## Meeting Minutes City of Oakland

Office of the City Clerk		
Oakland City Hall		
1 Frank H. Ogawa Plaza		
Oakland, California 94612		
LaTonda Simmons, Interim City		
Clerk		
Concurrent Meeting of the	Oakland Redevelopment	
Agency/City	y Council	
Oakland City Hall, 1 Fra	ank H. Ogawa Plaza, Oakland, Califo	ornia, 94612
City of Oakland	d Website: http://www.oaklandnet.co	om
Tuesday, March 01, 2005	6:00 PM	Oakland City Hall, 3rd Floo
A meeting of the Joint Oakland Redevelop	ment Agency and City Council was	
held on the above date. Opening with the	Pledge of Allegiance, the meeting	
was convened at 6:11 p.m.		
1 Pledge of Allegiance 2		

COUNCIL MEMBERS; Vice Mayor Brunner, Dist. 1; Vacant, Dist. 2; Nancy Nadel, Dist.
3; Jean Quan, Dist. 4; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; Henry Chang, At-Large,
and President Ignacio De La Fuente, Dist. 5
ORA\Councilmember Present: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Councilmember Chang
3
Open Forum / Citizens Comments
(Time Available: 15 minutes)
The following individual(s) spoke under Open Forum:
The following inalviauai(s) spoke under Open Forum.
- Ryan Gilbert
- Hugh Bassette

- Dorothy Coleman
- Sanjiv Handa
- Ralph Kanz
- Cloteal Swoopes
- Hector Reyna
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 Brooks made a motion, seconded by
Agency/Councilmember Nadel, to pull Item 10.12CC from the Consent
Calendar and reschedule to the March 15, 2005 City Council agenda as a
Non-Consent item. and hearing no objections, the motion passed by Ayes:
Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, and
President of the Council De La Fuente -7
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

There was no action necessary for this item.
Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment
Agency/City Council held on February 15, 2005
A motion was made by Councilmember Nadel, seconded by
Councilmember Brooks, to *Approve as Submitted. The motion carried by
the following vote:
Votes:
ORA\Councilmember Absent: 1 - Councilmember Brunner
ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember Quan,
President of the Council De La Fuente, Councilmember Brooks,
Councilmember Reid and Councilmember Chang
8. PRESENTATION OF CEREMONIAL MATTERS 8.1
Subject: Mariann Mitchell - Service Recognition
From: Councilmember Reid
Recommendation: Adopt a Resolution commending Police Service Technician Mariann
Mitchell for selfless acts of kindness above and beyond the call of duty (05-0104)
A motion was made by Councilmember Reid, seconded by Councilmember

as a non-consent item.

Chang, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Absent: 1 - Councilmember Brunner
ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember Quan,
President of the Council De La Fuente, Councilmember Brooks,
Councilmember Reid and Councilmember Chang
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79072 CMS.pdf 8.2
Subject: Victor Bullock - Service Recognition
From: Councilmember Reid
Recommendation: Adopt a Resolution commending Officer Victor Bullock for selfless acts of
kindness above and beyond the call of duty (05-0105)
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 Absent: 1 - Councilmember Brunner
ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember Quan,
President of the Council De La Fuente, Councilmember Brooks,
Councilmember Reid and Councilmember Chang
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79073 CMS.pdf S-8.3
Subject: The Edna Brewer Middle School competing in the "Future City Competition"
From: Council President De La Fuente
Recommendation: Adopt a Resolution celebrating and honoring the achievements of the Edna
Brewer Middle School students who represented Oakland in our nation's capital during
February 2005 by successfully competing in the finals of the "Future City Competition"

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 Absent: 1 - Councilmember Brunner
ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember Quan,
President of the Council De La Fuente, Councilmember Brooks,
Councilmember Reid and Councilmember Chang
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79074 CMS.pdf  9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS  10. CONSENT CALENDAR (CC) ITEMS:  10.1-CC
Subject: Declaration of a Local Emergency due to AIDS epidemic
From: Office of the City Attorney
Recommendation: Adopt a Resolution renewing and continuing the City Council's Declaration

of a Local Emergency due to the existence of a critical public health crisis with regard to the
AIDS epidemic (05-0096)
This Matter was Adopted on the Consent Agenda. Votes:
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Councilmember Chang
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10.2-CC
Subject: Medical Cannabis Health Emergency
From: Office of the City Attorney
Recommendation: Adopt a Resolution renewing the City Council's Declaration of a local
public health emergency with respect to safe, affordable access to Medical Cannabis in the City
of Oakland (05-0097)
This Matter was Adopted on the Consent Agenda. Votes:
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Councilmember Chang
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79076 CMS.pdf 10.3-CC
Subject: State Farm Insurance - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt a Resolution authorizing and directing the City Attorney to
compromise and settle the claim of State Farm Insurance Company, in the amount of
\$16,197.61, as a result of property damage sustained in an auto collision involving a City of
Oakland vehicle on June 18, 2004. (Oakland Police Department) (05-0098)
This Matter was Adopted on the Consent Agenda. Votes:
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,

Councilmember Brooks, Councilmember Reid and Councilmember Chang
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa
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10.4-CC
Subject: Lihbin Shiao - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt a Resolution authorizing and directing the City Attorney to
compromise and settle the claim of Lihbin Shiao, in the amount of six thousand seven hundred
seventy dollars and 36 cents (\$6,770.36), as a result of damage to her sanitary sewer lateral
caused by tree toots from a City tree (Public Works Agency) (05-0099)
This Matter was Adopted on the Consent Agenda. Votes:
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,

Councilinemoer Brooks, Councilinemoer Reid and Councilinemoer Chang
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79078 CMS.pdf 10.5-CC
Subject: Totally Helen - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt a Resolution authorizing and directing the City Attorney to
compromise and settle the claim of Totally Helen, LLC, in the amount of \$14,447.95, for
property damage sustained as a result of flooding caused by poor drainage from a City Street.
(Public Works Agency) (05-0100)
This Matter was Adopted on the Consent Agenda. Votes:
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Councilmember Chang

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## Subject: Yolanda Orey - Settlement Agreement Office of the City Attorney From: Recommendation: Adopt a Resolution authorizing and directing the City Attorney to compromise and settle the case of Yolanda Orey v. City of Oakland, et al., Alameda County Superior Court Case no. RG03-120161, our file no. 22919, in the amount of \$10,000.00. This case involves a trip and fall accident occurring on a raised portion of sidewalk. (Public Works

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10.6-CC

This Matter was Adopted on the Consent Agenda. Votes:

Agency) (05-0101)

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

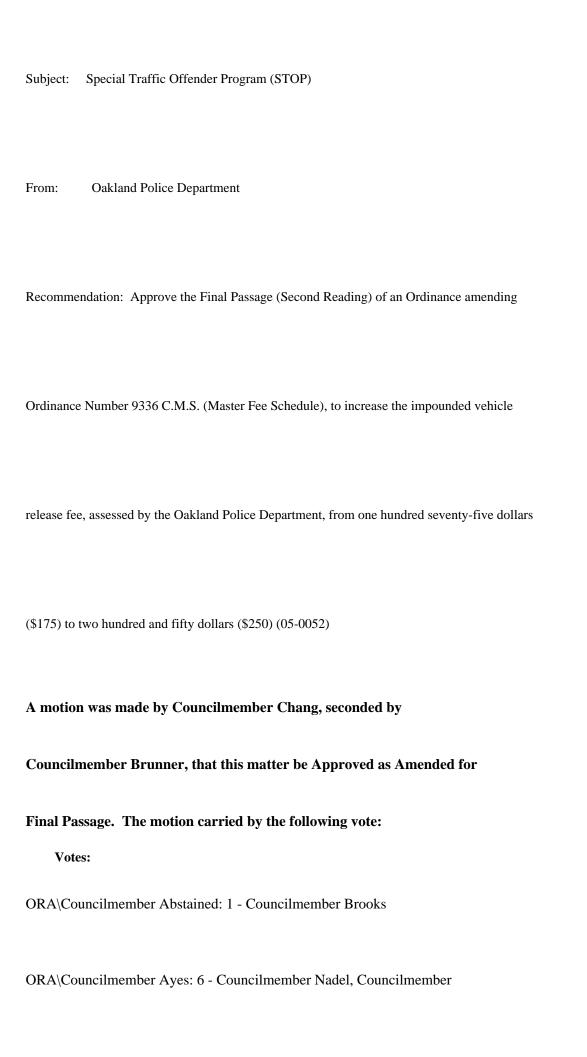
Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Councilmember Chang
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10.7-CC
Subject: Michael Muscadine - Settlement Agreement
From: Office of the City Attorney
Recommendation: Resolution authorizing and directing the City Attorney to compromise and
settle the case of Michael Muscadine v. City of Oakland, et al., Alameda County Superior
Court Case no. 2002-046671, our file No. 22119, in the amount of \$150,000.00. This case
involves claims of excess force against members of the Oakland Police Department on

City of Oakland's Conflict of Interest Code (Ordinance Number 11562 C.M.S. adopted March

23, 1993, as amended, Oakland Municipal Code Chapter 3.16) enacting a Conflict of Interest
Code for City of Oakland employees, members of boards and commissions, and consultant
positions to update the designation of positions that the code covers (05-0054)
This Matter was Approved for Final Passage on the Consent Agenda. Votes:
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Councilmember Chang
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa
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12650 CMS.pdf 10.9-CC
Subject: Limited Public Financing Act of the City of Oakland

From:	Office of the City Attorney
Recommen	dation: Approve the Final Passage (Second Reading) of an Ordinance amending
Oakland M	funicipal Code Chapter 3.13, the Limited Public Financing Act of the City of
Oakland, to	o require: 1) Contributions submitted for matching funds be made on a financial
instrument	containing the name of the donor, the name the payee and drawn on the account of
the donor a	and 2) Candidates to timely file and completely and accurately execute all

pre-election and post-election campaign statements for the election in which matching funds
are received (05-0082)
A motion was made by Councilmember Chang, seconded by
Councilmember Brunner, that this matter be Approved for Final Passage.
The motion carried by the following vote:  Votes:
ORA\Councilmember Noes: 1 - Councilmember Reid
ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks and Councilmember Chang
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa
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Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Reid and Councilmember Chang
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12649 CMS.pdf 10.11-CC
Subject: Eminent Domain Litigation
From: Office of the City Attorney
Recommendation: Adopt a Resolution authorizing and directing the City Attorney to
compromise and settle the Eminent Domain Litigation of City of Oakland v. Orkin, Inc. dba
Thrifty Oil Company ("Thrifty") in the amount of \$326,820 (\$131,820 plus the City's \$195,000

deposit which Thrifty previously withdrew) as compensat	ion for the City's Condemnation of
862-868 - 98th Avenue for the City's widening of 98th Av	venue (San Mateo County Superior
Court Action No. 336725) (05-0115)	
A motion was made by Councilmember Chang, so	
Councilmember Brunner, that this matter be Ado	opted. The motion carried
by the following vote:	
Votes:	
ORA\Councilmember Abstained: 1 - Councilmember	er Brunner
ORA\Councilmember Ayes: 6 - Councilmember Nac	del, Councilmember Quan,
President of the Council De La Fuente, Councilmem	ber Brooks,
Councilmember Reid and Councilmember Chang	
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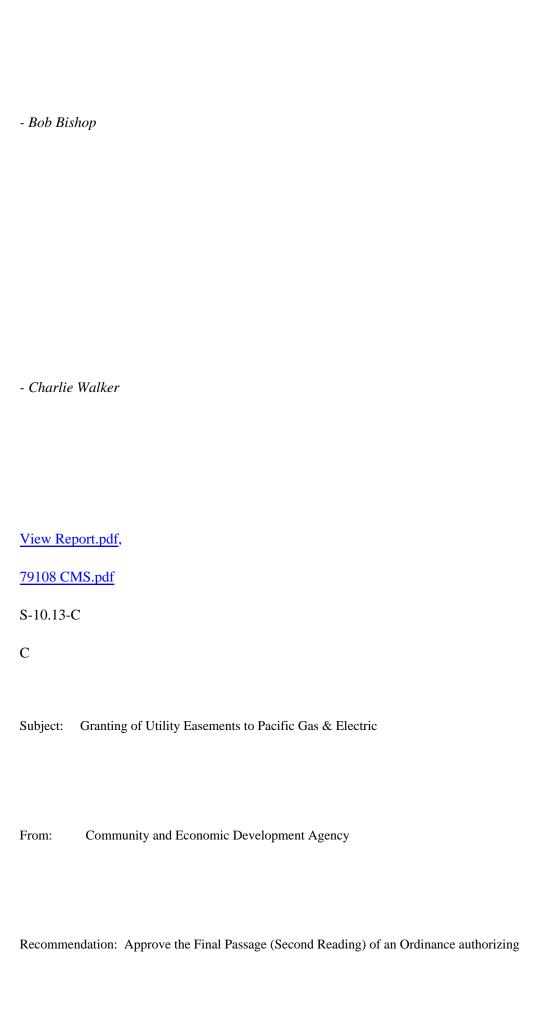
Subject: 1	Race and Gender Disparity Evaluation and Study (Croson Study)
From:	President of the Council De La Fuente
Recommend	dation: Adopt a Resolution directing the City Administrator to conduct a Race and
Gender Disj	parity Evaluation and Study of both (1) the City's bidding and awards of City
contracts (co	ommonly referred to as a "Croson Study") and (2) the City's Workforce Diversity in
comparison	to the relevant labor pool by selecting through requests for qualification or requests
for proposal	l - a qualified independent consultant(s) of national reputation to conduct the

required evaluation and study (05-0033)
Withdrawn and Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/15/2005
The following individual(s) spoke and indicated a neutral position on this item:
- Hugh Bassette
- Gene Hazzan

- Martin Mawnings	
-Geoffrey Pete	
-Darrell Carey	

-Diane Howell -Delma Mack -Sanjiv Handa





the granting of two permanent utility easements to Pacific Gas and Electric Company located at
the City of Oakland Fire Station at 250 Fallon Street (Site 1) and the east side of Fallon Street
at Victory Court (Site 2) for the combined appraised market value of \$5,070 (05-0056)
This Matter was Adopted on the Consent Agenda. Votes:
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Councilmember Chang
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12651 CMS.pdf  Passed The Consent Agenda
A motion was made by Councilmember Chang, seconded by
Councilmember Brunner, including all the preceding items marked as
having been adopted on the Consent Agenda. The motion carried by the
following vote:
Votes:
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Councilmember Chang
11
An oral report from the Agency Counsel / City Attorney of final decisions made during
Closed Session
A motion was made by Councilmember Chang, seconded by
Councilmember Brunner, to *Approve as Submitted. The motion carried
by the following vote:
Votes:
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Councilmember Chang
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa
Two final decisions were made during Closed Session. Please refer to
Attachment A to these minutes for the Closed Session report out Form

12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 15 to the Sunshine Ordinance A motion was made by Councilmember Brooks, seconded by Councilmember Reid, to \*Approve as Submitted. The motion carried by the following vote: Votes: ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang Agency/Councilmember Brooks made a motion seconded by Agency/Councilmember Reid confirming that there were no discussions pursuant to Section 15 of the Sunshine Ordinance, and hearing no objections,

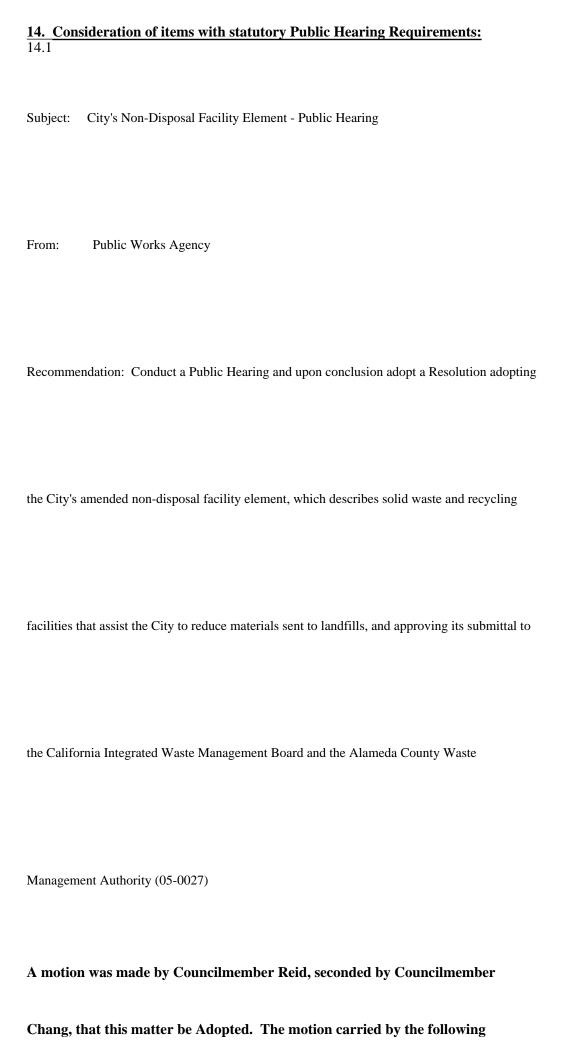
the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang,

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

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

## **THEREAFTER:**

Reconsideration of Ordinances pursuant to Charter Section 216 There was no action necessary for this item.



vote:
Votes:
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Councilmember Chang
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa



objections, the motion passed by Ayes: Agency/Councilmember: Brooks,
Brunner, Chang, Nadel, Reid, Quan, and President of the Council De La
Fuente -7
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ACTION ON NON-CONSENT ITEMS: 15
Subject: 5625 International Blvd Repaving Agreement
From: Community and Economic Development Agency

Recommendation: Adopt an Agency Resolution authorizing an Owner Participation Agreement
with SVC Manufacturing, Inc., DBA Gatorade, for retention, expansion and improvement of
it's manufacturing facility at 5625 International Boulevard and an Agency payment not to
exceed \$250,000 for repaving 57th Avenue adjacent to the facility (04-0961)
A motion was made by Councilmember Brooks, seconded by
Councilmember Reid, that this matter be Adopted as Amended. The
motion carried by the following vote:  Votes:
ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Abstained: 1 - Councilmember Brunner  ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember Quan,
ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember Quan,

Agency/Councilmember Brooks made a motion, seconded by	
Agency/Councilmember Reid, to adopt the resolution on Item 15 as amended, to	
include the following:	

1) Amendment to the second "Resolved" in the Resolution to replace the word	
"hire" with the word "consider";	
2) the modification to the Gatorade OPA Term Sheet accordingly:	



Agency payment; and	
3) direction to staff to return and negotiate the language "consider first" as part	
of the agreement, and upon call of the roll, the motion passed by Ayes:	

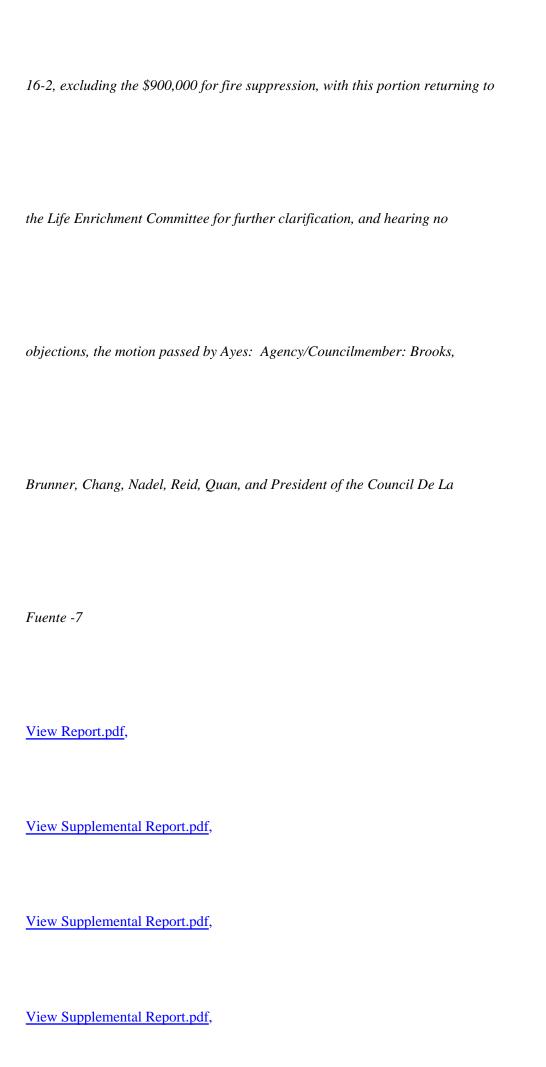


Recommendation: Adopt the following pieces of legislation:
1) Adopt a Resolution authorizing revisions to the appropriation of seventy million five
hundred seventy nine thousand dollars (\$70,579,000) during Fiscal Year 2003 - 2004 in
Oakland Trust for Clean Water and Safe Parks (Measure DD) Series A general obligation
bonds (04-0840)
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 Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Councilmember Chang

The following i	ndividual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa	
- Nancy Rieser	
The following i	ndividual(s) spoke in favor of this item:
T. D. 1100	
- Jim Ratliff	
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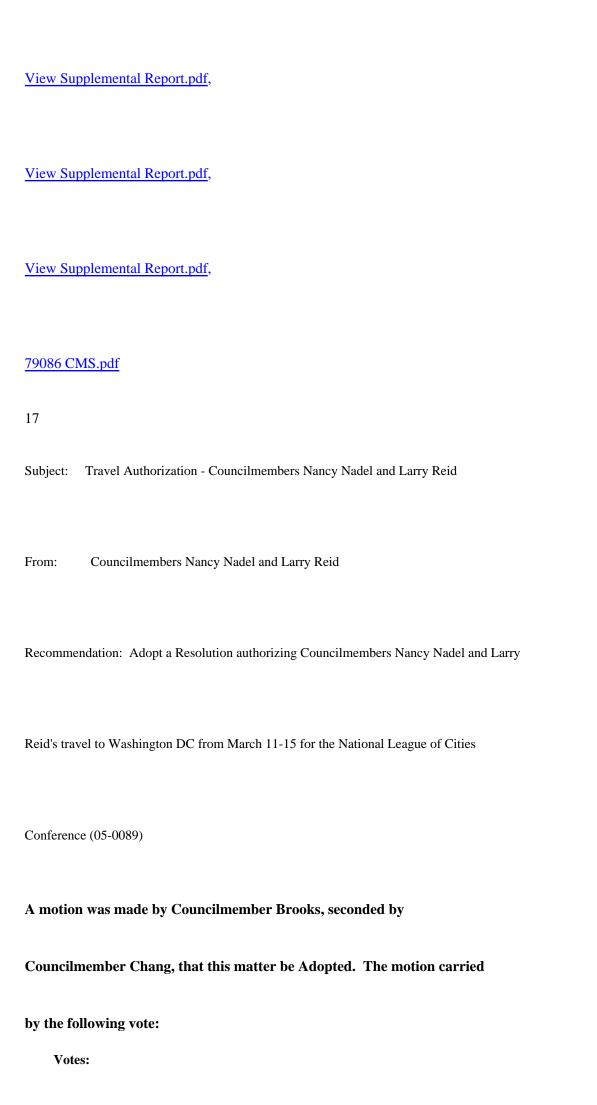
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2) Adopt a Resolution authorizing application of up to ten million dollars (\$10,000,000) in
California Coastal Conservancy Funds for the Lake Merritt 12th Street Improvement Project
(\$9,000,000) and water quality technologies at Lake Merritt (\$1,000,000) (04-0840-2)
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 Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Councilmember Chang
Agency/Councilmember Brunner made a motion, seconded by
Agency/Councilmember Nadel, to adopt the Resolution as amended on Item

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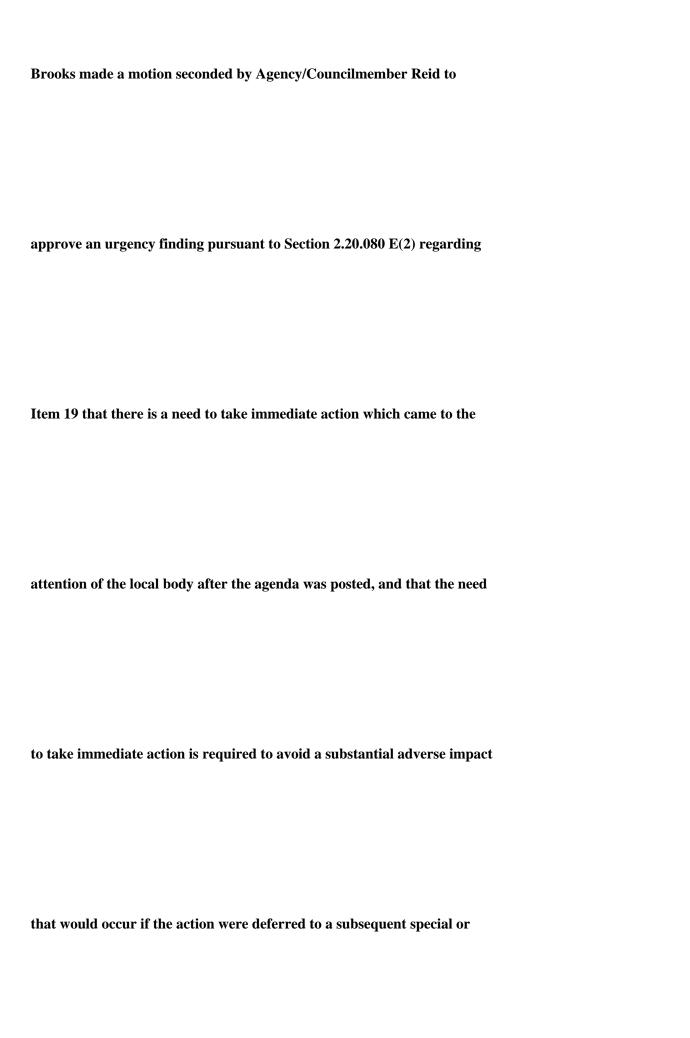
3) Adopt a resolution authorizing the City Administrator to negotiate and execute an
amendment to a professional services contract with The Friends of Oakland Parks and
Recreation for administrative support services associated with the Measure DD Community
coalition in an amount not to exceed \$23,752, for a total contract amount not to exceed \$39,751
(04-0840-3)
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 Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Councilmember Chang
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ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Councilmember Chang
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa
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79087 CMS.pdf 18
Subject: Appointment to the Community Policing Advisory Board
From: Council President De La Fuente
Recommendation: Adopt a Resolution appointing Brendan Mulholland as a member of the
Community Policing Advisory Board representing City Council District 5 (05-0102)
A motion was made by Councilmember Reid, seconded by Councilmember
Brunner, that this matter be Adopted. The motion carried by the following
vote:
Votes:
ORA\Councilmember Absent: 1 - Councilmember Chang
ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,

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S-19
Subject: Appointment of Council President to the Public Safety Committee
From: Council President De La Fuente
Recommendation: Action pursuant to the Council's rules of procedure (Resolution #79006
C.M.S.) to confirm the City Council President's appointment of Councilmember Ignacio De La
Fuente to the Public Safety Committee (05-0131)
A motion was made by Councilmember Brooks, seconded by
Councilmember Reid, that this matter be Adopted Agency/Councilmember

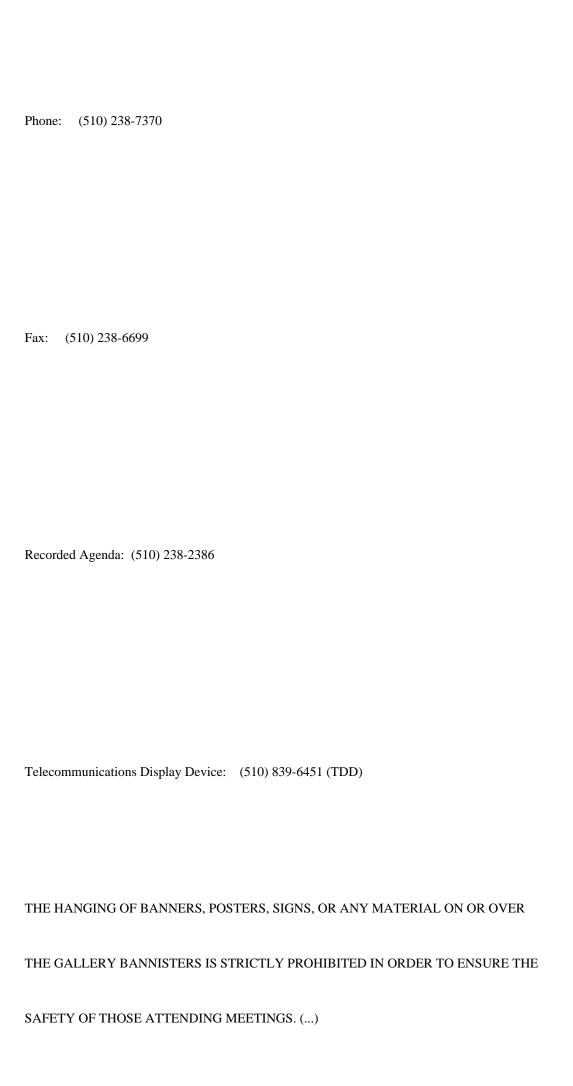
Councilmember Brooks and Councilmember Reid



regular meeting. The motion carried by the following vote:
Votes:
ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember
Brunner, Councilmember Quan, President of the Council De La Fuente,
Councilmember Brooks, Councilmember Reid and Councilmember Chang
The following individual(s) spoke in favor of this item:
Patrick McCullough
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa
View Report.pdf Continuation of Open Forum
ADJOURNMENT OF COUNCIL SESSION
(Meeting shall conclude no later than 10:30 p.m., unless extended by Majority Vote of the
<u>Council)</u>

There being no further business, and upon the motion duly made, the
Agency/Council adjourned the meeting in memory of Robert Akins, Rory Shaw,
Douglas Espinoza, Richard Camber, Christina Helen Morton at 8:40 p.m.
Americans With Disabilities Act
If you need special assistance to participate in Oakland City Council and Committee meetings
please contact the Office of the City Clerk. When possible, please notify the City Clerk 48
hours prior to the meeting so we can make reasonable arrangements to ensure accessibility.





City Clerk and Clerk of the Council