

Meeting Minutes City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California 94612

Ceda Floyd, City Clerk

Concurrent Meeting of the Oakland Redevelopment

Agency/City Council

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

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

Tuesday, October 05, 2004

6:00 PM

Oakland City Hall, 3rd Floor

ORA\Councilmember Present: 8 - Councilmember Nadel, Councilmember

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

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

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

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

was convened at 6:04 p.m.

1
Pledge of Allegiance
2

Roll Call / ORA & Council

COUNCIL MEMBERS; 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

3
Open Forum / Citizens Comments

(Time Available: 15 minutes)

The following individuals spoke under open forum:

-Hoche' Agos

-*Sanjiv Handa*

-*Marilyn Green*

-*Cloteal Swoopes*

-*Ondrietta Johnson*

-*Hugh Bassette*

-*Dorothy Coleman*

-Beverly Franklin

4

Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.

Agency/Councilmember Reid made a motion, seconded by

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

10.13 CC, 10.14CC, and 10.15CC, 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)

There was no action necessary for this item.

Requests from Councilmember(s) to schedule an Action Item considered by Committee but not forwarded to Council, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.

There was no action necessary for this item.

7

Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on September 21, 2004

A motion was made by Councilmember Reid, seconded by Councilmember

Wan, 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 Vice Mayor

Chang

8. PRESENTATION OF CEREMONIAL MATTERS

8.1

Subject: Joyce Lopes - Service Recognition

From: Councilmember Wan

Recommendation: Adopt a Resolution honoring Joyce Marie Lopes for twenty years of

distinguished service to the City of Oakland (04-0653)

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 Vice Mayor

Chang

[Item 8.1 10-05-04.pdf,](#)

[Resolution No. 78817.pdf](#)

8.2

Subject: Jeanne Godwin - Service Recognition

From: Councilmember Wan

Recommendation: Adopt a Resolution honoring Jeanne Godwin on her retirement from the

City Council Office, City of Oakland (04-0654)

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 Vice Mayor

Chang

[Resolution No. 78818.pdf](#)
8.3

Subject: United Nations Month - October 2004

From: Councilmember Nadel

Recommendation: Adopt a Resolution declaring October 2004 United Nations Month in the

City of Oakland (04-0725)

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

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 Vice Mayor

Chang

[Item 8.3 10-05-04.pdf,](#)

[Resolution No. 78819.pdf](#)

8.4

Subject: Farideh (Fifi) Tebbe - Service Recognition

From: Community And Economic Development Agency

Recommendation: Adopt a Resolution commending Farideh (Fifi) Tebbe for 20 Years Of

dedicated service (04-0744)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

[Item 8.4 10-05-04.pdf,](#)

[Resolution No. 78820.pdf](#)

8.5

Subject: National League of California Cities

From: Office of the City Attorney/Councilmember Quan

Recommendation: A Presentation and adoption of a Resolution in support of the National

League of California Cities, the American Dream Campaign "Divided We Fall: Inequity and

Future of America's Cities and Towns" (5 Minutes) (04-0783)

*A Presentation was made by Councilmember Quan with the Resolution to
returne for adoption at a later date.*

~~8.6~~

~~Subject: Gilda Gonzales Service Recognition~~

~~From: City Administrator, Deborah Edgerly~~

~~Recommendation: A Mayoral Proclamation and acknowledging Gilda Gonzales for 13 Years~~

~~of dedicated service to the City of Oakland (04-0745)~~

[Council Report Item 8.1 10-19-04.pdf](#)

S-8.7

Subject: Domestic Violence Awareness Month

From: Councilmember Quan

Recommendation: A ten minute Presentation and Adoption of a Resolution proclaiming

October Domestic Violence Awareness Month in the City of Oakland (04-0797)

A motion was made by Councilmember Quan, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

[Council Report Item S-8.7 10-5-04.pdf](#)

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

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

that the meeting be adjourned in memory of Vernon Morris

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

that the meeting be adjourned in memory of Georgia Davenport, Roshanda

Williams

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 (04-0764)

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 Vice Mayor

Chang

[Item 10.1CC 10-05-04.pdf,](#)

[Resolution No. 78822.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 (04-0765)

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 Vice Mayor

Chang

[Item 10.2CC 10-05-04.pdf,](#)

[Resolution No. 78823.pdf](#)

10.3CC

Subject: Wayne Johnson - 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 Wayne Johnson, et al. v. City of Oakland, et al., United

States District Court No. C-03-0162-Edl, our file no. X01795, in the amount of \$25,000.00

(Oakland Police Department – Unlawful Search) (04-0766)

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 Vice Mayor

Chang

The following individual(s) spoke against this item:

- Hugh Bassette

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

- *Sanjiv Handa*

[Item 10.3CC 10-05-04.pdf,](#)

[Resolution No. 78824.pdf](#)

10.4CC

Subject: Fredrick Pruitt - 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 Fredrick Pruitt v. City of Oakland, et al., United States

District Court Case No. C-03-3299 MJJ, our file no. 22984, in the amount of \$52,500.00. This

case involves claims of violations of Civil Rights against Oakland Police Officers. (Oakland

Police Department - Police Conduct) (04-0767)

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 Vice Mayor

Chang

The following individual(s) spoke against this item:

- Hugh Bassette

[Item 10.4CC 10-05-04.pdf,](#)

[Resolution No. 78825.pdf](#)

10.5CC

Subject: Wayne Nelson - 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 Wayne Nelson v. City of Oakland, et al., United States

District Court no. C-02-5325-WDB, our file no. 22491, in the amount of \$40,000.00 (Oakland

Police Department - Excessive Force) (04-0768)

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 Nos: 1 - Councilmember Brunner

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

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

Brooks, Councilmember Reid and Vice Mayor Chang

The following individual(s) spoke against this item:

- Hugh Bassette

[Item 10.5CC 10-05-04.pdf](#),

10.6CC

Subject: Laurence and Karen Russo - 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 Laurence and Karen Russo in the amount of \$14,875.00, as a

result of property damages sustained when a broken sewer main caused the garage foundation

to collapse (Public Works Agency) (04-0769)

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 Vice Mayor

Chang

[Item 10.6CC 10-05-04.pdf](#),

[Resolution No. 78827.pdf](#)

10.7CC

Subject: Travel Authorization - Councilmembers Nancy Nadel and Larry E. Reid

From: Councilmembers Nadel and Reid

Recommendation: Adopt a Resolution authorizing Councilmembers Nancy Nadel and Larry E.

Reid's travel to Indianapolis, IN from Nov. 30 - Dec. 4 for the National League of Cities

Conference (04-0717)

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 Vice Mayor

Chang

[Item 10.7CC10-05-04.pdf,](#)

[Resolution No. 78828.pdf](#)

10.8CC

Subject: Board of the Association of Bay Area Governments (ABAG)

From: Council President Ignacio De La Fuente

Recommendation: Adopt a Resolution re-appointing Councilmembers Jane Brunner, Nancy

Nadel, and Jean Quan to the Board of the Association of Bay Area Governments (ABAG) for a

new two-year term commencing on July 1, 2004 and ending on June 30, 2006 (04-0782)

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 Vice Mayor

Chang

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

- *Sanjiv Handa*

[Item 10.8CC10-05-04.pdf](#),

[Resolution No. 78829.pdf](#)

S-10.9CC

Subject: Issuance of Sewer Revenue Bonds

From: Finance and Management Agency

Recommendation: Approve the Introduction (First Reading) of an Ordinance adding Chapter

4.50 to Title 4 of the Oakland Municipal Code setting forth powers and procedures for the

issuance of sewer revenue bonds for the purpose of financing and refinancing sewer system

improvements; and setting forth definitions, general provisions, general powers, issuance

procedures and certain supplemental provisions relating to the issuance of such bonds,

including establishment of a Rate Stabilization Fund (04-0711)

Approved on Introduction for Final Passage to Concurrent Meeting of the

Oakland Redevelopment Agency / City Council on 10/19/2004

[Committee Report 9-28-04 - 10.9 CC 10-5-04 - 15 1....pdf,](#)

[12624.pdf](#)

2) A Resolution of the City Council of the City of Oakland approving the issuance of not to

exceed \$70,000,000 aggregate principal amount of City of Oakland Sewer Revenue Bonds

2004 Series A to finance the construction and installation of certain improvements to the City's

sewer system; authorizing execution and delivery of a master indenture and a first supplemental

indenture; approving the form of an official notice of sale and an official statement; and

authorizing the execution of documents and the taking of all necessary actions relating thereto

(04-0711a)

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 Vice Mayor

Chang

[Committee Report Item 3 9-28-04 and item 10.9 10....pdf,](#)

[Resolution No. 78830.pdf](#)

S-10.10CC

Subject: Oakland Municipal Employees Retirement System

From: Finance and Management Agency

Recommendation: Approve the Introduction (First Reading) of an Ordinance amending Section

14.8 of Ordinance No. 713 C.M.S to provide a \$75.00 monthly increase to Oakland Municipal

Employees Retirement System (OMERS) retirees and \$37.50 monthly increase to OMERS

beneficiaries (04-0727)

Approve as Amended on Introduction for Final Passage to Concurrent

Meeting of the Oakland Redevelopment Agency / City Council on

10/19/2004

[Committee Report 9-28-04 - Council 10-5-04 and 10-....pdf,](#)

[12625.pdf](#)

S-10.11CC

Subject: Performance Audit of Lien Sales for Towed Vehicles

From: Office of the City Auditor

Recommendation: Action on an Interim Report on Performance Audit of Lien Sales of vehicles

that were towed pursuant to the contract between the City of Oakland and the Oakland Tow Car

Association (04-0719)

A motion was made by Councilmember Nadel, 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 Vice Mayor

Chang

[Committee Report Item 8 9-28-04 and Item 10.11 10....pdf](#)
S-10.12CC

Subject: Commercial Facade Improvement

From: Community and Economic Development Agency

Recommendation: Adopt an Agency Resolution reallocating \$400,358 from the Downtown

Business Briefing Center to the Downtown Tenant Improvement Program and Facade

Improvement Program and authorizing the Agency Administrator to negotiate and execute all

design contracts for the Commercial Facade Improvement and Tenant Improvement Programs

without returning to the Agency (04-0715)

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 Vice Mayor

Chang

Contract Number 04-1822

[Committee Report Item 3 9-28-04 and item 10.12 1....pdf,](#)

[ORA Resolution No. 2004-54.pdf](#)

S-10.13CC

Subject: Job Training Performance Standards

From: Community and Economic Development Agency

Recommendation: Action on a Report on the Job Training Performance Standards of

City-funded Workforce Development Programs (04-0716)

***Rescheduled to Concurrent Meeting of the Oakland Redevelopment**

Agency / City Council on 10/19/2004

As a Non-Consent Item

[Committee Report 6 Item 9-28-04 and 10.13 10-5-04....pdf,](#)

[Committee 9-28-04 - Council 10-5-04 - Council 10-....pdf](#)

S-10.14CC

Subject: Union Point Park Project

From: Public Works Agency

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

appropriate a contribution of \$300,000 from the Port of Oakland for the development of the

Union Point Park Project (C196810); and to amend the project management contract with

Spanish Speaking Unity Council to reflect the increased total project budget from \$8,674,000 to

\$8,974,000 (04-0596)

Withdrawn and Rescheduled to Concurrent Meeting of the Oakland

Redevelopment Agency / City Council on 10/19/2004

[Committee 9-14-04 and 9-28-04 and Council 10-19-....pdf,](#)

[78865.pdf](#)

S-10.15CC

Subject: Raiders Surcharge Expenditures

From: Office of Parks and Recreation

Recommendation: Action on a Report regarding prioritization criteria for use of Raiders

Surcharge Funds and recommendation of expend \$164,740.65 from the Raiders Surcharge for

renovation of Golden Gate/Bob Mason Field (04-0534)

Withdrawn and Rescheduled to Concurrent Meeting of the Oakland

Redevelopment Agency / City Council on 10/19/2004

[Committee 9-14-04, 9-28-04 and Council and 10-5-04.....pdf](#)
S-10.16CC

Subject: Children and Youth Wait-Listed Non-Profit Agencies

From: Department of Human Services

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

execute professional service contracts between the City of Oakland and Oakland Fund for

Children and Youth wait-listed non-profit agencies to provide direct services for Children and

Youth for Fiscal Year 2005 in an amount not to exceed \$ 562,547 (04-0647-1)

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 Vice Mayor

Chang

Contract Number 04-1823

[Committee Report Item 7 9-28-04 and 10.16CC 10-....pdf,](#)

[Resolution No. 77831.pdf](#)

S-10.17CC

Subject: Senior Companion Program

From: Department of Human Services

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

appropriate grant funds from the City of Berkeley in the amount estimated at \$14,825 and the

Alameda County Area Agency on Aging in the amount estimated at \$40,289 for the Senior

Companion Program for the Fiscal Year 2004-2005 (04-0720)

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 Vice Mayor

Chang

[Committee Report Item 8 9-28-04 and 10-17CC 10-1....pdf,](#)

[Resolution No. 78832.pdf](#)

S-10.18CC

Subject: Children's Bicycle Safety Program

From: Oakland Parks and Recreation

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

and appropriate grant funds from the State of California Office of Traffic Safety in an amount

not to exceed one hundred twenty thousand dollars (\$120,000) for the expansion of the

Children's Bicycle Safety Program (04-0722)

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 Vice Mayor

Chang

[Committee Report Item 3 9-28-04 and 10-18CC 10-1....pdf,](#)

[Resolution No. 78833.pdf](#)

S-10.19CC

Subject: "Bulletproof Vest Partnership" Grant Funding

From: Oakland Police Department

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

thousand ten dollars and forty-one cents (\$5,010.41) in "Bulletproof Vest Partnership" grant

funding from the United States Department of Justice, Bureau of Justice Assistance, and

appropriate said funds to the Police Department (04-0707)

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 Vice Mayor

Chang

[Committee Report Item 4 9-28-04 and 10-19CC 10-5....pdf,](#)

[Resolution No. 78834.pdf](#)

S-10.20CC

Subject: State of California Department of Boating and Water

From: Oakland Parks and Recreation

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

and appropriate grant funds from the State of California Department of Boating and Waterways

in the amount of sixteen thousand six hundred and fifteen dollars (\$16,615) for boating

equipment for the Lake Merritt Boating Center and promotion of Boating Safety Education

(04-0724)

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 Vice Mayor

Chang

[Committee Report item 5 9-28-04 and 10-20CC 10-5-....pdf,](#)

[Resolution No. 78835.pdf](#)

S-10.21CC

Subject: Workforce Investment Areas

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution supporting the City of Oakland's continued designation

as a Workforce Investment Area and opposing California Performance Review Section GG23, a

recommendation to realign and consolidate Workforce Investment Areas and Boards (04-0728)

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 Vice Mayor

Chang

[Committee Report Item 7 9-30-04 Item 10-21CC 10....pdf,](#)

[Resolution No. 78836.pdf](#)

(10-5 Closed Session)

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

- *Sanjiv Handa*

[Closed Session Report 10-5-04.pdf](#)

12

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

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

Chang, to *Approve as Submitted. The motion carried by the following

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

Agency/Councilmember Reid 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

There was no action necessary for this item.

14. Consideration of items with statutory Public Hearing Requirements:

14.1

Subject: Check Cashiers and Check Cashing Businesses - Public Hearing

From: Community and Economic Development Agency

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

(First Reading) of an Ordinance amending the Oakland Planning Code to add a new use

classification and amend related code sections to regulate check cashiers and or check cashing

businesses and limiting where such activities may be permitted (Vice Mayor Chang, City-wide)

(04-0650)

A motion was made by Councilmember Brunner, seconded by

Councilmember Wan, 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 October 19, 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 Vice Mayor

Chang

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

- *Sanjiv Handa*

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

opened 7:04pm

Agency/Councilmember Brunner made a motion, seconded by

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

Agency/Councilmember Wan, to approve the Introduction of the Ordinance as

amended on Item 14.1 to include on Page 4 at the bottom of 3 c that business

may open no earlier than 7:00 a.m. and remain open no later than 7:000 p.m

Monday through Saturday, 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

[Committee Report Item 5 9-14-04,](#)

[Council Report Item 14.9 9-21-04.pdf,](#)

[Item 14.1 10-05-04 and item 17 10-19-04.pdf,](#)

[Item 17.pdf](#)

ACTION ON NON-CONSENT ITEMS:

15

Subject: Nuisance Abatement Liens and Costs

From: Community and Economic Development Agency

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

Oakland Municipal Code Sections 15.08.130, 1.08.040, 1.12.040 and 1.16.040 to authorize

foreclosure proceedings to collect nuisance abatement liens and costs, and amending Oakland

Municipal Code 1.08.060 to increase the maximum annual cumulative civil penalties from

\$250,000 to \$365,000. (04-0604)

A motion was made by Councilmember Reid, seconded by Councilmember

Nadel, that this matter be Approved for Final Passage. 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 Vice Mayor

Chang

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

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

[Ordinance No.12623.pdf](#)

16

Subject: Appointments to the Commission on Aging

From: Office of the Mayor

Recommendation: Adopt a Resolution re-appointing Bobbie Bond, Ronald Chan, and Stanley

Garcia as members of the Commission on Aging (04-0770)

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 Vice Mayor

Chang

[Item 16 10-05-04.pdf](#),

[Resolution No. 78837.pdf](#)

17

Subject: Appointment to the Citizen's Police Review Board

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Tim Wan as a member of

the Citizen's Police Review Board (04-0774)

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 Vice Mayor

Chang

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

- Sanjiv Handa

[Item 17 10-05-04 .pdf,](#)

[Resolution No. 78838.pdf](#)

18

Subject: Appointments to the Oakland Museum of California Foundation Board

From: Office of the Mayor

Recommendation: Adopt a Resolution confirming Penelope Wong and Laurence G. O' Neil as

trustees of the Oakland Museum of California Foundation Board. (04-0775)

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 Vice Mayor

Chang

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

- Sanjiv Handa

[Item 18 10-05-04 .pdf,](#)

[Resolution No. 78839.pdf](#)

19

Subject: Appointment to the Alameda Cnty Mosquito Abatement Dist. Bd. of Trustees

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Stuart Flashman as a member of the

Alameda County Mosquito Abatement District Board of Trustees (04-0785)

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 Vice Mayor

Chang

[Item 19 10-05-04.pdf](#),

[Resolution No. 78840.pdf](#)

20

Subject: Appointment to the Planning and Oversight Committee

From: Councilmember Nadel

Recommendation: Adopt a Resolution re-appointing Jumoke Hinton Hodge to the Kids First!

Planning and Oversight Committee (04-0780)

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 Vice Mayor

Chang

[Item 20 10-05-04.pdf](#),

[Resolution No. 78841.pdf](#)

21

Subject: Appointment to the Budget Advisory Committee

From: Councilmember Nadel

Recommendation: Adopt a Resolution appointing Maeve Elise Brown to the Budget Advisory

Committee (04-0786)

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 Vice Mayor

Chang

[Item 21 10-05-04.pdf](#),

[Resolution No. 78842.pdf](#)

ADDITIONAL AGENDA ITEMS ARE CONTINUED ON THE FOLLOWING PAGE
S-22

Subject: MacArthur Boulevard Utility Undergrounding

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing award of a construction contract to the

responsible low bidder, Underground Construction Company, Inc., in an amount not to exceed

\$9,282,964.45 for construction of Underground Utility District No. 233, on MacArthur

Boulevard (from 73rd Avenue to the San Leandro City line) using \$1,673,022 in City of

Oakland funds out of a budget of \$2,000,000 for the project and payments from PG&E, SBC,

and Comcast totaling \$7,609,942, subject to certain conditions (04-0648)

***Withdrawn with No New Date**

[Cmte Rpt 9-14-04/9-28-04,](#)

[Council Rpt 9-21-04 & 10-5-04.pdf,](#)

[Council Rpt 10-5-04 & Council Rpt 11-16-04.pdf,](#)

[Council Rpts 10-19-04 & 11-16-04.pdf](#)

Subject: New Market Tax Credit

From: Community and Economic Development Agency

Recommendation: Adopt the following pieces of legislation:

1) A Resolution authorizing the City of Oakland to apply for an allocation of New Market Tax

Credits as strong affiliate of Oakland Renaissance NMTC, Inc. (04-0730)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Nos: 1 - Councilmember Brunner

[Committee Report Item 5 9-28-04 and Item 23 10-5....pdf,](#)

[Resolution No. 78843.pdf](#)

2) An Agency Resolution authorizing the Redevelopment Agency to apply for an allocation of

New Market Tax Credits as a strong affiliate of Oakland Renaissance NMTC, Inc (04-0730-1)

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 Nos: 1 - Councilmember Brunner

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

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

Brooks, Councilmember Reid and Vice Mayor Chang

[Committee Report Item 5 9-28-04 and item 23 10....pdf,](#)

[ORA Resolution No. 2004-55.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 in memory of Vernon Morris, Roshanda

Williams, and Georgia Davenport at 7:36 p.m.

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