

# 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

Oakland City Hall, 3rd Floor

Tuesday, November 4, 2003

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 6:10 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 Present:**

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

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

The following individuals spoke on this Item:

- Patricia Kevena Fili
- Frank Brodsky
- Steven Edrington
- Jackie Castain
- Brooke A. Levin
- Deloris Allen
- Hector Reyna
- Hugh Bassette
- Sanjiv Handa

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.

Modifications were made to Consent Calendar Items 10.25CC which was withdrawn and rescheduled to the December 16, 2003 City Council meeting; and 10.35CC which was rescheduled to the November 18, 2003 City Council meeting

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.

**A motion was made by Councilmember Reid, seconded by Councilmember  
Chang, to \*Approve the Minutes. The motion carried by the following vote:**

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

8. Presentation of Ceremonial Matters  
There were no ceremonial matters.

9. Council Acknowledgements / Announcements  
Agency/Councilmembers Wan and Reid took a point of personal privilege and requested  
that the meeting be adjourned in memory of Bernadette Brittin.  
  
Vice Mayor Nadel took a point of personal privilege and requested that the meeting be  
adjourned in memory of Frank Cheney.  
  
Agency/Councilmember Reid took a point of personal privilege and requested that the  
meeting be adjourned in memory of Eugene Jones and Steven Rucker.  
  
Agency/Councilmember Quan took a point of personal privilege and requested that the  
meeting be adjourned in memory of Kim Jones.

10. CONSENT CALENDAR (CC) ITEMS:

The following Consent Calendar items are considered to be routine and will be  
acted upon by one motion of the City Council, unless a member of the public or  
a Councilmember requests the opportunity to speak on an item noticed.

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 11-4-03.pdf](#),  
[78153.pdf](#)  
Resolution Number 78153 C.M.S.  
**A motion was made by Councilmember Quan, seconded by Councilmember Reid,  
that this matter be Adopted. The motion carried by the following vote:**

**ORA\Councilmember Ayes:** Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel,  
8 - Councilmember Quan, President of the Council De La Fuente,  
Councilmember Brooks, Councilmember Reid and Councilmember  
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 11-4-03.pdf](#),  
[78154.pdf](#)  
Resolution Number 78154 C.M.S.  
**A motion was made by Councilmember Quan, seconded by Councilmember Reid,  
that this matter be Adopted. The motion carried by the following vote:**

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

10.3CC

Subject: Emma Monroe - 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 Emma Monroe, in the amount of \$9,175.00 as a result of property damage sustained when a City of Oakland vehicle collided with her parked vehicle.(Oakland Fire Department)

Attachments: [10.3CC 11-4-03.pdf](#),  
[78155.pdf](#)

Resolution Number 78155 C.M.S.

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

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

10.4CC

Subject: Kent Luu, Lena Luu, and Lily Luu - 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 Kent Luu, Lena Luu, Lily Luu v. City of Oakland, et al., Alameda County Superior Court case no. 2002-045902, our file no. 21760, in the amount of \$13,750.00 as a result of an automobile accident with an Oakland Police Department patrol vehicle

Attachments: [78156.pdf](#)

Resolution Number 78156 C.M.S.

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

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

10.5CC

Subject: Marc A. Singer - 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 Marc A. Singer v. City of Oakland, et al., Alameda County Superior Court Case no. 2001-031132, our file no. 21494, in the amount of \$8,000.00 as a result of a trip and fall on a sidewalk (Public Works Agency)

Attachments: [10.5CC 11-4-03.pdf](#),  
[78157.pdf](#)

Resolution Number 78157 C.M.S.

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

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

10.6CC

Subject: David and Gwendolyn McClure - 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 David and Gwendolyn McClure, in the amount of \$7,753.86, as a result of property damage sustained due to a sewer flood caused by a clogged city sewer main. (Public Works Agency)

Attachments: [10.6CC 11-4-03.pdf](#),  
[78158.pdf](#)

Resolution Number 78158 C.M.S.

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

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

10.7CC

Subject: Gertrude Schiffman - 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 Gertrude Schiffman v. City of Oakland, Alameda County Superior Court No. 2001-034700, our file no. 21420, a personal injury case in the amount of \$47,450.00 (Public Works Agency) Ms. Schiffman tripped and fell on a sidewalk on MacArthur Boulevard

Attachments: [10.7CC 11-4-03.pdf](#),  
[78159.pdf](#)

Resolution Number 78159 C.M.S.

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

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

10.8CC

Subject: Audrey & Gilbert Yuen - 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 Audrey Yuen & Gilbert Yuen v. City of Oakland, et al., Alameda County Superior Court Case No. 834096-8, our file no. 20508, in the amount of \$225,000.00 as a result of sewage intrusion into plaintiffs' home (Public Works Agency)

Attachments: [10.8CC 11-4-03.pdf](#),  
[78160.pdf](#)

Resolution Number 78160 C.M.S.

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

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

10.9CC

Subject: Councilmember Travel Authorization  
From: Councilmember Reid  
Recommendation: Adopt a Resolution authorizing Councilmember Larry Reid to attend the Bay Area World Trade Center "Trade and Friendship Mission" in Ghana, Africa from November 19 through 26, 2003

Attachments: [10.9CC 11-4-03.pdf](#),  
[78161.pdf](#)

Resolution Number 78161 C.M.S.

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

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

10.10  
CC

Subject: Councilmember Travel Authorization  
From: Councilmember Brooks  
Recommendation: Adopt a Resolution authorizing Councilmember Desley Brooks to attend the Bay Area World Trade Center "Trade and Friendship Mission" in Ghana, Africa from November 19 through 26, 2003

Attachments: [0227.pdf](#),  
[10.10CC 11-4-03.pdf](#),  
[78162.pdf](#)

Resolution Number 78162 C.M.S.

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

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

10.11  
CC

Subject: Judith McKee - Oakland Museum of California Foundation Board  
From: Office of the Mayor  
Recommendation: Adopt a Resolution appointing Judith McKee as a Trustee  
of the Oakland Museum of California Foundation Board

Attachments: [10.11CC 11-4-03.pdf](#),  
[78163.pdf](#)

Resolution Number 78163 C.M.S.

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

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

10.12  
CC

Subject: Donna Allen - Health and Human Services Commission  
From: Office of the Mayor  
Recommendation: Adopt a Resolution appointing Donna Allen as a member of  
the Health and Human Services Commission.

Attachments: [10.12CC 11-4-03.pdf](#),  
[78164.pdf](#)

Resolution Number 78164 C.M.S.

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

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

10.13  
CC

Subject: Eva Aguillard and Chris Finn - Commission on Persons with  
Disabilities  
From: Office of the Mayor  
Recommendation: Adopt a Resolution appointing Eva Aguillard and Chris Finn  
as members of the Commission on Persons with Disabilities

Attachments: [10.13CC 11-4-03.pdf](#),  
[78165.pdf](#)

Resolution Number 78165 C.M.S.

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

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

10.14  
CC

Subject: David Means - Community Policing Advisory Board  
From: Councilmember Brooks  
Recommendation: Adopt a Resolution appointing David Means as a member  
of the Community Policing Advisory Board

Attachments: [10.14CC 11-4-03.pdf](#),  
[10.14CC supp 11-4-03.pdf](#),  
[78166.pdf](#)

Resolution Number 78166 C.M.S.

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

- Sanjiv Handa

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

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

10.15  
CC

Subject: Wayne Yang, Charles Kong - Children's Fund Planning and Oversight Committee  
From: Councilmember Chang  
Recommendation: Adopt a Resolution appointing Wayne Yang, and reappointing Charles Kong as members of the Children's Fund Planning and Oversight Committee

Attachments: [10.15CC 11-4-03.pdf](#),  
[78167.pdf](#)

Resolution Number 78167 C.M.S.

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

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

10.16  
CC

Subject: Purchase of Real Property - 1414 73rd Avenue  
From: Community & Economic Development Agency  
Recommendation: Approve the Final Passage (Second Reading ) of an Ordinance authorizing the City Manager to enter into a purchase and sale agreement to purchase a portion of the real property located at 1414 73rd Avenue from Lawrence P. Davenport for a total amount not to exceed \$80,000 including closing costs

Attachments: [10.16CC 11-4-03.pdf](#),  
[10.18CC 10-21-03.pdf](#),  
[12544.pdf](#),  
[Item 8 10-14-03.pdf](#)

Ordinance Number 12544 C.M.S.

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

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

**Enactment No:** 12544

10.17  
CC

Subject: Lexus and Infiniti Automobile Dealership  
From: Community and Economic Development Agency  
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance authorizing the sale from the City Of Oakland to the Redevelopment Agency of the City Of Oakland for \$419,407, for a portion of the former railroad spur (a portion of APN 041-3902-013) located between Hassler Way and Damon Slough which was used for various redevelopment projects known as the Lexus and Infiniti automobile dealerships

Attachments: [10.17CC 11-4-03.pdf](#),  
[10.23-2CC 10-21-03.pdf](#),  
[12545.pdf](#),  
[Item 6 10-14-06.pdf](#)

Ordinance Number 12545 C.M.S.

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

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

**Enactment No:** 12545

10.18  
CC

Subject: Joint Living and Working Quarters  
From: Community and Economic Development Agency  
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending the Oakland Planning Code to allow the conversion of existing non-residential buildings to residentially-oriented joint living and working quarters in the downtown area bounded by Highway 980/Brush Street, the estuary shoreline, the Lake Merritt/Estuary Channel, the western shore of Lake Merritt, and 27th Street

Attachments: [10.18CC 11-4-03.pdf](#),  
[12546.pdf](#),  
[14.3.pdf](#)

Ordinance Number 12546 C.M.S.

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

- Sanjiv Handa

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

ORA\Councilmember Abstained: Vice Mayor Nadel  
1 -

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

10.19  
CC

Subject: Large-Scale Combined Retail and Grocery Sales  
From: Community and Economic Development Agency  
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending the Oakland Planning Code to define "Large-Scale Combined Retail and Grocery Sales Commercial Activities"; and to prohibit this activity type in all zones (TITLE CHANGE)

Attachments: [10.19CC 11-4-03.pdf](#),  
[12547.pdf](#),  
[14.4.pdf](#)

Ordinance Number 12547 C.M.S.

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

- Sanjiv Handa

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

ORA\Councilmember Nos: Councilmember Brooks  
1 -

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

10.20  
CC

Subject: Salary Ordinance Amendment  
From: Finance and Management Agency  
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending the salary schedule of Ordinance No. 12298 C.M.S. (The Salary Ordinance) to add the classifications of Animal Care Attendant, PT, Animal Care Attendant, PPT, Animal Care Attendant, Assistant Budget Analyst, Curator of Special Projects, Curator of Special Projects, PPT, Financial Analyst, PPT, Marine and Aquatics Supervisor and Sports Official, PT, and to amend the classifications of Assistant to the City Auditor, Complaint Investigator II, Jailer III, Legal Secretary II, Legal Secretary, Supervising, Payroll Control Specialist, Program and Performance Auditor, Senior Aide, PT and Special Needs Coordinator

Attachments: [10.20CC 11-4-03.pdf](#),  
[12548.pdf](#),  
[18.pdf](#),  
[22 9-30-03.pdf](#)

Ordinance Number 12548 C.M.S.

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

- Sanjiv Handa

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

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

Subject: Conflict of Interest Code  
From: Office of the City Attorney  
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending Ordinance Number 11562 C.M.S., adopted on March 23, 1993, as amended, Oakland Municipal Code Chapter 3.16, enacting a Conflict of Interest Code for City of Oakland Employees, Members of Boards and Commissions, and Consultant Positions

Attachments: [0190.pdf](#),  
[10.21CC 11-4-03.pdf](#),  
[12549.pdf](#),  
[22.pdf](#)

Ordinance Number 12549 C.M.S.

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

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

Subject: Enforcement of Public Nuisance Actions  
From: Councilmember Quan and President De La Fuente  
Recommendation: Approve the Final Passage (Second Reading) of the Ordinance amending Chapter 1.08 of the "Civil Penalties", Chapter 1.12 "Administrative Citations", and Chapter 1.16 "Alternative Administrative Procedures for Abatement of Certain Violations" of the Oakland Municipal Code for enforcement of public nuisance actions

Attachments: [10.22CC 11-4-03.pdf](#),  
[12550.pdf](#),  
[Item 12 10-14-03.pdf](#),  
[Item 27.pdf](#)

Ordinance Number 12550 C.M.S.

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

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

Subject: 2004 Oakland Municipal Nominating Election  
From: Office of the City Clerk  
Recommendation: Adopt the following legislation related to the Statewide Primary Election:

1) Approve the Introduction (First Reading) of an Ordinance establishing the date of the City of Oakland Municipal Nominating Election as Tuesday, March 2, 2004 to conform with the Statewide Primary Election; and

Attachments: [0249.pdf](#),  
[10.23CC 11-4-03.pdf](#)

**A motion was made by Councilmember Quan, seconded by Councilmember Reid, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on November 18, 2003. The motion carried by the following vote:**



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

2) Adopt a Resolution requesting consolidation of the City of Oakland  
Municipal Nominating Election with the Statewide Primary Election to be held in  
the City of Oakland on Tuesday, March 2, 2004

Attachments: [10.23CC 11-4-03.pdf](#),  
[78171.pdf](#)

Resolution Number 78171 C.M.S.

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

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

10.24  
CC

Subject: Fruitvale Business Improvement Management District  
From: Community and Economic Development Agency  
Recommendation: Adopt a Resolution approving and confirming the annual  
report of the Fruitvale Business Improvement Management District Advisory  
Board and the continuing annual assessment for the Fruitvale Business  
Improvement Management District for Fiscal Years 2003-2004

Attachments: [0211.pdf](#),  
[10.24CC 11-4-03.pdf](#),  
[78170.pdf](#)

Resolution Numbers 78170 C.M.S.

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

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

10.25  
CC

Subject: Lakeshore/Lake Park Business Improvement Management District  
From: Community and Economic Development Agency  
Recommendation: Adopt a Resolution approving and confirming the annual  
report of the Lakeshore/Lake Park Business Improvement Management District  
Advisory Board and the continuing annual assessment for the Lakeshore/Lake  
Park Business Improvement Management District for Fiscal Years 2003-2004

Attachments: [0212.pdf](#),  
[10.25CC 11-4-03.pdf](#),  
[Item 15.pdf](#)

**Withdrawn and Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council**

10.26  
CC

Subject: Installation of Stop Signs - Madrone Avenue  
From: Public Works Agency  
Recommendation: Adopt a Resolution approving: 1) installation of stop signs on  
Madrone Avenue at Steele Street, on Holly Street at 79th Avenue, and on Laird  
Avenue at 68th Avenue; and 2) establishment of a no parking zone on both  
sides of Independent Road from 66th Avenue to Coliseum Way and on the  
East Side of 66th Avenue from Independent Road to 505 66th Avenue

Attachments: [10.26CC supp 11-4-03.pdf](#),  
[78168.pdf](#),  
[Item 3 10-28-03.pdf](#)

Resolution Number 78168 C.M.S.

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

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

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

Subject: Installation of Stop Signs - 11th Street  
From: Public Works Agency  
Recommendation: Adopt a Resolution approving the installation of: 1) stop  
signs on 11th Street at Center Street, Washington Street at 2nd Street, and  
East 12th Street at 37th Avenue; 2) a two-hour parking zone on MacArthur  
Boulevard (both sides) between 89th Avenue and 90th Avenue; and 3) four-  
hour parking zones on Martin Luther King Junior Way (east side) between 3rd  
Street and 4th Street and 4th Street (south side) between Martin Luther King  
Junior Way and Jefferson Street

Attachments: [10.27CC supp 11-4-03.pdf](#),  
[78169.pdf](#),  
[Item 4 10-28-03.pdf](#)

Resolution Number 78169 C.M.S.

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

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

Subject: On-Call Curb Ramps Project  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing the rejection of all bids for  
On-Call Curb Ramps Project (Fiscal Year 2001-2002) (Project No. C209110),  
and formally re-bid the project with return to Council for award

Attachments: [28 supp 11-4-03.pdf](#),  
[78172.pdf](#),  
[Item 6 10-28-03.pdf](#)

Resolution Number 78172 C.M.S.

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

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

Subject: Joaquin Miller Park Cascade Landscaping Project  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing the City Manager to award a  
construction contract to the lowest responsible, and responsive bidder in  
accordance with the Joaquin Miller Park Cascade Landscaping Project, Project  
No. C197230, and contractor's firm, fixed bid for an amount not to exceed the  
City's engineer's estimate, ninety one thousand dollars (\$91,000), or if initial  
bids are non-responsive and/or non-responsible, authorizing the City Manager  
to reject all such bids and re-bid and/or negotiate a contract, and award a  
construction contract for said project without return to City Council (PURSUANT  
TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3  
VOTE)

Attachments: [10.29CC supp 11-4-03.pdf](#),  
[78173.pdf](#),  
[Item 7 10-28-03.pdf](#)

Resolution Number 78173 C.M.S.

Contract Number 03-1631

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

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

10.27  
CC

10.28  
CC

10.29  
CC

10.30  
CC

Subject: Lake Merritt Dock at 17th Street and Lakeside  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Construction Agreement with Vortex Inc., in an amount not to exceed ninety two thousand two hundred dollars (\$92,200) for the construction of the Lake Merritt Dock at 17th Street and Lakeside Drive, Project No. G139410( PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments: [10.30CC supp 11-4-03.pdf](#),  
[78174.pdf](#),  
[Item 8 10-28-03.pdf](#)

Resolution Number 78174 C.M.S

Contract Number 03-1632

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

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

10.31  
CC

Subject: Laurel Streetscape Improvement  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing the rejection of all bids on the Laurel Streetscape Improvement on MacArthur Boulevard (between 35th Avenue and High Street) (Project No. C194710), and formally re-bid with return to Council for award

Attachments: [10.31CC supp 11-4-03.pdf](#),  
[78175.pdf](#),  
[Item 9 10-28-03.pdf](#)

Resolution Number 78175 C.M.S.

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

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

10.32  
CC

Subject: Edes Avenue Project  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing award of a contract to Mosto Construction for the improvement of Edes Avenue (Project Number C166310) in the amount of two hundred thirty-one thousand one hundred sixty-eight dollars and fifty cents (\$231,168.50) (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments: [10.32CC supp 11-4-03.pdf](#),  
[78176.pdf](#),  
[Item 10 10-28-03.pdf](#),  
[Item 10 10-28-03 supp.pdf](#)

Resolution Number 78176 C.M.S

Contract Number 03-1633

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

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

10.33  
CC

Subject: Business Tax Board Of Review  
From: Office of the City Attorney  
Recommendation: Approve Introduction (First Reading) of an Ordinance amending Chapter 5.04 of the Oakland Municipal Code to remove the City Attorney as a member of the Business Tax Board of Review and provide that the City Manager shall select an employee of the City to serve as a member of the Business Tax Board Of Review

Attachments: [10.33CC supp 11-4-03.pdf](#),  
[Item 3 10-28-03.pdf](#)

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

- Sanjiv Handa

**A motion was made by Councilmember Quan, seconded by Councilmember Reid, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on November 18, 2003. The motion carried by the following vote:**

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

10.34  
CC

Subject: Gross Rental Receipts

From: Finance and Management Agency

Recommendation: Approve the Introduction (First Reading) an Ordinance  
rescinding Section 5.04.450 of the Oakland Municipal Code to allow taxpayers  
to report gross rental receipts separately for the purpose of paying the annual  
business tax

Attachments: [10.34CC supp 11-4-03.pdf](#),  
[Item 4 10-28-03.pdf](#)

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

- Sanjiv Handa

**A motion was made by Councilmember Quan, seconded by Councilmember Reid, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on November 18, 2003. The motion carried by the following vote:**

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

10.35  
CC

Subject: Shop Oakland Parking Program

From: Community and Economic Development Agency

Recommendation: Approve Recommendation requesting authorization of free  
three-hour parking at designated meters and free parking at City parking  
garages during the 2003 holiday season

Attachments: [10.16CC 11-18-03.pdf](#),  
[10.35CC supp 11-4-03.pdf](#),  
[Item 7 10-28-03.pdf](#)

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

- Sanjiv Handa

**\*Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council**

10.36  
CC

Subject: Pedestrian and Bicycle Related Streetscape Improvements

From: Community and Economic and Development Agency

Recommendation: Adopt an Agency Resolution authorizing an application to  
the Alameda County Transportation Improvement Authority for grant funds from  
the Measure B Bicycle and Pedestrian Countywide Discretion Fund for planning  
and feasibility studies for intermodal streetscape improvements on Telegraph  
Avenue

Attachments: [10.36CC supp 11-4-03.pdf](#),  
[2003-75.pdf](#),  
[Item 4 10-28-03.pdf](#)

Agency Resolution Number 2003-75 C.M.S.

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

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

**Enactment No:** 2003-75

10.37  
CC

Subject: Operating Supporting Grants  
From: Community and Economic Development  
Recommendations: Adopt the following legislation regarding grants to  
Community Development Housing Organizations:

1) Adopt a Resolution authorizing a grant of \$150,000.00 in Federal HOME  
funds to provide operating support and technical assistance to Oakland  
Community Housing, Inc., and

Attachments: [10.37CC supp 11-4-03.pdf](#),  
[78177.pdf](#),  
[Item 5 10-28-03.pdf](#)

Resolution Number 78177 C.M.S

Contract Number 03-1634

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

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

2) Adopt a Resolution authorizing a grant of \$150,000.00 in Federal HOME  
funds to provide operation support and technical assistance to Resources for  
Community Development, and

Attachments: [10.37CC supp 11-4-03.pdf](#),  
[78178.pdf](#),  
[Item 5 10-28-03.pdf](#)

Resolution Number 78178 C.M.S.

Contract Number 03-1635

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

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

3) Adopt a Resolution authorizing a grant of \$200,000.00 in Federal HOME  
funds to provide operating support and technical assistance to East Bay Asian  
Local Development Corporation

Attachments: [10.37CC supp 11-4-03.pdf](#),  
[78179.pdf](#),  
[Item 5 10-28-03.pdf](#)

Resolution Number 78179 C.M.S.

Contract Number 03-1636

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

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

10.38  
CC

Subject: Sale of Real Property - 1072 55th Street  
From: Community and Economic Development Agency  
Recommendation: Adopt the following legislation regarding the sale of real  
property:

1) Adopt an Ordinance authorizing the sale of the property at 1072 55th Street  
to the Redevelopment Agency for \$415,000.00, and

Attachments: [10.38CC supp 11-4-03.pdf](#),  
[Item 6 10-28-03.pdf](#)

**A motion was made by Councilmember Quan, seconded by Councilmember Reid,  
that this matter be Approved on Introduction for Final Passage to the Concurrent  
Meeting of the Oakland Redevelopment Agency / City Council, due back on  
November 18, 2003. The motion carried by the following vote:**

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

2) Adopt an Agency Resolution authorizing the purchase of the property at  
1072 55th Street from the City for \$415,000.00

Attachments: [10.38CC supp 11-4-03.pdf](#),  
[2003-76.pdf](#),  
[Item 6 10-28-03.pdf](#)

Agency Resolution Number 2003-76

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

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

**Enactment No:** 2003-76

10.39  
CC

Subject: Massage Service Activities  
From: Councilmember Jane Brunner  
Recommendation: Adopt an Ordinance regarding an urgency measure  
adopting an Interim Ordinance pursuant to Government Code Section 65858  
imposing a moratorium on massage service activities  
Attachments: [12551.pdf](#),  
[Item 3 10-28-03.pdf](#),  
[S-31.pdf](#)  
This item was renoticed as Item S-31

10.40  
CC

Subject: Managed Health Network (MHN)  
From: Oakland Police Department  
Recommendation: Adopt a Resolution authorizing a professional services  
agreement between the City of Oakland and Managed Health Network (MHN)  
in an amount not to exceed ninety-four thousand five hundred fifty-two dollars (  
\$94,552) for the period of July 1, 2003 to June 30, 2005, for a Counseling  
Program for sworn members of the Police Department and their dependants  
Attachments: [10.40CC supp 11-4-03.pdf](#),  
[78180.pdf](#),  
[Item 4 10-28-03.pdf](#)  
Resolution Number 78180 C.M.S.  
Contract Number 03-1637  
**A motion was made by Councilmember Quan, seconded by Councilmember Reid,  
that this matter be Adopted. The motion carried by the following vote:**

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

10.41  
CC

Subject: Public Ethics Commission Bylaws  
From: Office of the City Manager  
Recommendation: Approve Recommendation to obtain required City Council  
ratification of amendments to the Public Ethics Commission Bylaws pertaining  
to committee organization and compliance with the Sunshine Ordinance  
Attachments: [10.41CC supp 11-4-03.pdf](#),  
[Item 8 10-30-03.pdf](#)  
The following individual spoke and did not indicate a position on this item:  
- Sanjiv Handa  
**A motion was made by Councilmember Quan, seconded by Councilmember Reid,  
that this matter be Approved. The motion carried by the following vote:**

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

President De La Fuente recessed the meeting at 6:52 p.m. and reconvened the meeting  
at 7:02 p.m., with a quorum of the Council being noted

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

There were 2 final decisions made during Closed Session:

Item 2c:

Council authorized settlement in the amount of \$45,000.

Plaintiff was injured when an Oakland police car rear-ended her vehicle as she was proceeding on Interstate 580.

Plaintiff alleged that she suffered back injuries, a herniated disk, a torn rotator cuff and that she underwent several months of physical therapy. She also claims lost wages off approximately 6 months from her job as a public health nurse.

The motion was made by Councilmember Brooks, seconded by Councilmember Reid.

The motion passed with 8 Ayes.

Item 2k:

Council authorized settlement in the amount of \$14,000

Plaintiff contends the Oakland Police officers used excessive force in attempting to apprehend him. Plaintiff was present during sideshow activity and was arrested for standing in a roadway and resisting arrest. Plaintiff was thrown to the ground by the officers, handcuffed and jailed for 12 hours.

The motion was Made by Councilmember Reid, seconded by Councilmember Brooks.

The motion passed with 8 Ayes.

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Chang, to accept the oral report from the City Attorney, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

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

Agency/Councilmember Reid made a motion seconded by Agency/Councilmember Chang confirming that there were no discussions pursuant to Section 15 of the Sunshine Ordinance, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

**A motion was made by Councilmember Reid, seconded by Councilmember Chang, to Accepted. The motion carried by the following vote:**

**ORA/Councilmember Ayes:**

8 -

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

- 13 Reconsideration of Ordinances pursuant to Charter Section 216

No action was necessary on this item.

14. Consideration of items with statutory Public Hearing Requirements:

- 14.1

Subject: Montclair Business Improvement District - Public Hearing

From: Community and Economic Development Agency

Recommendation: Conduct a Public Hearing and upon conclusion Adopt a Resolution confirming the annual report of the Montclair Business Improvement District Advisory Board and levying the annual assessment for the Montclair Business Improvement District for Fiscal Year 2004-2005

Attachments:

[14.1 11-4-03.pdf](#),

[78181.pdf](#)

Resolution Number 78181 C.M.S.

Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was opened at 7:04 pm.

Agency/Councilmember Wan made a motion, seconded by Agency/Councilmember Chang, to close the Public Hearing, and upon the call of the roll, the motion passed by Ayes: Agency/Councilmember: Brooks, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -7; Absent: Brunner -1

COUNCILMEMBER BRUNNER WAS NOTED PRESENT AT 7:06 P.M.

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

**ORA\Councilmember Absent:** Councilmember Brunner  
1 -

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

14.2

Subject: Rockridge Business Improvement District - Public Hearing  
From: Community and Economic Development Agency  
Recommendation: Conduct a Public Hearing and upon conclusion Adopt a Resolution confirming the annual report of the Rockridge Business Improvement District Advisory Board and levying the annual assessment for the Rockridge Business Improvement District for Fiscal Year 2004-2005

Attachments: [14.2 11-4-03.pdf](#),  
[78182.pdf](#)

Resolution Number 78182 C.M.S.

Upon the reading of Item 14.2 by the City Clerk, the Public Hearing was opened at 7:05 pm

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Quan, to close the Public Hearing, and upon the call of the roll, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente - 8

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

**ORA\Councilmember Ayes:** Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang  
8 -

14.3

Subject: West Oakland Redevelopment Plan - Public Hearing  
From: Community and Economic Development Agency  
Recommendation: Conduct a Public Hearing and upon conclusion Adopt the following legislation:

1) Adopt a Resolution electing to receive a portion of the tax increments from the West Oakland Redevelopment Project Area,

Attachments: [14.3 11-4-03.pdf](#),  
[78183.pdf](#),  
[Item 9 10-14-03.pdf](#)



Resolution Number 78183 C.M.S.

Upon the reading of Item 14.3 by the City Clerk, the Public Hearing was opened at 7:06 pm

The following individuals spoke in favor of this item:

- Larry Rice
- Karin Mac Donald

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

- Hugh Bassette

The following individual spoke and did not indicate a position;

- Jed L. Silver

Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember Brunner, to close the Public Hearing, and upon the call of the roll, the motion passed by Ayes: Agency/Councilmember: Brooks, Chang, Brunner, Nadel, Reid, Quan, Wan and President of the Council De La Fuente - 8

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

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

2) Adopt an Agency Resolution approving and adopting Rules Governing Participation by Property Owners and the Extension of Reasonable Preferences to Business Occupants in the West Oakland Redevelopment Project Area

Attachments: [14.3 11-4-03.pdf](#),  
[2003-77.pdf](#),  
[Item 9 10-14-03.pdf](#)

Agency Resolution Number 2003-77 C.M.S.

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

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

**Enactment No:** 2003-77

3) Adopt an Agency Resolution certifying and making findings as to the Final Environmental Impact Report on the West Oakland Redevelopment Project

Attachments: [14.3 11-4-03.pdf](#),  
[2003-78.pdf](#),  
[Item 9 10-14-03.pdf](#)

Agency Resolution Number 2003-78 C.M.S.

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

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

**Enactment No:** 2003-78

4) Adopt a Resolution certifying and making findings as to the Final Environmental Impact Report on the West Oakland Redevelopment Project,

Attachments: [14.3 11-4-03.pdf](#),  
[78184.pdf](#),  
[Item 9 10-14-03.pdf](#)

Resolution Number 78184 C.M.S

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

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

5) Adopt an Agency Resolution approving the Redevelopment Plan for the  
West Oakland Redevelopment Project, and

Attachments: [14.3 11-4-03.pdf](#),  
[2003-79.pdf](#),  
[Item 9 10-14-03.pdf](#)

Agency Resolution Number 2003-79 C.M.S.

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

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

**Enactment No:** 2003-79

6) Adopt an Ordinance approving and adopting the Redevelopment Plan for  
the West Oakland Redevelopment Project

Attachments: [14.3 11-4-03.pdf](#),  
[Item 9 10-14-03.pdf](#)

**A motion was made by Vice Mayor Nadel, seconded by Councilmember Brunner,  
that this matter be Approved on Introduction for Final Passage to the Concurrent  
Meeting of the Oakland Redevelopment Agency / City Council, due back on  
November 18, 2003. The motion carried by the following vote:**

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

Subject: Joint-use School and Public Library - Public Hearing

From: Oakland Public Library

Recommendation: Conduct a Public Hearing and upon conclusion Adopt the  
following legislation regarding the Joint-use School and Public Library:

1) Adopt a Resolution authorizing the City Manager to apply for, accept and  
appropriate funds in an amount not to exceed six million five hundred thousand  
dollars (\$6.5 million) from the State of California Proposition 14 Funds ( California Reading and Literacy Improvement and Public Library Construction  
and Renovation Bond Act of 2000) for the Fiscal Year 2003-2004 for the  
development of a joint-use school and public library with the Oakland Unified  
School District and consenting to the use of Redevelopment Agency funds as  
matching funds for this grant, and authorizing an amendment to the Repayment  
Agreement with the Redevelopment Agency to accept this funding of \$3.5  
million in Coliseum Redevelopment Set-aside Funds, and

Attachments: [14.4 11-4-03.pdf](#),  
[78185.pdf](#),  
[Item 6 10-14-03.pdf](#)

Upon the reading of Item 14.4 by the City Clerk, the Public Hearing was opened at 7:25p.m.

The following individual spoke in favor of this item:  
- Frank Brodsky

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

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Reid, to close the Public Hearing, and upon the call of the roll, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente - 8

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

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

2) Adopt an Agency Resolution authorizing the use of \$3.5 million in Coliseum School Setaside Funds as local matching funds for construction of a public library at 81st and Rudsdale

Attachments: [14.4 11-4-03.pdf](#),  
[2003-80.pdf](#),  
[Item 6 10-14-03.pdf](#)

Agency Resolution Number 2003-80 C.M.S.  
Agency Contract Number 03-022

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

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

**Enactment No:** 2003-80

14.5

Subject: Secondary Units - Planning Code Amendment - 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 modify the minimum street pavement width requirements provided by Ordinance 12501 C.M.S. related to standards for Secondary Units

Attachments: [14.5 11-4-03.pdf](#)

Upon the reading of Item 14.5 by the City Clerk, the Public Hearing was opened at 7:33 p.m.

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

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Brunner to close the Public Hearing, and upon the call of the roll, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente - 8

**A motion was made by Councilmember Quan, seconded by Councilmember Brunner, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council, due back on November 18, 2003. The motion carried by the following vote:**

**ORA\Councilmember Abstained:** Councilmember Brooks  
1 -

ORA\Councilmember Ayes:

7 -

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

ACTION ON NON-CONSENT ITEMS:

15

Subject: Education Teach-ins

From: Vice Mayor Nadel

Recommendation: Adopt a Resolution in support of Teach-ins and Day of

Action to support education

Attachments:

[0241.pdf](#),

[15 11-4-03.pdf](#),

[78186 CMS.pdf](#)

Resolution Number 78186 C.M.S.

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

ORA\Councilmember Ayes:

8 -

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

16

Subject: Measure X Limited Charter Review Committee Recommendations

From: Measure X Limited Charter Review Committee

Recommendation: A Continued discussion to Approve a Report regarding a

Resolution for the Council's consideration reflecting Charter amendments

prepared by San Francisco City Attorney's Office that reflect the Measure X

Limited Charter Review Committee and City Councilmember recommendations

regarding (A) Balance of Powers among Branches of Government, (B) the

Elected City Attorney, (C) Setting Pay for Elected Officials, (D) Term Limits for

Elected Officials, (E) Mayor's Attendance at Council Meetings, (F) Number of

Councilmembers and At-Large Representatives, (G) City Council Structure and

Procedures; and (H) Role of the City Manager (I) determining whether said

Charter amendment shall appear on the March 2, 2004 or November 2, 2004

Ballot (J) need to check report (TITLE CHANGE)

Attachments:

[16 11-4-03.pdf](#),

[16 Attach A 11-04-03.pdf](#),

[16 Attach B 11-04-03.pdf](#),

[23 11-18-03.pdf](#)

The following individuals spoke in favor of this item:

- Judy Cox

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

- Helen Hutchinson

- Judy Selcher

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

- Gene Hazzard

- Rashidah Grinage

- Sanjiv Handa

Agency/Councilmember Wan made a motion, seconded by Agency/Councilmember Brunner to approve the Committee majority recommendations with the amendments to Section 503; Section 300; Section 401 (1); and Section 403, as submitted by Councilmember Wan (Attachment A), and including the corrections submitted in the letter from R. Zachary Wasserman (Attachment B). The Council further moved to direct staff to submit for consideration language regarding the following proposals:

- (1) The minority suggestion for 6 public meetings by the Mayor;
- (2) The execution and enforcement of all adopted measures, ordinances, and budget within the City Administrator's responsibilities;
- (3) Require the Mayor to advise the City Administrator on the hiring and removal of department/agency directors;
- (4) Allow appointment by the Council to Board and Commission vacancies after three months;
- (5) Allow the Public Ethics Commission to adjust Council salaries beyond the increase in the Consumer Price Index up to a total of 5%;
- (6) Require the Mayor to advise the Council prior to the removal of the City Administrator;
- (7) Require the Council to confirm by majority vote prior to the removal of the City Administrator;
- (8) Consider placing Measure X on both the March 2, 2004 and November 2, 2004 ballot

**A motion was made by Councilmember Brunner, seconded by Councilmember Reid, that this matter be Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on November 18, 2003. The motion carried by the following vote:**

**ORA\Councilmember Ayes:**

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

Subject: Recycling Services

From: Public Works Agency

Recommendation: Approve Recommendations and Receive a follow-up report in response to an unsolicited proposal from California Waste Solutions; and approve recommendations for establishing service parameters and soliciting proposals for recycling services in the area of the City currently serviced by California Waste Solutions; and a recommendation to enter into negotiations with Waste Management of Alameda County to address Citywide recycling service equity issues

Attachments:

[17 11-4-03.pdf](#)

[Item 11 10-14-03.pdf](#)

The following individuals spoke in favor of this item:

- David Duong
- Reginald Earl Wickerson
- Trung Duy Nguyen
- Duane Drew
- Judy Goff
- Kali Ameen
- Elihu Harris
- Harrison Paul Brown
- Don Crosato
- Fred Pecker
- Odis Hall
- Marcel Diallo

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Brooks to change the Request for Proposal recommendation to direct staff to negotiate with California Waste Solutions (CWS), that the standards of cleanliness are to apply to any community in which they operate, the negotiations should address the outstanding monies due Mr. Duong, and staff is to return to the Public Works Committee no later than February 2004 with the negotiated document. The staff report is also to include a discussion regarding the relocation of CWS. The motion included approval of the remaining staff recommendations, and hearing no objections, the motion passed by the following Ayes: Agency/Councilmember Brooks, Brunner, Chang, Nadel, Reid, Wan and President of the Council De La Fuente -7; Abstain: Quan -1

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

ORA\Councilmember Abstained: Councilmember Quan  
1 -

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

Agency/Councilmember Brooks made a motion, seconded by Agency/Councilmember Chang, to extend the meeting time past 10:30 p.m., and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

Subject: Risk Management Incentive Program  
From: Office of the City Manager  
Recommendation: Approve Recommendations regarding implementation of the Risk Management Incentive Program  
Attachments: [18 11-4-03.pdf](#)

The following individuals spoke against this item:

- Nyla Rosen
- Jackie Thomason
- Louise Rothman-Reimer
- Susan Quinlan

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

- Rashidah Grinage
- Sanjiv Handa

Agency/Councilmember Wan made a motion, seconded by Vice Mayor Nadel, to discontinue the Risk Management Incentive Program, and develop a program like the City of Phoenix that requires each department to manage their own risk.

Agency/Councilmember Brooks made a substitute motion, seconded by Agency/Councilmember Quan, to direct staff to continue to review the City of Phoenix program and return with recommendations to Council on January 6, 2004, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, and President of the Council De La Fuente - 7; No: Wan - 1  
**A motion was made that this matter be Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on January 6, 2004. The motion carried by the following vote:**

Councilmember Wan  
ORA\Councilmember Nos: 1 -

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

19

Subject: Discrimination Based on Sexual Orientation  
From: Vice Mayor Nadel; Councilmembers Wan and Quan  
Recommendation: Approve the Introduction (First 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 ( TITLE CHANGE)  
Attachments: [03-0045.pdf resched.](#)  
[19 11-4-03.pdf.](#)  
[Item 19 12-16-03.pdf.](#)  
[Item 7 10-14-03.pdf](#)

**Withdrawn and Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council**

20

Subject: Oakland Convention and Visitors Bureau  
From: Cultural Arts and Marketing  
Recommendation: An annual report of the FY 2002-2003 performance of the  
Oakland Convention and Visitors Bureau (OCVB) and Adopt a Resolution  
authorizing the City Manager to negotiate and execute a two-year professional  
services agreement with the Oakland Convention and Visitors Bureau to  
provide Visitor Marketing Services in an amount not to exceed \$900,000.00 for  
Fiscal Year 2003-2004 and not to exceed \$650,000.00 for Fiscal Year 2004-  
2005 and to pay OCVB up to fifty percent of the amount of the City's Transient  
Occupancy Tax that exceed \$10,262,773.00 each Fiscal Year  
Attachments: [20 11-4-03.pdf.](#)  
[78187.pdf.](#)  
[Item 4 10-14-03.pdf.](#)  
[Item 4 SUP 10-14-03.pdf](#)

Resolution Number 78187 C.M.S.  
Contract Number 03-1639  
**A motion was made by Councilmember Quan, seconded by President of the  
Council De La Fuente, that this matter be Adopted. The motion carried by the  
following vote:**

Councilmember Brunner  
ORA\Councilmember Abstained: 1 -

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

21

Subject: Fox Theater Restoration  
From: Community and Economic Development Agency  
Recommendation: Adopt an Agency Resolution authorizing the Agency  
Administrator to negotiate and execute an Exclusive Negotiation Agreement  
with Fox Theater 1 Corporation, to develop the Fox Theater and attached wrap-  
around buildings into a performing arts center and home for the Oakland  
School for the Arts, and authorizing the expenditure of up to eight hundred  
thousand dollars ( \$800,000.00) for testing, design, cleanup and related work  
during the exclusive negotiating period  
Attachments: [21 11-4-03.pdf.](#)  
[21 supp 11-4-03.pdf.](#)  
[Item 8 10-14-03.pdf](#)

The following individuals spoke in favor of this item:

- Patrick C. Campbell
- Phil Tagami
- Jackie Castain

Agency/Councilmember Brunner made a motion, seconded by Agency/Councilmember Reid, to approve the item and directed staff to return to the November 18, 2003 City Council meeting with revised legislation which includes the following recommendations approved by the Community and Economic Development Committee:

(1) City has not agreed to sell any garages until further review; (2) Staff is to return to Committee with the Disposition and Development Agreement and to provide alternatives for project financing; (3) Committee is to review and approve the expenditures and release of funds for the \$800,000; (4) during the Exclusive Negotiating Agreement process, staff is to investigate alternative ownership structures that may not include the art school; and (5) Staff is to return with the wrap around design showing flexibility for alternatives entities;

and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

**A motion was made by Councilmember Brunner, seconded by Councilmember Reid, that this matter be Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on November 18, 2003. The motion carried by the following vote:**

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

Subject: West Oakland Weed & Seed Initiative

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Manager, on behalf of the City of Oakland, to accept and appropriate a grant in the amount of two hundred twenty-five thousand dollars (\$225,000) from the U.S. Department of Justice, Office of Justice Programs, Executive Office of Weed and Seed for the continued program implementation of the West Oakland Weed and Seed Initiative and authorizing a funding agreement in an amount not to exceed twenty-five thousand dollars (\$25,000) with the Oakland Police Activities League for truancy and mentoring services associated with the program

Attachments:

[22 11-4-03.pdf](#),

[78188.pdf](#),

[Item 8 10-14-03.pdf](#),

[Sched 0182.pdf](#)

Resolution Number 78188 C.M.S

Contract Number 03-1640

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

**ORA\Councilmember Abstained:** Councilmember Quan  
1 -

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

Subject: Creations of Special Assessment Districts

From: Oakland Fire Department

Recommendation: Adopt the following legislation:

1) Adopt an Ordinance establishing procedures for the creation of special assessment districts to fund services and programs for fire suppression, prevention and preparedness within designated areas of the City Of Oakland, and

Attachments:

[Item 23 11-4-03.pdf](#),

[Item 11 10-14-03.pdf](#)



The following individual spoke in favor of this item:

- Barry Pilger

The following individuals spoke against of this item:

- David E. Mix

- Larry Allen

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

- Karen Paulsell

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

- Sanjiv Handa

**A motion was made by Councilmember Quan, seconded by Councilmember Brunner, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on November 18, 2003. The motion carried by the following vote:**

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

2) Adopt a Resolution of Intention to form the Oakland Wildfire Prevention Assessment District, accepting and granting preliminary approval of the engineer's report, directing filing of the engineer's report and proposed assessment district boundary map, submitting the proposed assessment to the district assesseses for majority protest procedure, and scheduling a Public Hearing for January 6, 2004, and

[78189.pdf](#)  
**Attachments:** [Item 11 10-14-03.pdf](#),  
[Item 11.2 SUP 10-14-03.pdf](#),  
[Item 23 11-4-03.pdf](#),  
[Prelim\\_Roll11-04-03.pdf](#)

Resolution Number 78189 C.M.S.

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

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

3) Adopt a Resolution authorizing the City Manager to execute the ballot for all the City owned properties on which assessments are to be levied for the Oakland Wildfire Assessment District to support the formation of the District and approve the assessments and, if the district is formed, to take the necessary actions to pay the amount of the assessments of the City owned properties in an amount not to exceed a total of \$1,489,774.00 over the ten year assessment period

**Attachments:** [78190.pdf](#),  
[Item 23 11-4-03.pdf](#)

Resolution Number 78190 C.M.S.

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

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

Subject: City owned surplus properties  
 From: Community and Economic Development Agency  
 Recommendation: Approve the Introduction (First Reading) of an Ordinance authorizing the City Manager to enter into purchase and sales agreements for the sale of eleven City owned surplus properties from the public auction conducted on October 3, 2003 to the following high bidders: (1 APN 045-5304-057-02, 056 for \$140,000) Jeff Ku; (3-APN 044-4989-006 for \$227,000) Oakland Community Housing, Inc.; (4-APN 048-6854-002-06 and 5-APN 048-6854-003-02 for \$100,000, 7-APN 048-6818-001-01 for \$135,000) Hirst Shafer Construction and Development, Inc.; (6-APN 048-6869-007 for \$240,000) Amelia Lim; (8-APN 048D-7302-059 for \$81,000) Henry Hernandez; (9-APN 048D-7303-067 for \$50,000 and 10-APN 048D-7303-068 for \$50,000) Wayne Huey; and (11-APN 048H-7606-051-04 for \$455,000) Traci Ann McKnight

Attachments:

[25 11-4-03.pdf](#)

Agency/Councilmember Wan made a motion, seconded by Agency/Councilmember Quan, to approve for Introduction as amended the Ordinance on Item 25 to exclude the following surplus properties (1 APN 045-5304-057-02, 056 for \$140,000) Jeff Ku; (9-APN 048D-7303-067 for \$50,000 and 10-APN 048D-7303-068 for \$50,000) Wayne Huey from entering into purchase and sales agreements, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

**A motion was made by Councilmember Wan, seconded by Councilmember Quan, that this matter be Approve as Amended on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on November 18, 2003. The motion carried by the following vote:**

**ORA\Councilmember Abstained:** Councilmember Brunner  
 1 -

**ORA\Councilmember Nos:** Councilmember Chang  
 1 -

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

Subject: City owned surplus properties - Impartial Financial Analysis  
 From: Office of the City Auditor

Attachments:

[25.1 11-4-03.pdf](#)

**A motion was made by Councilmember Wan, seconded by Councilmember Quan, that this matter be \*Received and Filed. The motion carried by the following vote:**

**ORA\Councilmember Ayes:** Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang  
 8 -

Subject: Low Law Enforcement Policy towards Medical Cannabis  
 From: Office of the City Manger  
 Recommendation: A Continued discussion to Approve Recommendations regarding conditions to fall under the City's Low Law Enforcement Policy towards Medical Cannabis and to select one medical cannabis provider association to administer the City's Medical Cannabis Distribution Program

Attachments:

[26 11-4-03.pdf](#)

[Item 6 10-28-03.pdf](#)

**\*Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council**

Subject: Construction of Bulbouts - Ray's Electric  
 From: Public Works Agency  
 Recommendation: Adopt a Resolution authorizing award of a contract to Ray's Electric for the construction of bulbouts on Grand Avenue (Project Number G 170430) in the amount of three hundred thirty-five thousand nine hundred thirty dollars (\$335,930) (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments:

[27 supp 11-4-03.pdf](#),  
[78191.pdf](#),  
[Item 5 10-28-03 supp.pdf](#),  
[Item 5 10-28-03.pdf](#)

Resolution Number 78191 C.M.S.

Contract Number 03-1640

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

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

Subject: Lease Agreement for 530 Lake Park Avenue  
From: Community and Economic and Development Agency  
Recommendation: Adopt a Resolution authorizing the City Manager to enter  
into a two-year lease with Peter and Helen Shiu for real property located at 530  
Lake Park Avenue, for use as a community meeting facility and community  
police station, for two years in the amount of \$25,200 (Year 1), and \$27,600 (Year 2), and tenant improvements (not to exceed \$2,000), plus telephone, and  
utility costs

Attachments:

[28 supp 11-4-03.pdf](#),  
[78192.pdf](#),  
[Item 5 10-28-03.pdf](#),  
[Item 8 10-14-03.pdf](#)

Resolution Number 78192 C.M.S.

Contract Number 03-1643

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

**ORA\Councilmember Nos:** Councilmember Brunner  
1 -

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

**Enactment No:** 78192

Subject: Oakland Fund for Children and Youth  
From: Department of Human Services  
Recommendation: Adopt a Resolution authorizing the City Manager to  
negotiate and execute a contract between the City of Oakland and Community  
Crime Prevention Associates in an amount not to exceed \$260,000 to evaluate  
the Oakland Fund for Children and Youth for the period of October 1, 2003  
through September 30, 2004 with two one-year options to renew

Attachments:

[29 supp 11-4-03.pdf](#),  
[78193.pdf](#),  
[Item 3 10-28-03.pdf](#)

Resolution Number 78193 C.M.S.

Contract Number 13-1642

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

**ORA\Councilmember Nos:** Councilmember Brunner  
1 -

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

Subject: Oakland Fund for Children and Youth Request for Proposals  
 From: Department of Human Services  
 Recommendation: Approve Recommendation for the Oakland Fund for  
 Children and Youth Fiscal Year 2004-2005 Request for Proposals and Fiscal  
 Year 2004-2005 After School Initiative Request for Qualifications

Attachments: [30 supp 11-4-03.pdf](#),  
[Item 4 10-28-03.pdf](#)

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

**ORA\Councilmember Abstained:** Councilmember Brooks  
 1 -

**ORA\Councilmember Nos:** Councilmember Brunner  
 1 -

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

Subject: Massage Service Activities  
 From: Councilmember Jane Brunner  
 Recommendation: Adopt an urgency measure adopting an Interim Ordinance  
 pursuant to Government Code Section 65858 imposing a moratorium on  
 massage service activities

Attachments: [12551.pdf](#),  
[Item 3 10-28-03.pdf](#),  
[S-31.pdf](#)

Ordinance Number 12551 C.M.S.

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

- Sanjiv Handa

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

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

(PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858,  
 INTRODUCTION AND ADOPTION OF THIS ORDINANCE REQUIRES A VOTE OF 4/5  
 OF THE MEMBERS (7 AFFIRMATIVE VOTES). THIS ORDINANCE IS INTRODUCED  
 AND ADOPTED AT THE SAME MEETING AND IT IS IN EFFECT IMMEDIATELY FOR  
 A 45 DAY PERIOD UPON ADOPTION.)

NOTICE OF ADDITIONAL URGENCY AGENDA ITEM S-32 FOR THE CONCURRENT  
 MEETING OF THE OAKLAND REDEVELOPMENT AGENCY/CITY COUNCIL NOVEMBER 4,  
 2003

Subject: Southern California Fire Victims  
 From: Councilmember Quan  
 Recommendation: Adopt a Resolution commemorating a Day of Remembrance  
 for Southern California Fire Victims

Attachments: [78194.pdf](#)

Prior to discussing this item, the Council made an urgency finding pursuant to the Sunshine Ordinance and Brown Act.

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Reid, to approve an urgency finding pursuant to Section 2.20.070 E(2) regarding this matter (A) that the action is purely commendatory in nature (B) that the need for such action came to the attention of the body after the posting of the 10-day agenda.

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Reid, to adopt the urgency resolution, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Quan, Reid, Wan, and President of the Council De La Fuente -8

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

<b>ORA\Councilmember Ayes:</b>	Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel,
8 -	Councilmember Quan, President of the Council De La Fuente,
	Councilmember Brooks, Councilmember Reid and Councilmember Chang

Continuation of Open Forum

#### ADJOURNMENT OF COUNCIL SESSION

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

There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting at 12:18 a.m. in the memory of Frank Cheney, Bernadette Brittin, Eugene Jones, Ken Jones, Steven Rucker.

#### Americans With Disabilities Act

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