

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, September 21, 2004

6:00 PM

Oakland City Hall, 3rd Floor

1
Pledge of Allegiance

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 6:00p.m.

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)

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Present: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

The following individual(s) spoke during Open Forum:

- *Hugh Bassette*

- *Ondrietta Johnson*

- *Marilyn Green*

- *Leo Handy, Jr.*

- *Al Marshall*

- *Steve Bristow*

- *Dwight McElroy*

- *Brad Walters*

- *Sequonite Buggs*

- *Aaron McGee*

- *Demarrie Bradley*

- *Darnell Levingston*

- *Sanjiv Handa*

- *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.

There was no action necessary for this item.

5

Motion for 'Members' Requests for Reconsideration' of an Action taken at the preceding Council Meeting, shall be scheduled for the next-succeeding City Council meeting as a non-consent item. (Motion Maker must have voted on prevailing side)

There was no action necessary for this item

6

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

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

as a non-consent item.

There was no action necessary for this item.

7

Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment

Agency/City Council held on July 20, 2004

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

8. PRESENTATION OF CEREMONIAL MATTERS

8.1

Subject: First Carfree Day

From: Councilmember Nancy Nadel

Recommendation: Adopt a Resolution proclaiming Thursday, September 23, 2004, as the City

of Oakland's First Carfree Day to encourage transportation alternatives to driving alone

(04-0679)

A motion was made by Councilmember Nadel, seconded by

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

the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78779 C.M.S.

[Council Report Item 8.1 9-21-04.pdf](#),

[Resolution 78779.pdf](#)

8.2

Subject: Sandra Marburg - Service Recognition

From: Councilmember Reid

Recommendation: A Proclamation honoring Sandra Marburg for her dedicated participation in

the Keep Oakland Beautiful Program (04-0589)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

[Council Report Item 8.2 9-21-04.pdf,](#)

[Proclamation.pdf](#)

8.3

Subject: Honoring Andre Ward for Winning the Gold Medal

From: Council President De La Fuente and Councilmember Reid

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

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

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78780 C.M.S.

[Resolution 78801.pdf](#)

S-8.4

Subject: Marriage Equality Express Day

From: Councilmember Wan

Recommendation: Adopt a Resolution congratulating the Marriage Equality Express on its

Cross-country Educational Expedition and declaring October 4, 2004 Marriage Equality

Express Day (04-0729)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78781 C.M.S

Agency/Councilmember Wan made a motion, seconded by

Agency/Councilmember Brunner to approve an urgency finding pursuant to

Section 2.20.080 E(2) regarding Item S-8.4 that there is a need to take

immediate action which came to the attention of the local body after the agenda

was posted, and that the need to take immediate action relates to a purely

ceremonial or commendatory action.

[Resolution 78781.pdf](#)

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Agency/Councilmember Brooks took a point of personal privilege and

requested that the meeting be adjourned in memory of Chuck Johnson and Anna

Mae Bernadette Bell.

Agency/Councilmember De La Fuente took a point of personal privilege and

requested that the meeting be adjourned in memory of Samuel Gene Guintini

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

that the meeting be adjourned in memory of Sargeant Bob Crawford's daughter

and the Honorable Charles Lewis.

10. CONSENT CALENDAR (CC) ITEMS:
10.1CC

Subject: Declaration of a Local Emergency due to AIDS epidemic

From: Office of the City Attorney

Recommendation: Adopt a Resolution renewing and continuing the City Council's Declaration

of a Local Emergency due to the existence of a critical public health crisis with regard to the

AIDS epidemic (04-0687)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78784 C.M.S

The following individual spoke in favor of this item:

- Darnell Livingston

[Council Report Item 10.1CC 9-21-04.pdf,](#)

[Resolution 78784.pdf](#)

10.2CC

Subject: Medical Cannabis Health Emergency

From: Office of the City Attorney

Recommendation: Adopt a Resolution renewing the City Council's Declaration of a local

public health emergency with respect to safe, affordable access to Medical Cannabis in the City

of Oakland (04-0688)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78783 C.M.S

The following individual spoke in favor of this item:

- *Darnell Livingston*

[Council Report Item 10.2CC 9-21-04.pdf,](#)

[Resolution 78783.pdf](#)

10.3CC

Subject: Carrie A. Peters - Settlement Agreement

From: Office of the City Attorney

Recommendation: Adopt a Resolution authorizing and directing the City Attorney to

compromise and settle the claim of Geico Insurance as subrogee of Carrie A. Peters in the

amount of \$7,630.00 as a result of a vehicle collision involving a City vehicle (OPD) (04-0683)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78785 C.M.S

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

- *Sanjiv Handa*

[Council Report Item 10.3CC 9-21-04.pdf](#),

[Resolution 78785.pdf](#)

10.4CC

Subject: Eleanor Colbert - Settlement Agreement

From: Office of the City Attorney

Recommendation: Adopt a Resolution authorizing and directing the City Attorney to

compromise and settle the case of Eleanor Colbert v. City of Oakland, et al., Superior Court,

County of Alameda, Case No. RG03-099523, in the amount of \$15,000.00 as a result of a trip

and fall accident in the vicinity of 9750 Golf Links Road, Oakland, on September 10, 2002

(Public Works Agency) (04-0681)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78786 C.M.S

[Council Report Item 10.4CC 9-21-04.pdf,](#)

[Resolution 78786.pdf](#)

10.5CC

Subject: Caffie Jones - Settlement Agreement

From: Office of the City Attorney

Recommendation: Adopt a Resolution authorizing and directing the City Attorney to

compromise and settle the bodily injury claim of Caffie Jones in the amount of \$6,000.00 as a

result of a vehicle collision involving a city vehicle (OPD) (04-0682)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78787 C.M.S

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

- *Sanjiv Handa*

[Council Report Item 10.5CC 9-21-04.pdf](#),

[Resolution 78787.pdf](#)

10.6CC

Subject: Stephanie Brill - Settlement Agreement

From: Office of the City Attorney

Recommendation: Adopt a Resolution authorizing and directing the City Attorney to

compromise and settle the case of Stephanie Brill v. City of Oakland, et al., Alameda County

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

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

(04-0706)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78788 C.M.S

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

- *Sanjiv Handa*

[Council Report Item 10.6CC 9-21-04.pdf,](#)

[Resolution 78788.pdf](#)

10.7CC

Subject: Tract Map No. 7500

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution approving final map of Tract Map No. 7500, a seven lot

subdivision located at Bernhardt Drive, Oakland, Alameda County, California (04-0680)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78789 C.M.S

[Council Report Item 10.7CC 9-21-04.pdf,](#)

[Resolution 78789.pdf](#)

10.8CC

Subject: Combined Charities Campaign for 2005

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution supporting the Combined Charities Campaign for 2005

(04-0690)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78790 C.M.S

[Council Report Item 10.8CC 9-21-04.pdf](#),

[Resolution 78790.pdf](#)

S-10.9CC

Subject: Earthquake Retrofit of Designated Bridges

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the acceptance and appropriation of an

additional two hundred seven thousand seven hundred eleven dollars (\$207,711) in Federal

Highway Funds for a total project budget of two million seven hundred five thousand eight

hundred fifty dollars (\$2,705,850) for the Earthquake Retrofit of Broadway-Patton,

Hegenberger, and Hamilton Bridges (Project Number H24010) (04-0674)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78791 C.M.S

[Committee Report Item 3 for 9-14-04.pdf,](#)

[Supplemental Council Report 10.9CC 9-21-04.pdf,](#)

[Resolution 78791.pdf](#)

S-10.10CC

Subject: Overtime Reimbursement Costs

From: Oakland Police Department

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

appropriate a maximum of twelve thousand dollars (\$12,000) in Federal Funds from the

Department of Justice, United States Drug Enforcement Administration (USDEA), to the

Oakland Police Department (OPD) in overtime reimbursement costs for three (3) Police

Officers assigned to an Organized Crime Drug Enforcement Task Force (OCDETF) for the

period of October 1, 2004 to September 30, 2005 (04-0667)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78792 C.M.S

[Committee Report Item 3 9-14-04.pdf,](#)

[Supplemental Council Report 10.10CC 9-21-04.pdf,](#)

[Resolution 78792.pdf](#)

S-10.11CC

Subject: Certified Academy Recruit Training Officer Course

From: Oakland Police Department

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

of Oakland, to execute an agreement with the California Commission on Peace Officer

Standards and Training (POST) for the purpose of permitting the Police Department to present

the POST Certified Academy Recruit Training Officer Course up to three times to a maximum

cumulative total of seventy-two (72) students, and to receive up to eight thousand four hundred

fifty-three dollars and eighty-two cents (\$8,453.82) in reimbursement funds (04-0669)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78793 C.M.S

[Committee Report Item 4 9-14-04.pdf](#),

[Supplemental Council Report 10.11CC 9-21-04.pdf,](#)

[Resolution 78793.pdf](#)

S-10.12CC

Subject: POST Certified Emergency Vehicle Operations Course (EVOC)

From: Oakland Police Department

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

of Oakland, to execute an agreement with the California Commission on Peace Officer

Standards and Training (POST) for the purpose of permitting the Police Department to present

the POST Certified Emergency Vehicle Operations Course (EVOC) to a maximum of eighty

(80) police officer trainees and to receive up to thirty-five thousand six hundred dollars

(\$35,600) in reimbursement funds, at a rate of four hundred forty-five dollars (\$445) per

student (04-0670)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78794 C.M.S

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

[Supplemental Council Report 10.12CC 9-21-04.pdf,](#)

[Resolution 78794.pdf](#)

S-10.13CC

Subject: Global Warming

From: Councilmember Nadel

Recommendation: Adopt a Resolution in Support of California's Law to reduce Global

Warming pollution from passenger cars and light trucks (04-0655)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78782 C.M.S

[Committee Report - Item 8 - 9-16-04.pdf,](#)

[Supplemental Council Report 10.13CC 9-21-04.pdf,](#)

[Resolution 78782.pdf](#)

11

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

Closed Session

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

There was three final decisions made during Closed Session:

Item 2c: Wayne Nelson v. City of Oakland

Councilmember Brooks made a motion, seconded by Councilmember Wan to

approve a settlement of \$40,000 for a case involving a violation of civil rights:

Members present were noted as voting 5 Ayes; 2 Noes - De La Fuente, Brunner,

1 Excused - Quan

Item 2d: Wayne Johnson v. City of Oakland

Councilmember Brunner made a motion, seconded by Councilmember Reid to

approve a settlement of \$25,000 for a case involving a violation of civil rights:

Members present were noted as voting 6 Ayes; 1 No - De La Fuente, 1 Excused

- *Quan*

Item 2f: Fredrick Pruitt v. City of Oakland

Councilmember Brooks made a motion, seconded by Councilmember Nadel to

approve a settlement of \$52,500 for a case involving excessive force: Members

present were noted as voting 7 Ayes, 1 Excused - Quan

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

***Approve as Submitted**

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, Wan and President of the Council De La Fuente -7, Excused - 1

Quan

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

THEREAFTER:

13

Reconsideration of Ordinances pursuant to Charter Section 216

There was no action necessary for this item.

14. Consideration of items with statutory Public Hearing Requirements:

14.1

Subject: Delinquent Real Property Transfer Taxes - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct a Public Hearing regarding the assessment of liens for Delinquent

Real Property Transfer Taxes and upon conclusion adopt one of the following Resolutions:

- 1) Adopt a Resolution accepting and confirming reports of the City Administrator on the costs

incurred by the City of Oakland for delinquent real property transfer taxes, and confirming the

recordation of liens, administrative charges, and assessment charges, as necessary, pursuant to

Chapter 4.20 of the Oakland Municipal Code, and directing the notice of lien and assessment

charges to be turned over to the County Tax Collector for collection; or (04-0693)

A motion was made by Councilmember Nadel, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 79795 C.M.S.

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

opened 7:00 p.m.

Agency/Councilmember Nadel made a motion, seconded by

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

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

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

-7, 1 Excused - Quan

[Council Report Item 14.1 9-21-04.pdf](#)

2) Adopt a Resolution overruling protests and objections, and accepting and confirming

reports of the City Administrator on the costs incurred by the City of Oakland for delinquent

real property transfer taxes, and authorizing the recordation of liens, administrative charges as

necessary - pursuant to Chapter 4.20 of the Oakland Municipal Code, and directing the notice

of lien and assessment charges to be turned over to the County Tax Collector for collection; or

(04-0693a)

Not Adopted

[Council Report Item 14.1.pdf](#)

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

delinquent real property transfer taxes and confirming the recordation of liens, administrative

charges, and assessment charges as necessary pursuant to Chapter 4.20 of the Oakland

Municipal Code, and directing the notice of lien and assessment charges to be turned over to

the Alameda County Tax Collector for collection (04-0693b)

Not Adopted

[Council Report Item 14.1.pdf](#)

14.2

Subject: Delinquent Mandatory Garbage Fees - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct a Public Hearing regarding Delinquent Mandatory Garbage Fees

for January - March 2004, monthly accounts and April - June 2004 monthly accounts and upon

conclusion adopt one of the following Resolutions:

1) Adopt a Resolution accepting and confirming reports of the City Administrator on the costs

incurred by the City of Oakland for delinquent garbage service fees, and confirming the

recording of liens, administrative charges, and assessment charges, as necessary, pursuant to

Chapter 8.28 of the Oakland Municipal Code, and directing the notice of lien and assessment

charges to be turned over to the County Tax Collector for collection; or (04-0694)

A motion was made by Councilmember Nadel, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78796 C.M.S.

Upon the reading of Item 14.2 by the City Clerk, the Public Hearing was

opened 7:01 p.m.

Agency/Councilmember Nadel made a motion, seconded by

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

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

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

-7, 1 Excused - Quan

[Council Report Item 14.2 9-21-04.pdf](#)

2) Adopt a Resolution overruling protests and objections, and accepting and confirming

reports of the City Administrator on the costs incurred by the City of Oakland for delinquent

garbage service fees, and authorizing the recordation of liens, administrative charges, as

necessary, pursuant to Chapter 8.28 of the Oakland Municipal Code, and directing the notice of

lien and assessment charges to be turned over to the County Tax Collector for collection; or

(04-0694a)

Not Adopted

[Council Report Item 14.2.pdf](#)

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

delinquent garbage service fees, and confirming the recordation of liens, administrative

charges, and assessment charges, as necessary, pursuant to Chapter 8.28 of the Oakland

Municipal Code, and directing the notice of lien and assessment charges to be turned over to

the Alameda County Tax Collector for collection (04-0694b)

Not Adopted

[Council Report Item 14.2.pdf](#)

14.3

Subject: Delinquent Transient Occupancy Taxes - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct a Public Hearing regarding the assessment of liens for Delinquent

Transient Occupancy Taxes and upon conclusion adopt one of the following Resolutions:

1) A Resolution accepting and confirming reports of the City Administrator on the costs

incurred by the City of Oakland for Delinquent Transient Occupancy Taxes and confirming the

recordation of liens, administrative charges, and assessment charges as necessary pursuant to

Title 4, Chapter 4.24 of the Oakland Municipal Code, and directing the notice of lien and

assessment charges to be turned over to the County for collection; or (04-0695)

A motion was made by Councilmember Nadel, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78797 C.M.S.

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

opened 7:02 p.m.

Agency/Councilmember Nadel made a motion, seconded by

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

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

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

-7, 1 Excused - Quan

[Council Report Item 14.3 9-21-04.pdf,](#)

[Resolution 78797.pdf](#)

2) A Resolution overruling protests and accepting and confirming reports of the City

Administrator on the Delinquent Transient Occupancy Taxes and confirming the recordation of

liens, administrative charges and assessment charges as necessary pursuant to Title 4, Chapter

4.24 of the Oakland Municipal Code, and directing the notice of lien and assessment charges to

be turned over to the County Tax Collector for collection (04-0695a)

Not Adopted

[Council Report Item 14.3.pdf](#)

3) A Resolution continuing hearing on reports of the City Administrator on the Delinquent

Transient Occupancy Taxes and confirming the recordation of liens, administrative charges and

assessment charges as necessary pursuant to Title 4, Chapter 4.24 of the Oakland Municipal

Code (04-0695b)

Not Adopted

[Council Report Item 14.3.pdf](#)

14.4

Subject: Delinquent Business Taxes - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct a Public Hearing regarding the assessment of liens for delinquent

business taxes and upon conclusion adopt one of the following pieces of legislation:

1) Adopt a Resolution accepting and confirming reports of the City Administrator on the costs

incurred by the City of Oakland for delinquent business taxes and confirming the recordation of

liens, administrative charges and assessment charges as necessary - pursuant to Title 5,

Chapter 5.04 of the Oakland Municipal Code, and directing the notice of lien and assessment

charges to be turned over to the County for collection; or (04-0696)

A motion was made by Councilmember Nadel, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78798 C.M.S.

Upon the reading of Item 14.4 by the City Clerk, the Public Hearing was

opened 7:03 p.m.

Agency/Councilmember Nadel made a motion, seconded by

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

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

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

-7, 1 Excused - Quan

[Council Report Item 14.4 9-21-04.pdf,](#)

[Resolution 78798.pdf](#)

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

Administrator on the delinquent business taxes, and confirming the recordation of liens,

administrative charges, and assessment charges as necessary, pursuant to Title 5, Chapter 5.04

of the Oakland Municipal Code, and directing the notice of lien and assessment charges to be

turned over to the County Tax Collector for collection; or (04-0696a)

Not Adopted

[Council Report Item 14.4.pdf](#)

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

delinquent business taxes, and confirming the recordation of liens, administrative charges and

assessment charges, as necessary, pursuant to Title 5, Chapter 5.04 of the Oakland Municipal

Code (04-0696c)

Not Adopted

[Council Report Item 10.3CC 9-21-04.pdf](#)

~~14.5~~

~~Subject: On Broadway Permit Revocation Public Hearing~~

~~From: Office of the City Administrator~~

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

~~recommendation to revoke the "On Broadway" cabaret permit and deny the appeal of Charles~~

~~Clewis (Councilmember Nadel, District 3) (04-0686)~~

[Council Report Item 14.5 9-21-04.pdf](#)
14.6

Subject: Tree Permit Appeal-4437 Mountain View Avenue - Public Hearing

From: Office of Parks and Recreation

Recommendation: Conduct a Public Hearing and upon conclusion adopt a Resolution denying

the appeal filed by Guy Moore and Shirley Leonard-Moore against the decision of the Director

of the Office of Parks and Recreation approving the issuance of a tree removal permit -

DR04-021 at 4455 - Mountain View Avenue (Councilmember Brooks - District 6) (04-0524)

A motion was made by Councilmember Brunner, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78799 C.M.S.

The following individual spoke in favor of this item:

- *Shirley Moore*

[Council Report Item 14.6 9-21-04.pdf,](#)

[Supplemental Council Report 14.6 9-21-04.pdf,](#)

[Resolution 78799.pdf](#)

~~14.7~~

~~Subject: — MacArthur Boulevard Utility Undergrounding Public Hearing~~

~~From: — Public Works Agency~~

~~Recommendation: Conduction a Public Hearing and upon conclusion Adopt a Resolution~~

~~authorizing award of a construction contract to the responsible low bidder, Underground~~

~~Construction Company, Inc., in an amount not to exceed \$9,606,878.45 for Undergrounding~~

~~Utility District No. 233, on MacArthur Boulevard (from 73rd Avenue to the San Leandro City~~

~~line) using \$1,671,685 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 \$7,935,192 (Councilmember Brooks,~~

~~District 6) (04-0648)~~

[Committee Report 9-14-04 and 9-28-04,](#)

[Council Report Item 14.7 for 9-21-04 and item 22pdf,](#)

[Item S.4 Committee Report and item 22 10-5-04.pdf,](#)

[Council Report Item 24 10-19-04.pdf](#)

~~14.8~~

~~Subject: Uptown Partners Public Hearing~~

~~From: Finance and Management Agency~~

~~Recommendation: Conduct a Public Hearing and upon conclusion adopt a Resolution declaring~~

~~the official intent of the City of Oakland regarding certain capital expenditures for Uptown~~

~~Partners, LLC, to finance the construction of rental housing in the City of Oakland, in an~~

~~amount not to exceed \$160,000,000 to be reimbursed from the proceeds of a tax exempt~~

~~obligation (Councilmember Nadel, District 3) (04-0662)~~

[Committe Report Item 3 for 9-14-04,](#)

[Council Report Item 14.8 for 9-21-04.pdf,](#)

[Supplemental Council Report 26 9-21-04.pdf,](#)

[Resolution 78809.pdf](#)

~~14.9~~

~~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)~~

[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](#)

ACTION ON NON-CONSENT ITEMS:

15

Subject: Ratification of the Mayor's Actions During 2004 Recess

From: Office of the City Clerk

Recommendation: Adopt a Resolution ratifying action taken by the Mayor during the Oakland

City Council 2004 Annual Recess in conformance with Resolution Number 78307 C.M.S.

dated January 20, 2004 (04-0689)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78800 C.M.S.

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

- *Sanjiv Handa*

[Council Report Item 15 9-21-04.pdf](#)

16

Subject: Interstate-880 North Safety Improvement Project

From: Council President De La Fuente

Recommendation: Adopt a Resolution designating the Alameda County Congestion

Management Agency (ACCMA) as the lead project sponsor and implementing agency for the

Interstate-880 North Safety Improvement Project, with Oakland's Community and Economic

Development Agency as an active partner that ACCMA will consult and include in all material

discussions. (04-0691)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78801 C.M.S.

[Council Report Item 16 9-21-04.pdf](#),

[Resolution 78801.pdf](#)

17

Subject: Oakland Chinatown Advisory Committee Appointments

From: Councilmember Wan

Recommendation: Adopt a Resolution appointing Colland Jang and Christopher Tom as the

City of Oakland representatives and Willie Yee as an alternate representative on the Oakland

Chinatown Advisory Committee, per the settlement agreement in the matter of the City of

Oakland v. City of Alameda Point (Alameda County Superior Court case number

RG-03133599), between the City of Oakland, City of Alameda, Asian Health Services and the

Oakland Chinatown Chamber of Commerce (Alameda Point General Plan Amendment).

(04-0692)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78802 C.M.S.

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

- *Sanjiv Handa*

[Council Report Item 17 9-21-04.pdf](#)

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)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78803 C.M.S

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

[Resolution 78803.pdf](#)

19

Subject: Nuisance Abatement Liens and Costs

From: Community and Economic Development Agency

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

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

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

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

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

A motion was made by Councilmember Reid, seconded by Councilmember

Nadel, that this matter be Approved on Introduction for Final Passage to

the Concurrent Meeting of the Oakland Redevelopment Agency / City

Council, due back on October 5, 2004. The motion carried by the following

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Nos: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Reid and Vice Mayor Chang

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

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

[Ordinance No.12623.pdf](#)

20

Subject: Street Tree Protection

From: Councilmember Brunner

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

Oakland Municipal Code Sections 12.36.010 and 12.36.090 and adding a new Section

12.04.400 for the purpose of further protecting Oakland's City-owned street trees (04-0543)

A motion was made by Councilmember Brunner, seconded by

Councilmember Nadel, that this matter be Approved for Final Passage.

The motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Ordinance Number 12622 C.M.S.

[Council Report 7 6-22-04.pdf,](#)

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

[Council Report Item S30 7-20-04.pdf,](#)

[Council Report Item 20.pdf](#)

21

Subject: Library Advisory Commission Appointments

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Bridget Berrigan as a member of the Library

Advisory Commission (04-0697)

A motion was made by Councilmember Nadel, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78804 C.M.S.
[Council Report Item 21 9-21-04.pdf](#)
22

Subject: Citizen's Police Review Board

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Angela Cheung as a member of the Citizen's

Police Review Board (04-0698)

A motion was made by Councilmember Nadel, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78805 C.M.S.
[Council Report Item 22 9-21-04.pdf](#)
23

Subject: Cultural Affairs Commission Appointments

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Lolita Ratchford, Tony Caparelli, and Nicole

Neditch as a member of the Cultural Affairs Commission (04-0699)

A motion was made by Councilmember Nadel, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78806 C.M.S.
[Council Report Item 23.pdf](#)
24

Subject: Commission on Aging - Appointments

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Ron Timpson, Brenda Crawford, James D.

Grady and Anne Spanier as members of the Commission on Aging (04-0700)

A motion was made by Councilmember Nadel, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78807 C.M.S.
[Council Report Item 24 9-21-04. pdf](#)
S-25

Subject: Foothill Bikeway

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City of Oakland to design and construct

the Foothill Bikeway from 36th Avenue to 41st Avenue, by reconfiguring the travel lanes from

four to three with a center turn lane, as part of the Foothill Resurfacing Project (04-0673)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78808 C.M.S.

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

[Supplemental Council Report 25 9-1-04.pdf,](#)

[Resolution 78808.pdf](#)

Subject: Uptown Partners

From: Finance and Management Agency

Recommendation: Adopt a Resolution declaring the official intent of the City of Oakland

regarding certain capital expenditures for Uptown Partners, LLC, to finance the construction of

rental housing in the City of Oakland, in an amount not to exceed \$160,000,000 to be

reimbursed from the proceeds of a tax-exempt obligation (04-0662)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78809 C.M.S.

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

- *Sanjiv Handa*

The following individual spoke against this item:

- *Hugh Bassette*

[Committe Report Item 3 for 9-14-04,](#)

[Council Report Item 14.8 for 9-21-04.pdf,](#)

[Supplemental Council Report 26 9-21-04.pdf,](#)

[Resolution 78809.pdf](#)

S-27

Subject: Purchase of Hotel Westerner

From: Community and Economic Development Agency

Recommendation: Adopt an Agency Resolution authorizing the Oakland Redevelopment

Agency to purchase real properties known as the Hotel Westerner, located at 1920 San Pablo

Avenue (Assessor's parcel number 008-0643-006), 1954 San Pablo Avenue (Assessor's parcel

number 008-0644-021), and 610 William Street (Assessor's parcel number 008-0644-020)

together with the purchase of furniture, fixtures, and equipment pertaining to the real property

for the total sum of \$1,530,570, plus closing costs not to exceed \$69,430, for a total cost not to

exceed \$1,600,000. (04-0646)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

ORA Resolution 2004-47 C.M.S.

[Committee Report Item 3 9-14-04.pdf,](#)

[Committee Report S-3.1 9-14-04.pdf,](#)

[Supplemental Council Report 27 9-21-04.pdf,](#)

[ORA Resolution 2004-47.pdf](#)

S-27.1

Subject: Purchase of Hotel Westerner

From: Office of the City Auditor

Recommendation: Receive an Informational Report regarding the Agency Resolution

authorizing the Oakland Redevelopment Agency to purchase real properties known as the Hotel

Westerner, located at 1920 San Pablo Avenue (Assessor's parcel number 008-0643-006), 1954

San Pablo Avenue (Assessor's parcel number 008-0644-021), and 610 William Street

(Assessor's parcel number 008-0644-020) together with the purchase of furniture, fixtures, and

equipment pertaining to the real property for the total sum of \$1,530,570, plus closing costs not

to exceed \$69,430, for a total cost not to exceed \$1,600,000. (04-0646ca)

A motion was made by Councilmember Reid, seconded by Councilmember

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

the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Agency/Councilmember Reid made a motion seconded by

Agency/Councilmember Brooks to approve an urgency finding pursuant to

Section 2.20.080 E(2) regarding Item S-27-1 that there is a need to take

immediate action as it is time sensitive and to avoid a substantial adverse

impact that would occur if the action were deferred to a subsequent special or

regular meeting.

[Committee Report S-3.1 9-14-04.pdf,](#)

[Supplemental Council Report 27.1 9-21-04.pdf](#)

S-28

Subject: Oakland Business Development Corporation (OBDC)

From: Community and Economic Development Agency

Recommendation: Adopt the following pieces of legislation:

1) A Resolution amending Resolution No. 78588 C.M.S. and authorizing the City

Administrator to increase the amount of the agreement with the Oakland Business

Development Corporation (OBDC) by \$122,400 for a total amount of \$512,733 during Fiscal

Year 2004 - 2005 for expanded services and an increase of OBDC's lending authority to

\$249,500 for City commercial loan programs; and (04-0078-1)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78810 C.M.S.

[Committee Report Item 4 9-14-04.pdf,](#)

[Supplemental Council Report 28 9-21-04.pdf,](#)

[Resolution 78810.pdf](#)

2) An Agency Resolution authorizing the Agency Administrator to negotiate and execute an

agreement with the Oakland Business Development Corporation for services to include the

underwriting and approval of commercial loans in amounts not to exceed \$249,500

(04-0078-2)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

ORA Resolution 2004-48 C.M.S.

Agency/Councilmember Reid made a motion seconded by

Agency/Councilmember Brooks to approve an urgency finding pursuant to

Section 2.20.080 E(2) regarding Item S-28 that there is a need to take

immediate action as it is time sensitive and to avoid a substantial adverse

impact that would occur if the action were deferred to a subsequent special or

regular meeting.

[Committee Report Item 4 9-14-04.pdf,](#)

[Supplemental Council Report 28 9-21-04.pdf,](#)

[ORA Resolution 2004-48.pdf](#)

S-29

Subject: 2150 Franklin Street - Transfer of Interest Fee

From: Community and Economic Development Agency

Recommendation: Adopt an Agency Resolution authorizing the Agency Administrator to

negotiate and approve transfer of fee interest in 2150 Franklin Street, Oakland (former site of

the Bermuda Building) and transfer the existing disposition and development agreement from

Oakland Bermuda, LLC to Prentiss Properties Acquisition Partners, LP (04-0678)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

ORA Resolution Number 2004-49 C.M.S.

Agency/Councilmember Reid made a motion seconded by

Agency/Councilmember Brunner to approve an urgency finding pursuant to

Section 2.20.080 E(2) regarding Item S-29 that there is a need to take

immediate action as it is time sensitive and to avoid a substantial adverse

impact that would occur if the action were deferred to a subsequent special or

regular meeting.

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

- Sanjiv Handa

[Committee Report Item 6 9-14-04.pdf,](#)

[Supplemental Council Report 29 9-21-04.pdf,](#)

[ORA Resolution 2004-49.pdf](#)

S-30

Subject: Oak Knoll Redevelopment Project Area

From: Community and Economic Development Agency

Recommendation: Adopt the following legislation:

1) Adopt an Agency Resolution authorizing the Agency Administrator to enter into a contract

with Burns & Watry, Inc. for services for the proposed merger of the Central City East and Oak

Knoll Redevelopment Areas for an amount not to exceed \$53,500 and \$1,500 for Contract

Compliance Services (04-0677)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

ORA Resolution Number 2004-50 C.M.S.

Agency/Councilmember Reid made a motion seconded by

Agency/Councilmember Brunner to approve an urgency finding pursuant to

Section 2.20.080 E(2) regarding Item S-30 that there is a need to take

immediate action as it is time sensitive and to avoid a substantial adverse

impact that would occur if the action were deferred to a subsequent special or

regular meeting.

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

- *Sanjiv Handa*

[Committee Report Item 7 9-14-04.pdf](#),

[Supplemental Council Report 30 9-21-04.pdf](#),

[ORA Resolution 2004-50.pdf](#)

2) Adopt an Agency Resolution authorizing the Agency Administrator to enter into a contract

with Keyser Martson Associates, Inc. for services for the proposed merger of the Central City

East and Oak Knoll Redevelopment Areas for an amount not to exceed \$53,500 and \$1,500 for

Contract Compliance Services (04-0677a)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

ORA Resolution Number 2004-51 C.M.S.

[Committee Report Item 7 9-14-04.pdf,](#)

[Supplemental Council Report 30 9-21-04.pdf,](#)

[ORA Resolution 2004-51.pdf](#)

3) An Agency Resolution transferring \$120,000 from land sales proceeds to Redevelopment

Planning Fund and allocating \$10,000 for public noticing services for the proposed merger of

the Central City East Redevelopment Project Area and the Oak Knoll Redevelopment Project

Area (04-0677b)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

ORA Resolution Number 2004-52 C.M.S.

Agency/Councilmember Reid made a motion seconded by

Agency/Councilmember Brunner to approve an urgency finding pursuant to

Section 2.20.080 E(2) regarding Item S-30 that there is a need to take

immediate action as it is time sensitive and to avoid a substantial adverse

impact that would occur if the action were deferred to a subsequent special or

regular meeting.

[Committee Report Item 7 9-14-04.pdf,](#)

[Supplemental Council Report 30 9-21-04.pdf,](#)

S-31

Subject: Oakland State Enterprize Zone Program

From: Community and Economic Development Agency

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

Memorandum of Understanding and audit agreement with the State of California Business,

Transportation and Housing Agency regarding the City of Oakland's Enterprise Zone Program

(04-0663)

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

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78811 C.M.S

Agency/Councilmember Reid made a motion seconded by

Agency/Councilmember Chang to approve an urgency finding pursuant to

Section 2.20.080 E(2) regarding Item S-31 that there is a need to take

immediate action as it is time sensitive and to avoid a substantial adverse

impact that would occur if the action were deferred to a subsequent special or

regular meeting.

[Committee Report Item 8 9-14-04.pdf,](#)

[Supplemental Council Report 31 9-21-04.pdf,](#)

[Resolution 78811.pdf](#)

S-32

Subject: Professional Service Contract - OCCUR Community Information Service

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution amending Resolution No. 78467 C.M.S. authorizing a

Professional Service Contract with OCCUR Community Information Service, Mills College

and California Main Street Alliance for the provision of consulting services for establishment

of a Main Street Program in City Council District Six, to delete the California Main Street

Alliance (04-0664)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78812 C.M.S.

Agency/Councilmember Brooks made a motion seconded by

Agency/Councilmember Reid to approve an urgency finding pursuant to Section

2.20.080 E(2) regarding Item S-32 that there is a need to take immediate action

as it is time sensitive and to avoid a substantial adverse impact that would

occur if the action were deferred to a subsequent special or regular meeting.

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

- *David Glover*

- *Emery Roe*

- *Mtangulizi Sanyika*

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

[Supplemental Council Report 32 9-21-04.pdf,](#)

S-33

Subject: California Cultural and Historical Endowment Program - Proposition 40

From: Public Work Agency

Recommendation: Adopt the following pieces of legislation:

1) A Resolution authorizing the City Administrator to apply for, accept, and appropriate grant

funds from the California Cultural and Historical Endowment Program under State of

California Proposition 40 (Clean Water, Clean Air, Safe Parks and Coastal Protection Act of

2002), for Peralta Hacienda Historical Park in the amount of three million five hundred

thousand dollars (\$3,500,000) (04-0672)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

Resolution Number 78813 C.M.S.

[Committee Report Item 4 9-14-04.pdf,](#)

[Committee Report S-4.1 9-14-04.pdf,](#)

[Supplemental Council Report 33 9-21-04.pdf,](#)

2) Adopt an Agency Resolution authorizing the Agency Administrator to apply for, accept, and

appropriate grant funds from the California Cultural and Historical Endowment Program under

State of California Proposition 40 (Clean Water, Clean Air, Safe Parks and Coastal Protection

Act of 2002), for Fox Theater renovation in an amount of five million dollars (\$5,000,000) and

authorizing the Agency Administrator to identify matching funds by the date of grant

application (04-0672a)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

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

Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

ORA Resolution Number 2004-53 C.M.S.

Agency/Councilmember Wan made a motion seconded by

Agency/Councilmember Reid to approve an urgency finding pursuant to Section

2.20.080 E(2) regarding Item S-33 that there is a need to take immediate action

as it is time sensitive and to avoid a substantial adverse impact that would

occur if the action were deferred to a subsequent special or regular meeting.

[Committee Report Item 4 9-14-04.pdf](#),

[Committee Report S-4.1 9-14-04.pdf](#),

[Supplemental Council Report 33 9-21-04.pdf](#),

[ORA Resolution 2004-53.pdf](#)

S-33.1

Subject: California Cultural and Historical Endowment Program - Proposition 40

From: Office of the City Auditor

Recommendation: Receive an Informational Report regarding the City and Agency Resolutions

authorizing the City and Agency Administrator to apply for, accept, and appropriate grant funds

from the California Cultural and Historical Endowment Program under State of California

Proposition 40 (Clean Water, Clean Air, Safe Parks and Coastal Protection Act of 2002), for

Fox Theater renovation in an amount of five million dollars (\$5,000,000) and authorizing the

Agency Administrator to identify matching funds by the date of grant application (04-0672ca)

***Received and Filed**

Agency/Councilmember Wan made a motion seconded by

Agency/Councilmember Reid to approve an urgency finding pursuant to Section

2.20.080 E(2) regarding Item S-33-1 that there is a need to take immediate

action as it is time sensitive and to avoid a substantial adverse impact that

would occur if the action were deferred to a subsequent special or regular

meeting.

[Committee Report S-4.1 9-14-04.pdf,](#)

[Supplemental Council Report 32 9-21-04.pdf](#)

S-34

Subject: Recreational Grants

From: Public Works Agency

Recommendation: Adopt the following pieces of legislation:

1) A Resolution authorizing the City Administrator to apply for, accept and appropriate grant

funds from the Youth Soccer and Recreation Development Program under the California Clean

Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for the

following projects and amounts: 1) Josie De La Cruz Field for \$750,000; 2) Raimondi Field for

\$1,000,000 and 3) "Leveling the Playing Field" Girls' Ball Fields Renovation Project for

\$1,000,000 (04-0583)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Nos: 1 - Councilmember Brunner

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember Wan,

President of the Council De La Fuente, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

Resolution Number 78814 C.M.S.

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

[Supplemental Council Report 34 9-21-04.pdf](#),

[Resolution 78814.pdf](#)

2) Adopt a Resolution authorizing the City Administrator to apply for, accept and appropriate

grant funds from the Recreational Trail Program for the Waterfront Trail Project in the amount

of \$450,000 (04-0583b)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Nos: 1 - Councilmember Brunner

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember Wan,

President of the Council De La Fuente, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

Resolution Number 78815 C.M.S.

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

[Supplemental Council Report 34 9-21-04.pdf,](#)

[Resolution 78815.pdf](#)

3) Adopt a Resolution authorizing the City Administrator to apply for, accept and appropriate

grant funds under the Habitat Conservation Fund Program of the California Wildlife Protection

Act of 1990 for the Coliseum Garden Project at Lion Creek in the amount of \$500,000

(04-0583c)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Quan

ORA\Councilmember Nos: 1 - Councilmember Brunner

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember Wan,

President of the Council De La Fuente, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

Resolution Number 78816 C.M.S.

Agency/Councilmember Wan made a motion seconded by

Agency/Councilmember Reid to approve an urgency finding pursuant to Section

2.20.080 E(2) regarding Item S-34 that there is a need to take immediate action

as it is time sensitive and to avoid a substantial adverse impact that would

occur if the action were deferred to a subsequent special or regular meeting.

The Council directed staff to forward a Rules request regarding the Capital

Improvements Projects list to the Life Enrichment Committee

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

[Supplemental Council Report 34 9-21-04.pdf](#),

[Resolution 78816.pdf](#)

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting shall conclude no later than 10:30 p.m., unless extended by Majority Vote of the

Council)

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

Agency/Council adjourned the meeting in memory of Chuck Johnson, Anna

Bae Bernadette Bell, Samuel Gene Guintini, Sargeant Bob Crawford's

Daughter, and the Honorable Charles Lewis at 8:00 p.m.

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