

City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California

94612

Ceda Floyd, City Clerk

Online Meeting Minutes - Final

Concurrent Meeting of the Oakland Redevelopment Agency/City Council

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

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

6:00 PM

Tuesday, January 6, 2004

Oakland City Hall, 3rd Floor

A meeting of the Joint Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 6 :25 p.m.

1 Pledge of Allegiance

2 Roll Call / ORA & Council
COUNCIL MEMBERS: Jane Brunner, Dist. 1; Danny Wan, Dist. 2; Vice Mayor 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 Excused: Councilmember Reid

ORA\Councilmember Absent: Councilmember Brooks

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

The Roll Call was modified to note Councilmember Brooks present at 7:51 p.m.

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

The following individuals spoke under Open Forum:

- Sanjiv Handa
- Cayren M. King
- Monica Ann Corona
- Zubaydah F.T. Thrash
- Dorothy M. Morehead-Coleman
- Sherman L. Taylor
- Roosevelt Mosby
- Hugh Bassette
- Samuel Bell

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 were no modifications to the Consent Calendar.

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 on 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 on this item.

7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on December 16, 2003

A motion was made by Councilmember Wan, seconded by Councilmember Quan, to *Approve the Minutes. The motion carried by the following vote:

ORA\Councilmember Excused:	Councilmember Reid
1 -	
ORA\Councilmember Absent:	Councilmember Brooks
1 -	
ORA\Councilmember Ayes:	Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Councilmember Quan, President of the Council De La Fuente and Vice Mayor Chang
6 -	

8. Presentation of Ceremonial Matters

8.1 Subject: McClymonds Parent Academy
From: Vice Mayor Nadel
Recommendation: Adopt a Resolution recognizing the Contributions of the 7th St. McClymonds Leadership and Engagement Initiative Parent Academy to the City of Oakland

Attachments: [0361.pdf](#),
[78274 C.M.S..pdf](#),
[8.1.pdf](#)

Resolution Number 78274 C.M.S.

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

ORA\Councilmember Excused:	Councilmember Reid
1 -	
ORA\Councilmember Absent:	Councilmember Brooks
1 -	
ORA\Councilmember Ayes:	Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Councilmember Quan, President of the Council De La Fuente and Vice Mayor Chang
6 -	

8.2 Subject: Cantonese Speaking Citizens' Academy
From: Office of the City Manager
Recommendation: A presentation of the City of Oakland Cantonese Speaking Citizens' Academy Graduation Class of Fall 2003

Attachments: [03-0381.pdf](#)

Councilmember Wan presented Certificates of Achievement to the City of Oakland Cantonese Speaking Citizens' Academy Graduation Class of Fall 2003.

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

9. Council Acknowledgements / Announcements

Vice Mayor Nadel took a point of personal privilege and requested that the meeting be adjourned in memory of Edsel Matthews.

Councilmember Quan took a point of personal privilege and requested that the meeting be adjourned in memory of Nancy Morgante.

Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of the Rev. Dr. James Miller and Edsel Matthews.

Councilmember Chang took a point of personal privilege and requested that the meeting be adjourned in memory of Alice Dang and the victims of the December 26, 2003 Iran earthquake.

President De La Fuente took a point of personal privilege and requested that the meeting be adjourned in memory of James Rush.

10. CONSENT CALENDAR (CC) ITEMS:

10.1CC

Subject: Declaration of a Local Emergency due to AIDS epidemic
From: Office of the City Attorney
Recommendation: Adopt a Resolution renewing and continuing the City Council's Declaration of a Local Emergency due to the existence of a critical public health crisis with regard to the AIDS epidemic

Attachments: [10.1CC.pdf](#),
[78275.pdf](#)

Resolution Number C.M.S. 78275

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

ORA\Councilmember Excused: Councilmember Reid
1 -

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

10.2CC

Subject: Medical Cannabis health emergency
From: Office of the City Attorney
Recommendation: Adopt a Resolution renewing the City Council's Declaration of a local public health emergency with respect to safe, affordable access to Medical Cannabis in the City of Oakland

Attachments: [10.2CC.pdf](#),
[78276.pdf](#)

Resolution Number 78276 C.M.S.

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

ORA\Councilmember Excused: Councilmember Reid
1 -

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

10.3CC

Subject: T.J. Robinson - 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 T.J. Robinson, in the amount of sixteen thousand nine hundred sixty-two dollars and fifty cents (\$16,962.50), as a result of property damage sustained due to flooding caused by failure of the City sewer Main (Public Works Agency)

Attachments: [10.3CC.pdf](#),
[78277.pdf](#)

Resolution Number 78277 C.M.S.

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

- Sanjiv Handa

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

ORA\Councilmember Abstained: Councilmember Brunner
1 -

ORA\Councilmember Excused: Councilmember Reid
1 -

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

10.4CC

Subject: Shirley and Fred Nase - 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 Shirley and Fred Nase, in the
amount of \$16,890.00, as a result of property damages sustained due to
flooding caused by failure of the City sewer main (Public Works Agency)

Attachments: [10.4CC.pdf](#),
[78278.pdf](#)

Resolution Number 78278 C.M.S.

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

ORA\Councilmember Abstained: Councilmember Brunner
1 -

ORA\Councilmember Excused: Councilmember Reid
1 -

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

10.5CC

Subject: E. Lum - 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 E. Lum, in the amount of five
thousand nine hundred eighty nine dollars and fifty cents (\$5,989.50), as a
result of property damage sustained from tree roots from a City tree (Office of
Parks and Recreation)

Attachments: [10.5CC.pdf](#),
[78279.pdf](#)

Resolution Number 78279 C.M.S.

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

ORA\Councilmember Abstained: Councilmember Brunner
1 -

ORA\Councilmember Excused: Councilmember Reid
1 -

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

10.6CC

Subject: Christopher Ellis - 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 Christopher Ellis v. city of Oakland, et al., United States District court Case No. C01-4720 BZ, our file no. X01231, in the amount of \$30,000.00 as a result of excess force (Oakland Police Department)

Attachments: [10.6CC.pdf](#),
[78280.pdf](#)

Resolution Number 78280 C.M.S.

The following individual spoke against this item:

- Hugh Bassette

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

ORA\Councilmember Excused: Councilmember Reid
1 -

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

10.7CC

Subject: Alphonso Baker - 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 Alphonso Baker v. City of Oakland, et al., United States District Court Case No. C02-0020 VRW, our file no. 21725, in the amount of \$15,000.00. This case involves claims of violations of civil rights against an Oakland Police Officer (Oakland Police Department- Police Conduct)

Attachments: [10.7CC.pdf](#),
[78281.pdf](#)

Resolution Number 78281 C.M.S.

The following individual spoke against this item:

- Hugh Bassette

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

ORA\Councilmember Excused: Councilmember Reid
1 -

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

10.8CC

Subject: Donna Warnock - 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 Donna Warnock v. City of Oakland, et al., Superior Court, County of Alameda, Case No. RG 03082646, in the amount of \$30,000.00 as a result of a trip and fall accident in front of 80 Bellevue Avenue, Oakland, on August 25, 2002 (Public Works Agency)

Attachments: [10.8CC.pdf](#),
[78282.pdf](#)

Resolution Number 78282 C.M.S.

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

ORA\Councilmember Excused: Councilmember Reid
1 -

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

Subject: Bill Breidenbach - 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 Bill Breidenbach v. City of Oakland, et al., Alameda County Superior Court Case No. 2002-053943, our file no. 21856, in the amount of \$25,000.00 as a result of an automobile accident with an Oakland Police Department Patrol vehicle (Oakland Police Department)

Attachments: [10.9CC.pdf](#),
[78283.pdf](#)

Resolution Number 78283 C.M.S.

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

ORA\Councilmember Abstained: Councilmember Brunner
1 -

ORA\Councilmember Excused: Councilmember Reid
1 -

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

Subject: Mikhail Hoskins - 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 Mikhail Hoskins and Ford Credit, in the amount of \$6,131.11, as a result of property damage sustained in an automobile collision while driving his personal vehicle for City business (Oakland Fire Department)

Attachments: [10.10CC.pdf](#),
[78284.pdf](#)

Resolution Number 78284 C.M.S.

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

ORA\Councilmember Abstained: Councilmember Brunner
1 -

ORA\Councilmember Excused: Councilmember Reid
1 -

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

Subject: Maureen Dorsey - 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 Maureen Dorsey, et al. v. City of Oakland, et al., Alameda County Superior Court Case No. RG-03077607

Attachments: [10.11CC.pdf](#),
[78285.pdf](#)

Resolution Number 78285 C.M.S.

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

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

ORA\Councilmember Excused: Councilmember Reid

1 -

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

10.12
CC

Subject: Central District Urban Renewal Plan
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending the Central District Urban Renewal Plan to eliminate the time limit on establishing debt

Attachments: [10.12CC.pdf](#),
[12570.pdf](#)

Ordinance Number 12574 C.M.S.

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

ORA\Councilmember Excused: Councilmember Reid

1 -

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

10.13
CC

Subject: Master Fee Schedule
From: Finance and Management Agency
Recommendation: Approve the following legislation:

(1) Approve the Final Passage (Second Reading) of an Ordinance amending Ordinance Number 9336 C.M.S. (Master Fee Schedule), as amended, to increase the fee collected on delinquent accounts; to increase the fee imposed for the delivery of information relating to Business Tax Certificates; to add a fee for the administration of Promissory Notes; to add a fee for the recordation of a release of lien; and to include in the Master Fee Schedule the fees imposed for administrative service charges relating to Business Tax Liens and Real Estate Transfer Tax Liens and codify the Business Tax Certificate Replacement Fee in the Master Fee Schedule

Attachments: [10.13CC.pdf](#),
[12568.pdf](#)

Ordinance Number 12568 C.M.S.

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

ORA\Councilmember Excused: Councilmember Reid

1 -

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

(2) Approve the Final Passage (Second Reading) of an Ordinance amending Chapters 4.20 and 5.04 of the Oakland Municipal Code to remove the amount of the Administrative Service charges imposed for Real Estate Transfer Tax Liens, Business Tax Liens and for the issuance of duplicate Business Tax Certificates

Attachments: [10.13CC.pdf](#),
[12569.pdf](#)

Ordinance Number 12569 C.M.S.

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

ORA\Councilmember Excused: Councilmember Reid

1 -

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

10.14
CC

Subject: 51st Street and Coronado Avenue - Surplus Real Property
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance authorizing the City Manager to enter into an offer to purchase agreement with John H. Jacobsen and Mara M. Jacobsen the adjoining property owners for 1,500 square feet of surplus real property located at 51st Street and Coronado Avenue for the fair market value of \$1,500

Attachments: [10.14CC.pdf](#),
[12571.pdf](#)

Ordinance Number 12571 C.M.S.

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

ORA\Councilmember Excused: Councilmember Reid

1 -

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

10.15
CC

Subject: Summary Vacation of Sanitary Sewer Easement on Walker Avenue
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance summarily vacating a five-foot wide sewer easement located on 711 Walker Avenue (APN 011-0836-018-00) and 717 Walker Avenue (APN 011-0836-017-00)

Attachments: [10.15CC.pdf](#),
[12572.pdf](#)

Ordinance Number 12572 C.M.S.

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

ORA\Councilmember Excused: Councilmember Reid

1 -

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

10.16
CC

Subject: Discrimination Based on Sexual Orientation
From: Vice Mayor Nadel; Councilmembers Wan and Quan
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance updating language in the City Of Oakland's Municipal Code Chapter 9.44 discrimination based on sexual orientation and amending Section 9.44. 010 definitions to include discrimination based on gender identity or expression

Attachments: [10.16CC.pdf](#),
[12573.pdf](#)

Ordinance Number 12573 C.M.S.

The following individual spoke in favor of this item:

- Patricia Kevena Fili

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

Councilmember Reid
ORA\Councilmember Excused: 1 -

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

10.17
CC

Subject: Removal / Installation of Parking Meters
From: Public Works Agency
Recommendation: Approve the Final Passage (Second Reading) of an
Ordinance approving the removal and installation of parking meters in the Jack
London District on portions of: Clay Street, Webster Street, Washington Street,
Martin Luther King, Jr. Way, Third Street, and Fourth Street
Attachments: [10.17CC.pdf](#),
[12574.pdf](#)
Ordinance Number 12574 C.M.S.

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

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

Councilmember Reid
ORA\Councilmember Excused: 1 -

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

Councilmember Brooks was noted excused at 7:25 p.m.

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

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

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

There were two final decisions made in Closed Session:

Item 2c: Floyd Armbruster v. City of Oakland

Council authorized settlement in the amount of \$13,500.00 in a case involving a claim of
the use of excessive force in a matter on April 29, 2001.

Item 2d: Jamalia Brown v. City of Oakland

Council authorized settlement in the amount of \$45,000.00 in a case involving the claim
of false arrest in a matter on March 16, 2001.

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember
Brunner, to accept the oral report from the City Attorney on final decisions made during
Closed Session, and hearing no objections, all members present were recorded as
voting: Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Quan, Wan and
President of the Council De La Fuente -6; Excused: Brooks and Reid -2

**A motion was made by Councilmember Quan, seconded by Councilmember
Brunner, to *Received and Filed. The motion carried by the following vote:**

Councilmember Brooks and Councilmember Reid
ORA\Councilmember Excused: 2 -

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

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

Agency/Councilmember Chang made a motion, seconded by Agency/Councilmember Quan, confirming that there were no discussions pursuant to Section 15 of the Sunshine Ordinance, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Quan, Wan and President of the Council De La Fuente -6; Excused: Brooks and Reid -2

13 Reconsideration of Ordinances pursuant to Charter Section 216

There was no action necessary on this item.

14. Consideration of items with statutory Public Hearing Requirements:

14.1

Subject: Creation of Special Assessment Districts - Public Hearing
From: Oakland Fire Department
Recommendation: Conduct a Public Hearing and upon conclusion adopt a Resolution establishing the Oakland Wildfire Prevention Assessment District; accepting and granting final approval of the engineer's report and assessment district boundary map and description; making a determination with regard to the majority protest procedure for approval of the assessments; creating the district advisory board; and approving, adopting and levying the annual assessment for the district (TITLE CHANGE)

Attachments: [14.1 1-6-04](#),
[14.3 SUPP.pdf](#),
[14.3.pdf](#),
[78305 C.M.S..pdf](#)

Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was opened at 7:29 p.m.

AT 7:37 P.M. PRESIDENT OF THE CITY COUNCIL, DE LA FUENTE,
RELINQUISHED THE CHAIR AND AGENCY/COUNCILMEMBER BRUNNER
PRESIDED AS PRESIDENT PRO TEMPORE.

The following individuals spoke in favor of this item:

- Susan Piper
- Barry Pilger
- Nicholas J. Vigilante
- Kenneth Benson
- Blanche L. Sack
- Bob Lentz
- Connie M. Hosendha
- Ray Lifchez
- Robert Sieben
- Nahid F. Farazian
- David Kessler
- Dick Spees
- Robert Meyers
- Robbie Neely
- Charlotte Shard

The following individuals spoke against this item:

- Mary Nielsi
- Greg J. Schmitt
- Richard Ochiltree
- Dan Robertson
- Larry Rosenthal
- June Irizarry
- Karen Ann Hunt
- Naomi Hardin-Cantrell

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

- David Mix
- Edward Bell
- George Cloffin

A motion was made by Councilmember Quan, seconded by Councilmember Brunner, that this matter be Continued to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council, due back on January 20, 2004. The motion carried by the following vote:

ORA\Councilmember Excused:

Councilmember Brooks and Councilmember Reid

2 -

ORA\Councilmember Ayes:

6 -

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

Enactment No: 78305

PRESIDENT OF THE COUNCIL DE LA FUENTE WAS NOTED PRESENT AT 7:55 P. M. AND RESUMED PRESIDING AS CHAIRPERSON

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Brunner, to close the public comment portion of the Public Hearing, and that the proceedings be recessed to tabulate the ballots and that the Public Hearing be continued to January 20, 2004 for the results of the balloting to be reported to Council and for the Council to take action on the Resolution and formation of the Assessment District, and hearing no objections, the motion passed by Ayes: Agency/Councilmember : Brunner, Chang, Nadel, Quan, Wan and President of the Council De La Fuente -6; Excused: Brooks and Reid -2

Subject: Planning Commission Appeal - 4822 Telegraph Avenue - Public Hearing

From: Community and Economic Development Agency

Recommendation: Conduct a Public Hearing and upon conclusion Adopt a Resolution denying the appeal and sustaining the decision of the City Planning Commission in approving the application for a Major Variance to reopen an Alcoholic Beverage Sales Commercial Activity within 1,000 feet of a similar use located at 4822 Telegraph Avenue, Oakland, Council District 1; Appellant Larry Bellinger; Planning Commission Vote: 3 Ayes, 2 Noes

Attachments:

[03-0215.pdf](#),

[14.2.pdf](#),

[78287.pdf](#),

[Item 14.1 12-2-03](#)

14.2

Upon the reading of Item 14.2 by the City Clerk, the Public Hearing was opened at 8:45 p.m.

The following individuals spoke in favor of this item:

- Robert Cicala

The following individuals spoke against this item:

- Lydia Taylor

- Christopher Fleming

- Adrienne Massey

- Larry Bellinger

- Cynthia Fleming

- Taylor Culver

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

- Sanjiv Handa

- Arnold Carter

Agency/Councilmember Brunner made a motion, seconded by Agency/Councilmember Chang, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Quan, Wan and President of the Council De La Fuente -6; Excused: Brooks and Reid -2

Agency/Councilmember Brunner made a motion, seconded by Agency/Councilmember Chang, to accept staff's recommendation and adopt the resolution denying the appeal as amended subject to the following conditions:

1) As per the City Planning Commission, the Council directs staff in six (6) months to initiate a zoning review to ensure that Connelly's is operating within zoning regulations and is honoring each and every condition of approval placed upon it. The report and the staff's recommendation will be head at a Public Hearing before the Planning Commission. At the discretion of the District 1 Councilmember, a hearing can be called before the City Council;

2) To ensure that the front and back doors will not be open, a workable air conditioning unit must be installed before the six (6) month review,

and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Quan, Wan and President of the Council De La Fuente -6; Excused: Brooks and Reid -2

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

ORA\Councilmember Excused: Councilmember Brooks and Councilmember Reid
2 -

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

ACTION ON NON-CONSENT ITEMS:

VICE MAYOR NADEL WAS NOTED ABSENT AT 9:28 P.M.

Subject: Election of Vice Mayor

From: Office of the City Clerk

Recommendation: Adopt a Resolution electing Councilmember Chang as Vice Mayor of the City Council of the City of Oakland for the term beginning January 6, 2004 and ending January 3, 2005 pursuant to Oakland City Charter, Section 208

Attachments: [15.pdf](#),
[78276.pdf](#)

Resolution Number 78286 C.M.S.

President of the Council De La Fuente nominated Agency/Councilmember Chang as Vice Mayor to the term beginning January 6, 2004 and ending January 3, 2005.

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

- Sanjiv Handa

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

ORA\Councilmember Excused: Councilmember Brooks and Councilmember Reid
2 -

ORA\Councilmember Absent: Councilmember Nadel
1 -

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente and Vice Mayor Chang
5 -

VICE MAYOR NADEL WAS NOTED PRESENT AT 9:35 P.M.

Subject: Cox, Castle, and Nicholson - Conflict of Interest

From: Office of the City Attorney

Recommendation: Adopt a Resolution waiving "Conflict of Interest" of law firm of Cox, Castle, and Nicholson, and permitting the firm to represent MacArthur Boulevard Associates regarding the redevelopment of the Foothill Square Plaza in the Central City East Redevelopment Project Area

Attachments: [16.pdf](#),
[2004-01.pdf](#)

Agency Resolution Number 2004-01

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

ORA\Councilmember Excused: Councilmember Brooks and Councilmember Reid
2 -

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

Subject: Risk Management Incentive Program

From: Office of the City Manager

Recommendation: Approve Recommendations regarding implementation of the Risk Management Incentive Program

Attachments: [17.pdf](#),
[18 11-4-03.pdf](#)

The following individuals spoke in favor of this item:

- Willow Rosenthal

The following individuals spoke against this item:

- Jim Best

- Susan Quinlan

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

- Gwen Hardy

- Rashidah Grinage

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

- Sanjiv Handa

- Nikki Dove

- Akua Jackson

- Jackie Thomason

A motion was made by Councilmember Brunner, seconded by Councilmember Nadel, that this matter be Approve as Amended. The motion carried by the following vote:

ORA\Councilmember Excused: Councilmember Brooks and Councilmember Reid
2 -

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

Councilmember Wan made a motion to adopt the Phoenix Model with amendments to allow reserve funds City-wide in the event that departments exceed their budget allocation, and require that the department return to Council for the additional funding, and that departments can retain the funds is they spend less than their budget allocation and use for other purposes.

MOTION DIED FOR LACK OF A SECOND.

Councilmember Brunner made a motion, seconded by Councilmember Nadel, to accept Option D and to adopt the Phoenix Model as outlined in the staff report, and to include the following incentives:

- 1) Create a system of rewards and/or recognition for employees in each division whose job performance contributed to loss prevention in the previous year;
- 2) Fund the development of a loss prevention program in the Public Works Agency and the Oakland Police Department, developed in conjunction with the City Attorney's Office and Risk Management, to target 15% loss reduction;
- 3) Continue regular reporting on losses and loss prevention to the Finance and Management Committee;
- 4) Require departments to return to Council if they exceed their budget allocation and need additional funding for liability payouts;
- 5) Departments can retain a percentage of their unspent liability budget allocation and the Finance Committee should establish guidelines for use of those funds,

and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Quan, Wan and President of the Council De La Fuente -6;
Excused: Brooks and Reid -2

Subject: Inclusionary Zoning Study
From: Community and Economic Development Agency
Recommendation: Receive an Informational Report regarding Inclusionary Zoning Programs in California Jurisdictions

Attachments: [18.pdf](#),
[Item 8 12-9-03.pdf](#),
[S-27.pdf](#)

The following individual spoke against this item:

- Ada Chan

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

- Sanjiv Handa

Agency/Councilmember Brunner made a motion, seconded by Agency/Councilmember Quan, to approve the following recommendations made by the Community and Economic Development Committee as amended to include community representatives in Item 2:

1. The City to encourage developers to voluntarily adopt inclusionary zoning by offering incentives;
2. Staff and City Council to work with the business community and community representatives to develop proposals at the regional and state level;
3. Work with Association of Bay Area Governments (ABAG) for all cities to move forward with inclusionary zoning;

and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Quan, Wan and President of the Council De La Fuente -6;
Excused: Brooks and Reid -2

Approve as Amended

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 the memory of Edsel Matthews, Rev. Dr. James Miller, Nancy Morgante, Alice Dang, James Rush, and the victims of the Iran earthquake at 10:30 p. m.

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