

for three months from June 1 - August 31, 2004; and be it."

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 -8

[Item S10-18CC.pdf,](#)

[78696 CMS.pdf](#)

S-10.19CC

Subject: Local Street and Road Repairs

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to apply for, accept,

and appropriate \$1,573,482 of Federal Surface Transportation Program Funds for local street

rehabilitation work in Fiscal Year 2005-2006 and Fiscal Year 2006-2007 (04-0535)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78697 C.M.S.

[Scheduling Request.pdf](#),

[Item 6 7-13-04.pdf](#),

[Item S10-19CC.pdf](#),

[78697 CMS.pdf](#)

S-10.20CC

Subject: Installation of Stop Signs in the City of Oakland

From: Public Works Agency

Recommendation: Adopt a Resolution approving the installation of stop signs on: 1) 84th

Avenue at E Street; 2) East 31st Street at 22nd Avenue; and 3) Gaskill Street at Aileen Street

(04-0554)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78698 C.M.S.

[Scheduling Request.pdf](#),

[Item 7 7-13-04.pdf](#),

[Item S10-20CC.pdf](#),

[78698 CMS.pdf](#)

S-10.21CC

Subject: Traffic Counts and Speed Zone Studies

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing amendment to the agreement with

Kimley-Horn and Associates to conduct average daily traffic counts and radar speed zone

studies for an additional amount not to exceed \$25,000 (total contract amount not to exceed

\$270,790) and a time of performance extension from June 30, 2004 to December 31, 2004

(04-0555)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78699 C.M.S.

Contract Number 04-1776

[Scheduling Request.pdf](#),

[Item 8 7-13-04.pdf](#),

[Item S10-21CC.pdf](#),

[78699 CMS.pdf](#)

S-10.22CC

Subject: Kolve Engineering - Design Services for Traffic Signals

From: Public Works Agency

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

professional services agreement with Korve Engineering for the design of traffic signals at four

locations (Project Nos. C229310, C229110, C232710, C232310) for an amount not to exceed

eighty-five thousand seven hundred ten dollars (\$85,710) (04-0557)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78700 C.M.S.

[Scheduling Request.pdf](#),

[Item 9 7-13-04.pdf](#),

[Item S10.22CC.pdf,](#)

[78700 CMS.pdf](#)

S-10.23CC

Subject: Parking Designations in the City of Oakland

From: Public Works Agency

Recommendation: Adopt a Resolution approving the: 1) establishment of a No-Parking

between 3:00 A.M. and 6:00 A.M. Zone on Hegenberger Place (both sides) between

Hegenberger Road and the end; 2) establishment of a One-Hour Parking Zone on

East 12th Street (both sides) between 33rd Avenue and 35th Avenue; 3) removal of a

No-Parking Zone and establishment of a Two-Hour Parking Zone on Perkins Street (east side)

between Grand Avenue and Bellevue Avenue (04-0558)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78701 C.M.S.

[Scheduling Request.pdf,](#)

[Item 10 7-13-04.pdf,](#)

[Item S10.23CC.pdf,](#)

[78701 CMS.pdf](#)

S-10.24CC

Subject: Funding of Various Transportation Projects

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City of Oakland to apply for, accept, and

appropriate up to \$1,357,000 in Fiscal Year 2004-2005 Transportation Fund for Clean Air

Funds for the following four projects: 1) Oakland Airport - Coliseum Area Intelligent

Transportation Systems Deployment - Phase I (\$800,000); 2) Market Street Regional Bikeway

(\$400,000); 3) Clay Street Garage Central Cashiering System (\$97,000); and 4) Bicycle

Parking Request Program (\$60,000) (04-0561)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78702 C.M.S.

[Scheduling Request.pdf,](#)

[Item 11 7-13-04.pdf,](#)

[Item S10-24CC.pdf,](#)

[78702 CMS.pdf](#)

S-10.25CC

Subject: DKS Associates - Citywide Pedestrian Safety Program

From: Public Works Agency

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

professional services agreement with DKS Associates for design services for the Citywide

Pedestrian Safety Program (City Project No. C188510) for an amount not to exceed one

hundred three thousand one hundred and forty dollars (\$103,140) (04-0553)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78703 C.M.S.

Contract Number 04-1777

[Scheduling Request.pdf,](#)

[Item 12 7-13-04.pdf,](#)

[Item S10.25CC.pdf,](#)

[78703 CMS.pdf](#)

S-10.26CC

Subject: Safe Routes to School Program

From: Public Works Agency

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

appropriate the Safe Routes To School Program Fourth Cycle State funds in the amount of

\$441,045 for pedestrian safety improvements at various school locations (04-0560)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78704 C.M.S.

[Scheduling Request.pdf](#),

[Item 13 7-13-04.pdf](#),

[Item S10.26CC.pdf](#),

[78704 CMS.pdf](#)

S-10.27CC

Subject: Bay Area Air Quality Management District

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to apply for, accept

and appropriate \$106,500 in grant funds to offset the incremental cost of acquiring one garbage

packer truck and one street sweeper powered by compressed natural gas instead of diesel fuel

and to enter into a funding agreement with the Bay Area Quality Management District if the

application is approved by the Bay Area Air Quality Management District Board of Directors

(04-0582)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78705 C.M.S.

Contract Number 04-1778

[Scheduling Request.pdf](#),

[Item 14 7-13-04.pdf](#),

[Item S10.27CC.pdf](#),

[78705 CMS.pdf](#)

S-10.28CC

Subject: PSAl Old Oakland Associates

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution granting PSAl Old Oakland Associates, LLC, a

California Limited Liability Company, a conditional revocable permit for the encroachment of

existing building structural supports, sidewalk basement to be converted into commercial space

and sidewalk basement stairs into the public right-of-way area of 9th Street and sidewalk

basement into the public right-of-way area of Broadway located at 901 Broadway (04-0576)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78706 C.M.S.

[Scheduling Request.pdf,](#)

[Item 15 7-13-04.pdf,](#)

[Item S10.28CC.pdf,](#)

[78706 CMS.pdf](#)

S-10.29CC

Subject: Community Choice Aggregation Demonstration Project

From: Office of the City Administrator

Recommendation: Adopt the following legislation regarding alternative energy opportunities:

1) A Resolution authorizing the City Administrator to accept and appropriate \$3,500,000 from

the Williams Energy Settlement to be used for activities that promote alternative energy

production or improve energy efficiency in the City, and; (04-0540)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78707 C.M.S.

[Committee Report Item 5 7-13-04.pdf,](#)

[Council Report Item S10-29-1CC 7-20-04.pdf,](#)

[78707 CMS.pdf](#)

2) A Resolution authorizing allocation of Williams Settlement Funds for a professional

services agreement with Navigant Consulting, Inc. to join the Bay Area Consortium

Community Choice Aggregation Demonstration Project to assess the feasibility, opportunities,

and risks for Oakland to become an aggregator in an amount not to exceed \$24,500

(04-0540-1)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78708 C.M.S.

[Item 5 7-13-04.pdf,](#)

[Item S10-29-1CC.pdf,](#)

[78708 CMS.pdf](#)

S-10.30CC

Subject: Abatement of Dangerous and Insanitary Building Sewer Conditions

From: Public Works Agency

Recommendation: Adopt a Resolution confirming the report of assessment for the abatement of

dangerous and insanitary building sewer conditions throughout the City of Oakland (04-0538)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78709 C.M.S.

[Committee Report Item 8 7-13-04.pdf,](#)

[Council Report Item S10.30CC 7-20-04.pdf,](#)

[78709 CMS.pdf](#)

S-10.31CC

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)

Withdrawn and Rescheduled to Concurrent Meeting of the Oakland

Redevelopment Agency / City Council on 9/21/2004

[Committee Report 7-13-04 Item 11 and Council Repor...](#),

[Item 15 10-05-04.pdf](#),

[Ordinance No.12623.pdf](#)

S-10.32CC

Subject: Minor Home Repair Program

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution authorizing an increase in the existing contract with the

County of Alameda, Housing and Community Development Department, by an amount not to

exceed \$229,210, for a total contract amount of \$729,210 to administer the Minor Home Repair

Program (MHRP) (04-0509)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78710 C.M.S.

Contract Number 04-1779

[Scheduling Request.pdf,](#)

[Item 5 7-13-04.pdf,](#)

[Item S10.32CC.pdf,](#)

[78710 CMS.pdf](#)

S-10.33CC

Subject: Culinary Arts Academy

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution authorizing the reallocation of \$436,000 of Community

Development Block Grant funds, and authorizing the City Administrator to negotiate and

execute agreements with the Oakland Unified School District for the Castlemont High School

Culinary Arts Academy (\$25,000) and with the Alameda County Health Care Services Agency

for the Project YES! Youth Center renovation

(\$411,000) (04-0510)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78711 C.M.S.

Contract Number 04-1780

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

- *Martina Hardaway*

- *Otis Simmons*

[Scheduling Request.pdf](#),

[Item 6 7-13-04.pdf](#),

[Item S10.33CC.pdf](#),

[78711 CMS.pdf](#)

S-10.34CC

Subject: Origins Design Network - Extension of Contract Period

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution amending a professional services contract between the

City of Oakland and Origins Design Network to perform residential design review services, to

extend the contract time period until such time contract funds are depleted (no change to the

contract amount) (04-0542)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78712 C.M.S.

Contract Number 04-1781

[Scheduling Request.pdf](#),

[Item 7 7-13-04.pdf](#),

[Item S10-34CC.pdf](#),

[78712 CMS.pdf](#)

S-10.35CC

Subject: After-School Homework and Teen Homework Assistance Program

From: Oakland Public Library

Recommendation: Adopt a Resolution authorizing the City Administrator, on behalf of the City

of Oakland, to accept and appropriate a grant in the amount of \$225,000 from the Oakland

Public Library Foundation for the PASS! After-School Homework Program and the Teen

Homework Assistance Program for Fiscal Year 2004-2005 (04-0448)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78713 C.M.S.

[04-0448.pdf](#),

[Item 7 7-13-04.pdf](#),

[Item S10-35CC.pdf](#),

[78713 CMS.pdf](#)

S-10.36CC

Subject: Cultural Arts Revolving Loan Program

From: Cultural Arts and Marketing Department

Recommendation: Adopt a Resolution rescinding Resolution Number 94-43 C.M.S., which

authorized the implementation of the Cultural Arts Revolving Loan Program managed by the

Oakland Business Development Corporation, and authorizing the City's participation in the

Arts Loan Fund managed by the Northern California Grantmakers (04-0424)

Withdrawn and Rescheduled to Concurrent Meeting of the Oakland

Redevelopment Agency / City Council on 9/21/2004

[Council Report Item 18 9 -21-04.pdf,](#)

[Resolution 78803.pdf](#)

S-10.37CC

Subject: Oakland Museum of California Master Plan

From: Cultural Arts and Marketing Department

Recommendation: Receive an Informational progress Report on the Oakland Museum of

California Master Plan (04-0423)

A motion was made by Councilmember Brunner, seconded by

Councilmember Nadel, that this matter be *Received and Filed. The

motion carried by the following vote:

Votes:

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

[04-0423.pdf](#),

[Item 9 7-13-04.pdf](#),

[Item S10.37CC.pdf](#)

S-10.38CC

Subject: Public Artwork - Bella Vista Park

From: Cultural Arts and Marketing Department

Recommendation: Adopt a Resolution authorizing a professional services agreement between

the City of Oakland and Eric Powell in an amount not to exceed \$16,500 for the creation of

public artwork for the Bella Vista Park (04-0469)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78714 C.M.S.

Contract Number 04-1782

[04-0469.pdf](#),

[Item 10 7-13-04.pdf](#),

[Item S10.38CC.pdf](#),

[78714 CMS.pdf](#)

S-10.39CC

Subject: Public Artwork for the Oakland Childrens Zoo

From: Cultural Arts and Marketing Department

Recommendation: Adopt a Resolution authorizing a professional services agreement between

the City of Oakland and Robin Murez in an amount not to exceed ninety thousand dollars

(\$90,000) for the creation of public artwork for the Oakland Children's Zoo (04-0471)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78715 C.M.S.

Contract Number 04-1783

[04-0471.pdf,](#)

[Item 11 7-13-04.pdf,](#)

[Item S10.39CC.pdf,](#)

[78715 CMS.pdf](#)

S-10.40CC

Subject: Home Improvements For Paratransit Riders

From: Department of Human Services

Recommendation: Adopt a Resolution authorizing the City Administrator to apply for, accept,

and appropriate funds in the amount of \$132,763 from Alameda County Transportation

Improvement Authority (ACTIA) Measure B Funds for the Fiscal Years 2004-2006 and to

execute one year contracts with Center for Independent Living, Rebuilding Together - Oakland,

Rebuilding Together - Albany/Emeryville, to provide accessible home improvements for

paratransit services for Fiscal Years 2004-2006 in an amount not to exceed \$78,000 and to

amend the contracts for additional amounts received without returning to City Council

(04-0442)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78716 C.M.S.

Contract Number 04-1784

[04-0442.pdf](#),

[Item 12 7-13-04.pdf](#),

[Item S10.40CC.pdf](#),

[78716 CMS.pdf](#)

S-10.41CC

Subject: Oakland Youth Commission

From: Department of Human Services

Recommendation: Adopt a Resolution authorizing the City Administrator, on behalf of the City

of Oakland, to accept donations up to \$5,000 and grants up to \$20,000 on behalf of the Oakland

Youth Commission without further City Council approval of these future donations and grants;

and to apply for, accept and appropriate a grant of \$5,000 from the ARC Foundation for youth

in civic engagement activities (04-0441-1)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78717 C.M.S.

[04-0441-1.pdf](#),

[Item 13 7-13-04.pdf](#),

[Item S10.41CC.pdf](#),

[78717 CMS.pdf](#)

S-10.42CC

Subject: Child Care Food Program (CCFP) Grant

From: Department of Human Services

Recommendation: Adopt a Resolution authorizing the City Administrator, on behalf of the City

of Oakland to apply for, accept and appropriate the Child Care Food Program (CCFP) Grant

from the California Department of Education in an estimated amount of \$360,000 for program

year 2004-2005 (04-0584)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78718 C.M.S.

[Scheduling Request.pdf,](#)

[Item 14 7-13-04.pdf,](#)

[Item S10.42CC.pdf,](#)

[78718 CMS.pdf](#)

S-10.43CC

Subject: Access to Electronic Health Information Project Grant

From: Oakland Public Library

Recommendation: Adopt a Resolution authorizing the City Administrator to apply for, accept,

and appropriate a grant in the amount of \$8,000 from the National Network of Libraries of

Medicine Access to Electronic Health Information Project for Fiscal Year 2004-2005

(04-0449)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78719 C.M.S.

[04-0449.pdf](#),

[Item 15 7-13-04.pdf](#),

[Item S10.43CC.pdf](#),

[78719 CMS.pdf](#)

S-10.44CC

Subject: Library Services Grants

From: Oakland Public Library

Recommendation: Adopt a Resolution authorizing the City Administrator, on behalf of the

City of Oakland, to apply for, accept, and appropriate a grant in the amount of \$25,000 from the

California State Library, Library Services and Construction Act Global Languages Programs

for Fiscal Year 2004-2005 (04-0446)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78720 C.M.S.

[Scheduling Request.pdf,](#)

[Item 16 7-13-04.pdf,](#)

[Item S10.44CC.pdf,](#)

[78720 CMS.pdf](#)

S-10.45CC

Subject: National Forensic Sciences Improvement Act Program

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Administrator, on behalf of the City

of Oakland to accept and appropriate grant funds in the amount of nine thousand one hundred

and eighty dollars (\$9,180) from the Governor's Office of Emergency Services for the Paul

Coverdell National Forensic Sciences Improvement Act Program being conducted in the Police

Department (04-0537)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78721 C.M.S.

[Scheduling Request.pdf](#),

[Item 3 7-13-04.pdf](#),

[Item S10.45CC.pdf](#),

[78721 CMS.pdf](#)

S-10.46CC

Subject: Domestic Violence Abatement Activities

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Administrator, on behalf of the City

of Oakland, to accept and appropriate funds in the amount of seventeen thousand three hundred

forty-three dollars and forty-five cents (\$17,343.45) from the State of California, Domestic

Violence Restraining Order System Fund, for use by the Oakland Police Department for

Domestic Violence Abatement Activities (04-0585)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78722 C.M.S.

[Scheduling Request.pdf](#),

[Item 4 7-13-04.pdf](#),

[Item S10.46CC.pdf](#)

S-10.47CC

Subject: Oakland Youth Court Project

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Administrator on behalf of the City

of Oakland to accept and appropriate a grant in an amount not to exceed one hundred fifty-three

thousand two hundred and three dollars (\$153,203) from the State of California, Board of

Corrections (BOC), Juvenile Accountability Block Grant (JABG) Program, and authorizing a

funding agreement in an amount not to exceed one hundred forty-two thousand dollars

(\$142,000) with the Donald P. McCullum Youth Court for implementation of the Oakland

Youth Court Project (04-0586)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78723 C.M.S.

Contract Number 04-1785

[Scheduling Request.pdf](#),

[Item 5 7-13-04.pdf](#),

[Item S10.47CC.pdf](#),

[78723 CMS.pdf](#)

S-10.48CC

Subject: Police Patrol Vehicle Mobile Data Computers

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Administrator, or her designee, to

execute a purchase order with Oakland Computer Company for two hundred fifty (250)

hardware upgrade kits for Police Patrol Vehicle Mobile Data Computers

(MDC), in an amount not to exceed one hundred seventy-five thousand dollars (\$175,000)

(04-0587)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78724 C.M.S.

[Scheduling Request.pdf](#),

[Item 6 7-13-04.pdf](#),

[Item S10.48CC.pdf](#),

[78724 CMS.pdf](#)

S-10.49CC

Subject: New Weed and Seed Sites in East and West Oakland

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing a professional services agreement with

Resource Development Associates in the amount of forty thousand dollars

(\$40,000) for the development of two official recognition applications for submission to the

U.S. Department of Justice, Office of Justice Programs, Executive Office for Weed and Seed,

for the establishment of New Weed and Seed Sites in East and West Oakland (04-0610)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78725 C.M.S.

Contract Number 04-1786

[Scheduling Request.pdf,](#)

[Item 7 7-13-04.pdf,](#)

[Item S10.49CC.pdf,](#)

[78725 CMS.pdf](#)

S-10.50CC

Subject: Sutter Health - Contract Amendment

From: Oakland Fire Department

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

Number 76105 C.M.S dated October 31, 2000 to increase the contract with Sutter Health @

Work by ninety thousand dollars (\$90,000) for physical fitness assessments and health testing

services for the City of Oakland's Firefighting Personnel to meet current regulatory

requirements and standards of compliance, to a total contract amount not to exceed one

hundred eighty four thousand one hundred fifty dollars

(\$184,150.00) (04-0611)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78726 C.M.S.

Contract Number 04-1787

[Scheduling Request.pdf,](#)

[Item 8 7-13-04.pdf,](#)

[Item S10.50CC.pdf,](#)

[78726 CMS.pdf](#)

S-10.51CC

Subject: Recreation and Sports Programs - Assembly Bill 2404

From: President of the Council De La Fuente

Recommendation: Adopt a Resolution proclaiming support for initiatives that encourage equal

access to local recreation and sports programs for girls and boys throughout California

(including those in Oakland) who want to participate in such programs, specifically State

Assembly Bill 2404 introduced by Assembly Member Darrell Steinberg (04-0639)

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 Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78727 C.M.S.

[Scheduling Request.pdf](#),

[Item S-7 7-15-04.pdf](#),

[Item S10-51CC.pdf](#),

[78727 CMS.pdf](#)

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

Closed Session

A motion was made by Councilmember Chang, seconded by

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

the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

There was one final decision made during closed session.

Item 2(a) Eleanor Colbert v. City of Oakland

Council authorized a settlement of \$15,000 for a case involving a slip and fall

accident.

Agency/Councilmember Wan made a motion, seconded by

Agency/Councilmember Quan, to approve the settlement on Item 2(a), 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 -8

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

- Sanjiv Handa

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

A motion was made by Councilmember Wan, seconded by Councilmember

Chang, to Accepted. The motion carried by the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Agency/Councilmember Wan 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: Brooks, Brunner, Chang,

Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

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

THEREAFTER:

13

Reconsideration of Ordinances pursuant to Charter Section 216

No action was necessary for this item.

14. Consideration of items with statutory Public Hearing Requirements:

14.1

Subject: Uptown Activity Area - Continued Public Hearing

From: Community and Economic Development Agency

Recommendation: Conduct a continued Public Hearing and upon conclusion adopt the

following City and Agency Resolutions regarding redevelopment activities in the Uptown

Activity Area of the Central District Redevelopment Project Area

(Councilmember Nadel, District 3):

(1) A Resolution authorizing approval and execution of a Lease Disposition and Development

Agreement, Ground Leases, and related documents between the Redevelopment Agency and

Uptown Partners, LLC., a California Limited Liability Company, for the development of a

mixed use residential rental and retail development project in the Uptown Activity Area of the

Central District Redevelopment Project Area; (04-0430)

A motion was made by Councilmember Nadel, seconded by

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

motion carried by the following vote:

Votes:

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78728 C.M.S.

Contract Number 04-1788

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

- *Barry Lubouiski*

- *John Nelson*

- *Sean Heron*

- *Phil Tagami*

The following individual(s) spoke against this item:

- *Cynthia Shartzer*

- *Steve Lowe*

- *Robert Leste*

- *Geoffrey Pete*

- *Wilson Riles*

The following individual (s) spoke and indicated a neutral position on this item:

- *Joyce Roy*

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

- *Anna Naruta*

- *John Chapman*

- *Sanjiv Handa*

Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was

opened at 9:15 PM

Agency/Councilmember Nadel made a motion, seconded by

Agency/Councilmember Brunner, to close the Public Hearing, and hearing no

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

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

Fuente -8

Agency/Councilmember Nadel made a motion, seconded by

Agency/Councilmember Brunner to adopt the resolution as amended on Item

14.1-1 and 14.1-2 to include in the LDDA provisions giving the Agency and the

City the right to terminate the LDDA under any of the following circumstances:

1. If, prior to closing:

A. The Agency/City Remediation and cost sharing obligation would exceed

\$2,585,000 and an acceptable cost sharing agreement has not been approved

by the Agency, or

B. The projected costs associated with land acquisition (including, without

limitation, acquisition, relocation, and goodwill) exceed the currently budgeted

amount of \$14,200,000.

2. *If, after closing, the remediation costs for previously unknown*

contamination (including, without limitation, environmental insurance costs,

remediation, consultant fees, investigative costs) exceed the sum of the acutally

available insurance proceeds plus any unused portion of the \$2,585,000

allocated to remdiation,

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 -8

[Item 6-1 6-22-04.pdf,](#)

[Legislation Exhibits A-C.pdf,](#)

[Item 6 Staff Report 6-22-04.pdf,](#)

[Item 6 6-22-04 Auditor Report.pdf,](#)

[Item 6 SUPP 6-22-04.pdf](#),

[Item 14.4-1 07-20-04.pdf](#),

[Item 14.1 SUPP.pdf](#),

[78728 CMS.pdf](#)

2) An Agency Resolution authorizing the Agency Administrator to execute a Lease Disposition

and Development Agreement, a Ground Lease, and related documents with Uptown Partners,

LLC, a California Limited Liability Company, for the development of a mixed-use residential

rental and retail development project in the Uptown Activity Area of the Central District

Redevelopment Project Area; (04-0430a)

A motion was made by Councilmember Nadel, seconded by

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

motion carried by the following vote:

Votes:

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

ORA Resolution Number: 2004-38 C.M.S.

Contract Number 04-1789

[Item 6-2 6-22-04.pdf,](#)

[Item 14.1-2 07-20-04,](#)

[2004-38 CMS.pdf](#)

3) A Resolution authorizing the City Administrator to execute a Cooperation Agreement with

the Redevelopment Agency of the City of Oakland, and the Coalition for Workforce Housing

relating to the development of a one hundred percent (100%) affordable housing project on a

parcel located immediately behind the Fox Theater between 18th and 19th Streets in the

Uptown Activity Area of the Central District Redevelopment Project Area (04-0430b)

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 Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78729 C.M.S

Contract Number 04-1790

[Item 6-3 6-22-04.pdf,](#)

[Item 14.1-3 07-20-04.pdf,](#)

[78729 CMS.pdf](#)

4) An Agency Resolution authorizing the Agency Administrator to execute a Cooperation

Agreement with the City of Oakland, and the Coalition for Workforce Housing Relating to the

development of a one hundred percent (100%) affordable housing project on a parcel located

immediately behind the Fox Theater between 18th and 19th Streets in the Uptown Activity

Area of the Central District Redevelopment Project Area; and (04-0430c)

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 Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

ORA Resolution Number 2004-39 C.M.S.

Contract Number 04-1791

[Item 6-4 6-22-04.pdf,](#)

[Item 14.1-4 07-20-04.pdf,](#)

[2004-39 CMS.pdf](#)

5) An Agency Resolution adopting a Replacement Housing Plan for housing units to be demolished at the Westerner Hotel, 1918-1954 San Pablo Avenue, for the Uptown Project

(04-0430d)

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 Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

ORA Resolution Number: 2004-40 C.M.S.

[Item 6-5 6-22-04.pdf,](#)

[Item 14.1-5 07-20-04.pdf,](#)

[2004-40 CMS.pdf](#)

~~Subject: —Planned Development Zoning District—Public Hearing~~

~~From: —Community and Economic Development Agency~~

~~Recommendation: Conduct a Public Hearing and upon conclusion approve the Introduction~~

~~(First Reading) of an Ordinance adopting Oakland Planning Code Chapter 17.139 (Planned~~

~~Development Zoning District Procedure) and making related changes to Oakland's Master Fee~~

~~Schedule and Chapter 17.152 (Enforcement) (04-0545)~~

***Withdrawn with No New Date**

[Committee Report Item 8 7-13-04 and Item 3 10-12....pdf,](#)

[Item 14.2.07-20-04pdf,](#)

[Committee Report 3.pdf](#)

14.3

Subject: Temescal Business Improvement Management District - Public Hearing

From: Community and Economic Development Agency

Recommendation: Conduct a Public Hearing and upon conclusion adopt the following pieces of

legislation (Councilmember Brunner, District 1):

1) A Resolution establishing the Temescal/Telegraph Avenue Property Business Improvement

District of 2005, approving the Management Plan, directing filing of the proposed assessment

district boundary description, making a determination with regard to the majority protest

procedure for approval of the proposed assessments; and approving the assessments for the

District; and (04-0350-1)

A motion was made by Councilmember Brunner, seconded by

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

the following vote:

Votes:

ORA\Councilmember Absent: 1 - Councilmember Nadel

ORA\Councilmember Ayes: 7 - Councilmember Brunner, Councilmember

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

Councilmember Brooks, Councilmember Reid and Councilmember Chang

Resolution Number 78730 C.M.S.

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

- *Carlo Busby*

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

opened 10:10PM.

Agency/Councilmember Brunner made a motion, seconded by

Agency/Councilmember Quan, to close the Public Hearing, 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 -8

[Item 14.3.07-20-04pdf,](#)

[78730 CMS.pdf](#)

2) A Resolution authorizing payment of the Temescal/Telegraph Avenue Property Business

Improvement District of 2005 Assessment for the City owned property (APN 014-1219-003-00

- the Temescal Library) in an amount not to exceed a total of \$1,824.78 for the Fiscal Year

2004-2005 assessment period. (04-0350-2)

A motion was made by Councilmember Brunner, seconded by

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

the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78731 C.M.S.

[Item 14.3.07-20-04pdf,](#)

[78731 CMS.pdf](#)

14.4

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)

Continued to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 9/21/2004

The following individual(s) spoke and indicated a neutral position on 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](#)

ACTION ON NON-CONSENT ITEMS:

15

Subject: Cannabis Initiative Petition

From: Office of the City Clerk

Recommendation: Receive a Report from the City Clerk on the results of signature verification

of the Oakland Cannabis Initiative Petition and adopt the following legislation: (04-0626)

[Scheduling Request.pdf,](#)

[Item 15. 07-20-04pdf,](#)

[78733 CMS.pdf](#)

1) A Resolution submitting to the voters a Proposed Initiative Ballot Measure - an Ordinance

that would require that the City of Oakland (1) Make investigation, citation and arrest for

private adult cannabis (marijuana) offenses the City's lowest law enforcement priority;

(2) Advocate through its lobbyist and City officers for changes in state and other laws to (a)

allow and authorize taxation and regulation of cannabis marijuana) for adults and eliminate

criminal penalties for private, adult cannabis use, (b) grant local control to cities and counties

to license and regulate cannabis businesses and collect appropriate fees and taxes, and (c) end

the prosecution arrest, investigation and imprisonment for adult private cannabis offenses; (3)

Establish a system to license, tax and regulate cannabis (marijuana) sales if California law is

amended to allow and authorize such actions; and (4) Create a committee to oversee the

Ordinance's implementation and disbursement of revenue from licensing and taxation of

businesses that sell Cannabis; at the General Municipal Election to be held on Tuesday,

November 2, 2004; and directing the City Clerk to fix the date for submission of arguments and

to provide for notice and publication in accordance with law and requesting the County Board

of Supervisors to consolidate Oakland's Election with the Statewide General Election

(04-0626-1)

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

Council De La Fuente, that this matter be Adopted as Amended. The

motion carried by the following vote:

Votes:

ORA\Councilmember Noes: 2 - Councilmember Reid and Councilmember

Chang

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente and Councilmember Brooks

Resolution Number 78733 C.M.S.

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

- *Judy Appel*

- *Dale Gieringer*

- *Mikki Norris*

- *Chris Conrad*

- *Joe DeVries*

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

- *Katherine Moore*

- *Svea O'Banion*

Agency/Councilmember Wan made a motion, seconded by Agency/Council

President De La Fuente, to adopt the resolution on item 15 and amend the

Ballot Question to read as follows:

"Measure ____, shall the ordinance requiring City of Oakland (1) to make law

enforcement related to private adult cannabis (marijuana) use, distribution,

sale, cultivation and possession, the City's lowest law enforcement priority; (2)

to lobby to legalize, tax and regulate cannabis for adult private use,

distribution, sale, cultivation and possession, and allow taxation; (3) to license,

tax and regulate cannabis sales if California law is amended to allow such

actions; and (4) to create a committee to oversee the ordinance's

implementation be adopted?",

and also directing the City Attorney to research the legality and validity of the

ballot measure and authorize the City Attorney to take action necessary to

address legal issues that the City Attorney identifies,

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 -8

[Item 15. 07-20-04pdf,](#)

[78733 CMS.pdf](#)

Councilmember Nadel made a motion, seconded by Vice Mayor Chang, to

extend the meeting past 10:30 p.m.

16

Subject: Community Policing and Violence Prevention Ballot Measure

From: City Administrator's Office/Office of the City Attorney

Recommendation: Adopt a Resolution submitting, on the City Council's own motion, to the

Electors at the November 2, 2004 General Election, a proposed Ordinance (1) creating a special

parcel tax and (2) increasing the parking tax, (3) increasing the Business License Tax for

massage establishments and liquor stores in order to fund violence and crime prevention

programs; consolidating the Election with the Statewide Presidential Election; and directing the

City Clerk to fix the date for submission of arguments and provide for notice and publication in

accordance with the November 2, 2004, Statewide Presidential Election (04-0389-6c)

A motion was made by Councilmember Quan, seconded by

Councilmember Wan, that this matter be Approve as Amended. The

motion carried by the following vote:

Votes:

ORA\Councilmember Noes: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

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

- *Michele Clark*

- *Bill Ashley*

- *Audrey Grisby*

- *Sylvester Grisby, Sr.*

- *Darryl Ham*

The following individual (s) spoke against this item:

- *Judi Hirsh*

- *Thomas Priestley*

- *Steven Edrington*

- *Andre Spearman*

- *Aaron Shuman*

- *David Wofford*

- *Nancy Rieser*

- *Elder Freeman*

- *Richard Philips*

- *Lynda Carson*

- *James Vann*

- *Vildred Dawson*

- *Rashidah Grinage*

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

- *Auegra Williams*

- *Charles Porter*

- *Hannah James*

- *Colleen Brown*

- *Orlando Johnson*

- *Darryl Hamm*

- *Beverly Dove*

- *Mark Daly*

- *Sanjiv Handa*

Agency/Councilmember Quan made a motion, seconded by

Agency/Councilmember Wan, to adopt the resolution on Item 16, with the

following amendments:

The Ballot Question

1) the language "lots and garages" will be replaced with "facilities";

In the Resolution

2) *Part 1, Section 3, Paragraph 2, B will include the following language at the*

end of the paragraph: "will includes expand truancy enforcement programs to

keep kids in school";

3) *Part 1, Section 3, Paragraph 2, C will include the following language at the*

end of the paragraph: "expand early childhood intervention programs for

children exposed to violence in the home at an early age.";

4) *Part 2, Section 4, Paragraph, will be revised to include the word "sworn"*

accordingly "...appropriation for staffing of sworn uniformed police...";

5) *Part 3, Section 2 (C), shall include the following additional language:*

"The tax for a Non-residential Parcels is calculated using both frontage and

square footage measurements to determine total Single Family Resident Unit

Equivalents. A frontage of 80 fee for a commercial/industrial parcel, for

example, is equal to one (1) single family resident unit equivalent. (See matrix.)

An area of 6,400 square feet for the commercial industrial parcel is equal to (1)

single family resident unit equivalent. The tax is the annual rate (\$45.07)

multiplied by the total number of Single Family equivalents (determined by the

frontage and square footage.)

Agency/Councilmember Nadel made a Substitute motion, seconded by

Agency/Councilmember Brooks to adopt the resolution on Item 16, with the

following amendments: Reduction of the police by 11 to make it 50/50, reduce

parcel taxes for multi unit owners, and conduct a Nexus evaluation to use car

rental tax fees to make up for the 11 officers.

and hearing no objections, the motion failed by the following vote 2 Ayes, 5

Noes- Chang, Quan, Reid, Wan and De La Fuente, 1 Abstained - Brunner

THE SUBSTITUTE MOTION FAILED DUE TO A LACK OF AYES AND

COUNCIL RETURNED TO THE MAIN MOTION

and hearing no objections, the Main motion passed by Ayes:

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

President of the Council De La Fuente -7, Noes: Nadel-1

[Item 3 Report & Legislation 6-2-04.pdf,](#)

[Item 16. 07-20-04 pdf,](#)

[78734 CMS.pdf](#)

Subject: Phoenix Model Implementation Report

From: Office of the City Attorney

Recommendation: A Discussion and Action on a report regarding allocating costs of general

liability claims among City agencies according to a model used by the City of Phoenix

(04-0637)

A motion was made by Councilmember Brunner, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

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

- *Rashidah Grinage*

- *Vildred Dawson*

- *Jacqueline Thomason*

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

- *Sanjiv Handa*

Agency/Councilmember Brunner made a motion, seconded by

Agency/Councilmember Wan, directing staff to implement the recommendations

of the January 6, 2004 City Council and return to the Finance and Management

Committee in the fall with a status report on the implementation of the Phoenix

model for the Public Works Agency and the Police Department, 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 -8

[Scheduling Request.pdf](#),

[Item 17.07-20-04 pdf](#)

18

Subject: Solar Power Project

From: Public Works Agency

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

appropriate approximately \$3,839,258 in rebates from Pacific Gas and Electric Company for

implementing a one megawatt solar power and energy efficiency project (04-0625c)

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 Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78735 C.M.S.

[Item 18. 07-20-04 pdf,](#)

[78735 CMS.pdf](#)

S-18.1

Subject: Solar Power Project

From: Public Works Agency

Recommendation: Adopt the following legislation regarding a solar power project:

1) A Resolution authorizing the City Administrator to implement a one megawatt solar power

and energy efficiency project by appropriating and allocating funds in the total amount of

\$7,759,500; and entering into an agreement with PowerLight Corp. in an amount not to exceed

\$7,214,338 (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM

REQUIRES A 2/3 VOTE OF THE COUNCIL - 6 AFFIRMATIVE VOTES); and (04-0625)

Adopted

Resolution Number 78736 C.M.S.

Contract Number 04-1792

[Committee Report Item 7 7-13-04.pdf,](#)

[Council Report Item S18-1 7-20-04.pdf,](#)

[Item S18.2.pdf,](#)

[78736 CMS.pdf](#)

2) A Resolution authorizing the City Administrator to solicit, and enter into agreements for

15-year financing in an amount not to exceed \$3,138,858 and temporary construction financing

in an amount not to exceed \$1,000,000 for implementing a one megawatt solar power and

energy efficiency project; and (04-0625a)

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 Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78737 C.M.S.

Contract Number 04-1793

[Item 7 7-13-04.pdf,](#)

[Item S18.1.pdf,](#)

[Item S18.2.pdf,](#)

[78737 CMS.pdf](#)

3) An Agency Resolution authorizing the Agency to accept a 337 kilowatt solar power system

and other energy efficiency improvements for the Oakland Ice Center at 519 18th Street and to

provide for annual payments not to exceed \$130,000 to the City for fifteen years (04-0625b)

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 Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

ORA Resolution Number 2004-41 C.M.S.

[Item 7 7-13-04.pdf,](#)

[Item S18.1.pdf,](#)

[Item S18.2.pdf,](#)

[2004-41 CMS.pdf](#)

S-18.2

Subject: One Megawatt Solar Power Project

From: Office of the City Auditor

Recommendation: Receive the City Auditor's report regarding the Resolutions authorizing the

City Administrator and Agency Administrator to implement a One Megawatt Solar Power

Project by: Soliciting and entering into agreements for 15-year financing and temporary

construction financing; allocating funds in the total amount of \$7,759,500; entering into an

agreement with Powerlight Corp. in an amount not to exceed \$7,214,338; accepting and

appropriating approximately \$3,839,258 in rebates from Pacific Gas and Electric Company;

and taking related actions on behalf of the Redevelopment Agency (04-0625 ca)

A motion was made by Councilmember Wan, seconded by Councilmember

Reid, that this matter be *Received and Filed. The motion carried by the

following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

[Item S18.2.pdf,](#)

[Item S18.1.pdf](#)

19

Subject: Rehabilitation of Sanitary Sewers

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to reject all bids and

to rebid the rehabilitation of sanitary sewers in the area bounded by Crest, Michigan, 82nd

Avenue, and MacArthur Boulevard - Subbasin 84-112, Project No.

(C158110) using new revised standard specifications (PURSUANT TO SECTION 902-E OF

THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE OF THE COUNCIL - 6

AFFIRMATIVE VOTES) (04-0628)

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 Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78738 C.M.S.

[Scheduling Request.pdf](#),

[Item 19. 07-20-04 pdf](#),

[78738 CMS.pdf](#)

20

Subject: Tree Appeal - 6036 Contra Costa Road

From: Public Works Agency

Recommendation: Adopt a Resolution to amend Resolution No. 77953 C.M.S. and Tree

Removal Permit DR01-154 Conditions of Approval regarding a Tree Removal Permit Appeal

at 6036 Contra Costa Road (04-0630)

A motion was made by Councilmember Brunner that this matter be

Adopted. The motion carried by the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78739 C.M.S.

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

- *Stephen Glaudemans*

- *Guita Boostani*

[Scheduling Request.pdf](#),

[Item 20. 07-20-04 pdf](#),

[78739 CMS.pdf](#)

Subject: Assembly Bill 2782

From: Office of the City Attorney

Recommendation: Adopt a Resolution declaring the City of Oakland's position on the following

2004 State Legislation support for Assembly Bill 2782. Public Agencies, Joint Powers

Agencies, Meetings. Assemblyman Benoit (04-0643)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks and Councilmember Chang

Resolution Number 78740 C.M.S

[Item 21. 07-20-04 pdf,](#)

[78740 CMS.pdf](#)

Subject: Oakland Workforce Investment Board - Ultimate Staffing

From: Community and Economic Development Agency

Recommendation: Adopt the following legislation regarding the Workforce Investment Board's

Business Services Plan:

1) A Resolution authorizing the appropriation of all revenues generated through the

implementation of the Oakland Workforce Investment Board's Business Services Plan to

business service activities; and (04-0399)

A motion was made by Councilmember Brunner, seconded by

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

the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78741 C.M.S.

[04-0399.pdf](#),

[Item 4 6-22-04.pdf](#),

[Item 10.20-1CC 07-06-04.pdf](#),

[Item 22. 07-20-04 pdf](#),

2) A Resolution authorizing a contract for professional services with Ultimate Staffing to provide business services on behalf of the Oakland Workforce Investment Board from July 1, 2004 through June 30, 2005, in an amount not to exceed \$350,000 (04-0399a)

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

Votes:

ORA\Councilmember Abstained: 2 - Councilmember Nadel and

Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Brunner, Councilmember

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

Councilmember Reid and Councilmember Chang

Resolution Number 78742 C.M.S.

Contract Number 04-1794

[Item 4 6-22-04.pdf,](#)

[Item 10.20-2CC 07-06-04.pdf,](#)

[Item 22. 07-20-04 pdf,](#)

[78742 CMS.pdf](#)

23

Subject: Closeout of 1992 Residential Recycling Agreement

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to execute an

Agreement with California Waste Solutions (CWS) in the amount of \$109,405 to pay for the

closeout of CWS' 1992 Residential Recycling Agreement and for both parties to indemnify

each other for any claims resulting from the provision of residential recycling services for the

period of September 9, 1992 through May 4, 2004 (04-0552)

A motion was made by Councilmember Nadel, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78743 C.M.S.

[Scheduling Request.pdf](#),

[Item 23. 07-20-04 pdf](#),

[78743 CMS.pdf](#)

24

Subject: Patrick Daughton and Keshonda East Perkins

Children's Fund Planning and Oversight Committee

From: Councilmember Brunner

Recommendation: Adopt a Resolution reappointing Patrick Daughton and Keshonda East

Perkins as members of the Children's Fund Planning and Oversight Committee (04-0634)

A motion was made by Councilmember Quan, seconded by

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

the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78744 C.M.S.

[Item 24. 07-20-04 pdf,](#)

[78744 CMS.pdf](#)

25

Subject: Nicole Franklin and Michael Lighty - City Planning Commission

From: Office of the Mayor

Recommendation: Adopt a Resolution reappointing Nicole Franklin and Michael Lighty as

members of the City Planning Commission (04-0641)

A motion was made by Councilmember Quan, seconded by

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

the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78745 C.M.S.

[Item 25. 07-20-04 pdf,](#)

[78745 CMS.pdf](#)

26

Subject: Alfred Lee - Oakland Housing Authority

From: Office of the Mayor

Recommendation: Adopt a Resolution reappointing Alfred Lee as a member of the Oakland

Housing Authority (04-0642)

A motion was made by Councilmember Quan, seconded by

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

the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78746 C.M.S.

[Item 26. 07-20-04 pdf,](#)

[78746 CMS.pdf](#)

S-27

Subject: City of Oakland Infrastructure Needs

From: Public Works Agency

Recommendation: A continued discussion and action on a follow-up report and adopt a

Resolution establishing prioritization methods for the City of Oakland's facilities and structures,

parks and open space, sewers, storm drains, streets sidewalks, and traffic improvement

infrastructure needs (04-0226-1)

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 Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78747 C.M.S.

[Item 3 7-13-04.pdf,](#)

[Item S27.pdf,](#)

[78747 CMS.pdf](#)

Subject: Summer Recess Purchase Authorizations

From: Office of the City Administrator

Recommendation: Adopt a Resolution authorizing the City Administrator to take action on

procurement of the following supplies and services exceeding \$500,000 and professional

services contracts exceeding \$150,000 during the Oakland Redevelopment Agency /City

Council 2004 Summer Recess:

1) Authorization to negotiate and execute a professional services contract for transportation

planning services with the selected consultant in an amount not to exceed \$156,000 from the

Fruitvale Alive Environmental Justice Grant; and (04-0612)

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 Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78748 C.M.S

Contract Number 04-1795

[Committee Report Item 6 7-13-04.pdf,](#)

[Council Report Item S28 7-20-04.pdf,](#)

[78748 CMS_V2.pdf](#)

2) Authorization to increase the change order limit by \$115,000 on the construction contract

with Ray's Electric for the Eastlake Streetscape and Pedestrian Enhancement Project, for a total

contract amount not to exceed \$1,909,685. (Project Number G174710) (04-0612a)

Contract Number 04-1796

[Council Report Item S28 7-20-04.pdf,](#)

[78748 CMS.pdf](#)

3) Authorization to award a construction contract to the lower responsible bidder for a not to

exceed amount of one hundred fifty thousand dollars (\$150,000) for the installation of

merchant kiosks at the Frank Ogawa Plaza, without return to the Council/Agency, provided that

if bids are not received or are non-responsive, the City/Agency Administrator may reject all

bids and negotiate and award the contract not to exceed \$150,000, without return to the

Council/Agency, and reprogram funds for this purpose; and (04-0612b)

Contract Number 04-1797

[Committee Report Item 6 7-13-04.pdf,](#)

[Council Report Item S28 7-20-04.pdf,](#)

[78748 CMS.pdf](#)

4) Authorization to use Redevelopment Agency funds, or alternative non-Agency funds, in the

amount of one hundred fifty thousand dollars (\$150,000) for the installation of merchant kiosks

at the Frank Ogawa Plaza, and making supporting findings (04-0612c)

[Committee Report Item 6 7-13-04.pdf,](#)

[Council Report Item S28 7-20-04.pdf,](#)

S-29

Subject: Office Supply Vendors - Toner Cartridges

From: Finance and Management Agency

Recommendation: Adopt a Resolution awarding two contracts to the lowest responsible,

responsive bidders, Corporate Express, Inc., for miscellaneous office supplies, and Give

Something Back for laser printer toner cartridges and recycled content, Dioxin free paper, in an

amount not to exceed \$1,100,000.00 per year in accordance with Specification No.

07-615-00-01 for the two-year period of July 15, 2004 to June 30, 2006, and authorizing,

without return to Council, extension of said contracts one year at a time for a total of three

additional years (04-0588)

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 Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78749 C.M.S.

Contract Number 04-1798

[Committee Report Item 10 7-13-04.pdf,](#)

[Council Report Item S29 7-20-04.pdf,](#)

[78749 CMS.pdf](#)

S-30

Subject: Street Tree Protection

From: Councilmember Brunner

Recommendation: Approve the Introduction (First 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 Reid, that this matter be Approve as Amended on

Introduction for Final Passage to the Concurrent Meeting of the Oakland

Redevelopment Agency / City Council, due back on September 21, 2004.

The motion carried by the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution NumberThe following individual(s) spoke and did not indicate a

position on this item:

- Gabriel Union

[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](#)

S-31

Subject: Oakland Trust for Clean Water and Safe Parks

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the implementation plans for the Oakland

Trust for Clean Water and Safe Parks, Measure DD, Creek Restoration, Watershed Acquisition

and Lake Merritt Water Quality Programs (04-0422)

A motion was made by Councilmember Nadel, seconded by

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

the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78750 C.M.S.

[04-0422.pdf](#),

[Item 4 7-13-04.pdf](#),

[Item S31.pdf](#),

[78750 CMS.pdf](#)

S-32

Subject: Oakland City Stables

From: Office of Parks and Recreation

Recommendation: Discussion and action on a report and recommendations to issue a Request

for Proposals for the operation of Oakland City Stables and to proceed with Capital

Improvements (04-0609)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Noes: 2 - Councilmember Nadel and Councilmember

Brooks

ORA\Councilmember Ayes: 6 - Councilmember Brunner, Councilmember

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

Councilmember Reid and Councilmember Chang

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

- *Ondriette Johnson*

- *Jaye Shupin*

- *Merrilee Mitchell*

- *Judi Bank*

- *Carol Balfe*

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

- *Katherine Moore*

- *Michael Smith*

- *M. Kathy Dunn*

- *C'Dell Johnson*

- *Elena Knox*

- *Bill Ritchie*

- *Susan Burnett*

Agency/Councilmember Reid made a motion, seconded by

Agency/Councilmember Quan, to approve the recommendations of the July 13,

2004 Life Enrichment Committee to approve the recommendation to proceed

with the Request for Proposals, with no capital improvements, on Item S-32,

Agency/Councilmember Brooks made a Substitute Motion, seconded by

Agency/Councilmember Nadel, to approve \$90,000 for capital improvements to

the City Stables, an additional \$4,000 per month for continuing operations, in

addition to Request for Proposals, and hearing no objections, the motion failed

by Ayes: Agency/Councilmember: Brooks, Nadel -2, Noes: Brunner, Chang,

Reid, Quan, Wan and President of the Council De La Fuente -6

THE SUBSTITUTE MOTION FAILED DUE TO A LACK OF AYES AND AT

THAT TIME COUNCIL RETURNED TO THE MAIN MOTION.

and hearing no objections, the Main Motion passed by Ayes:

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

President of the Council De La Fuente -6 Noes: Brooks Nadel - 2

[Scheduling Request.pdf,](#)

[Item 5 7-13-04.pdf,](#)

[Item S32.pdf](#)

S-33

Subject: Cultural Service Contracts

From: Cultural Arts and Marketing Department

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

services contracts with 67 Oakland-based nonprofit organizations and individual artists

providing arts and cultural services in Oakland during Fiscal Year 2004-2005 in a total amount

not to exceed \$1,306,517 (04-0425)

A motion was made by Councilmember Nadel, seconded by

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

the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78751 C.M.S.

Contract Number 04-1799

[04-0425.pdf](#),

[Item 6 7-13-04.pdf](#),

[Item S33.pdf](#),

[78751 CMS.pdf](#)

S-34

Subject: Swinerton Builders - Police Administration Building

From: Public Works Agency

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

professional services contract with Swinerton Builders for Construction Manager At-Risk

Services to include the construction phase of the Police Administration Building Weak Story

Seismic Retrofit Phase I Project and to either (1) increase the contract compensation amount by

\$8 million for a total contract amount not to exceed \$8.5 million if the Federal government

approves Federal Emergency Management Agency ("FEMA") Grant Funds for the project or,

(2) increase the contract compensation amount by \$5.5 million of Measure I funding (Bond

funding for public safety purposes) for a total contract amount of \$6 million, if FEMA grant

funds are not approved (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS

ITEM REQUIRES A 2/3 VOTE OF THE COUNCIL - 6 AFFIRMATIVE VOTES) (04-0622)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and

Councilmember Chang

Resolution Number 78752 C.M.S.

Contract Number 04-1800

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

- *Sanjiv Handa*

[Scheduling Request.pdf](#),

[Item 9 7-13-04.pdf](#),

[Item 9 Auditor Report 7-13-04.pdf](#),

[Item S34.pdf](#),

[78752 CMS.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

Council)

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

Agency/Council adjourned the meeting at 2:36 a.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.

Office of the City Clerk

Phone: (510) 238-7370

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 839-6451 (TDD)

City Clerk and Clerk of the Council