

# Meeting Minutes City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California 94612

LaTonda Simmons, Interim City

Clerk

## **Concurrent Meeting of the Oakland Redevelopment**

### **Agency/City Council**

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

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

**Tuesday, February 01, 2005**

**6:00 PM**

**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 6:40 p.m.*

1  
Pledge of Allegiance

2

## Roll Call / ORA & Council

COUNCIL MEMBERS; Jane Brunner, Dist. 1; Vacant, Dist. 2; Nancy Nadel, Dist. 3; Jean

Quan, Dist. 4; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; Vice Mayor Henry Chang,

At-Large, and President Ignacio De La Fuente, Dist. 5

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Present: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

3

Open Forum / Citizens Comments

(Time Available: 15 minutes)

*The following individual(s) spoke under Open Forum:*

- *Judy Gayden*

- *Deloris Allen*

- *Judy Belcher*

- *Hector Reyna*

- *Dorothy Coleman*

- *Thordie Ashley*

- *Hugh Bassett*

- *Sanjiv Handa*

- *John Morton*

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.

*No Action Necessary*

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)

*No Action Necessary*

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.

*No Action Necessary*

7

Approval of the Draft Minutes from the Special and Regular Concurrent Meetings of the

Oakland Redevelopment Agency/City Council meetings held on January 11, and January

18, 2005

**A motion was made by Councilmember Nadel, seconded by**

**Councilmember Brunner, to \*Approve with the following amendments.**

**The motion carried by the following vote:**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Agency/Councilmember Chang made a motion, seconded by*

*Agency/Councilmember Brooks, to approve the draft minutes as amended for*

*the Special Meeting of January 11, 2005 to note Councilmember Quan as a*

*Councilmember and the Regular Meetings of January 18, 2005 as amended to*

*reflect the motion on item 19 as follows:*

*Agency/Councilmember Quan made a motion, seconded by Agency/Council*

*President De La Fuente to reject staff's recommendations, extend the contract*

*with Douglas parking to allow the City Administrator to establish a new*



*process on the awarding of the parking services contract, on Item 19, and upon*

*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 -7 Vacant District 2*

*, and hearing no objections, the motion passed by Ayes:*

*Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Quan, and President*

*of the Council De La Fuente -6, Excused: Reid- 1, Vacant: District 2 -1*

## **8. PRESENTATION OF CEREMONIAL MATTERS**

8.1

Subject: Cantonese Speaking Citizen's Academy

From: Office of the City Administrator

Recommendation: A 20 minute presentation from the City Administrator for the City of

Oakland Cantonese Speaking Citizen's Academy Graduation Class of Fall 2004 (05-0031)

*A Presentation was made by the City Administrator to the City of Oakland*

*Cantonese Speaking Citizen's Academy Graduation Class of Fall 2004*

8.2

Subject: "American Heart Month" and "Wear Red for Women Day"

From: Councilmember Nadel

Recommendation: Adopt a Resolution declaring February 2005 as "American Heart Month"

and February 4th as "Wear Red for Women Day" in the City of Oakland (05-0038)

**A motion was made by Councilmember Nadel, seconded by**

**Councilmember Brooks, that this matter be Adopted. The motion carried**

**by the following vote:**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Resoution Number 79031 C.M.S.*

[Council Item 8.2 2-01-05.pdf](#),

[79031 CMS.pdf](#)

8.3

Subject: "Live Theater Week"

From: Councilmember Nadel

Recommendation: Adopt a Resolution establishing the first week of February as "Live Theater

Week" in the City of Oakland (05-0039)

**A motion was made by Councilmember Nadel, seconded by**

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

**the following vote:**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Resolution Number 79032 C.M.S.*

[Council Rpt 8.3 2-01-05.pdf,](#)

[79032 CMS.pdf](#)

S-8.4

Subject: Medicare and Prescription Drug Enrollment and Education Week

From: Council President De La Fuente

Recommendation: Adopt a Resolution proclaiming February 14 through February 20, 2005 as

"Medicare and Prescription Drug Discount Card Enrollment and Education Week" in the City

of Oakland, California to encourage Senior Citizens to learn about significant changes to their

Medicare Health Care Benefits (05-0055)

**A motion was made by Councilmember Chang, seconded by**

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

**the following vote:**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Resolution Number 79033 C.M.S.*

[Council Rpt S-8.4 2-01-05.pdf](#),

[79033 CMS.pdf](#)

**9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS**

*Agency/Councilmember Chang, Quan, and Council President De La Fuente*

*took a point of personal privilege and requested that the meeting be adjourned*

*in memory of Jim McCarthy.*

*Agency/Council President De La Fuente took a point of personal privilege and*

*requested that the meeting be adjourned in memory of Frank Hurst.*

**10. CONSENT CALENDAR (CC) ITEMS:**

10.1-CC

Subject: Declaration of a Local Emergency due to AIDS epidemic

From: Office of the City Attorney

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

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

AIDS epidemic (05-0044)

**This Matter was Adopted on the Consent Agenda.**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Resolution Number 79034 C.M.S.*

[Council Rpt 10.1CC 2-01-05.pdf,](#)

[79034 CMS.pdf](#)

10.2-CC

Subject: Medical Cannabis Health Emergency

From: Office of the City Attorney

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

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



of Oakland (05-0045)

**This Matter was Adopted on the Consent Agenda.**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Resolution Number 79035 C.M.S.*

[Council Rpt 10.2CC 2-01-05.pdf,](#)

[79035 CMS.pdf](#)

10.3-CC

Subject: Settlement of Multiple Claims related to the Port

From: Office of the City Attorney

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

compromise and settle claims of twenty-four (24) of the fifty-eight (58) plaintiffs in the matters

of Port Local 10 arehouse and longshoremen et al. v. City of Oakland, et al., United States

District Court case no. C03-2962 TEH (JL), our file no. X01958 and Sri Louise Coles et al. v.

City of Oakland et al., United States District Court case no. c03-2961 TEH, our file no. 23333,

for a sum not to exceed a total of one hundred forty-five thousand dollars and no cents

(\$145,000.00). One check in the amount of seventy thousand dollars and no cents (\$70,000.00)

as payment in full for the fourteen (14) plaintiffs settling for \$5,000.00 each and a second check

in the amount of seventy-five thousand dollars and no cents (\$75,000.00) as payment in full for

the ten (10) plaintiffs settling for \$7,500.00 each. These matters arise from the April 7, 2003

Port of Oakland police action (excessive force/civil rights violation) (05-0043)

**This Matter was Adopted on the Consent Agenda.**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Resolution Number 79036 C.M.S.*

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

*- Sanjiv Handa*

[Council Rpt 10.3CC 2-01-05.pdf,](#)

[79036 CMS.pdf](#)

S-10.4-CC

Subject: Asbestos Management Group of California, Inc., - Agreement

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator, or her designee, to

award a construction contract to Asbestos Management Group of California, Inc., for the

Municipal Boathouse renovation - Selective Demolition Phase (Project No. C241910) in the

amount of seventy six thousand three hundred dollars (\$76,300) (05-0010)

**This Matter was Adopted on the Consent Agenda.**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Resolution Number 79037 C.M.S.*

*Contract Number 05-0006*

[Cmt Rpt 4 1-25-05 & Council Rpt S-10.4CC 2-01-05.p....pdf,](#)

[79037 CMS.pdf](#)

S-10.5-CC

Subject: Surplus City-Owned Real Property - 7th and Castro Streets

From: Community and Economic Development Agency

Recommendation: Adopt an Ordinance authorizing the City Administrator to enter into an offer

to purchase agreement with Tuan Nguyen, Thong Nguyen and Carl Nguyen (the adjoining

property owners) for sale of surplus City real property located at 7th and Castro Streets for the

Fair Market Value of \$191,000 (04-0997)

**This Matter was Adopted on the Consent Agenda.**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Contract Number 05-0007*

[View Report.pdf](#)

S-10.6-CC

Subject: Bicycle Master Plan Update

From: Community and Economic Development Agency

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

execute a contract for an amount not to exceed \$200,000 with Wilbur Smith Associates for

professional services of planning, engineering, and environmental review for the Bicycle

Master Plan Update (04-0906b)

**This Matter was Adopted on the Consent Agenda.**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Resolution Number 79039 C.M.S.*

*Contract Number 05-0008*

[Cmte Rpt 7 1-11-05 & 6 1-25-05 & Council Rpt S-10.....pdf,](#)

[79039 CMS.pdf](#)

S-10.7-CC

Subject: Bicycle Master Plan

From: Community and Economic Development Agency



Recommendation: Adopt a Resolution certifying that the Bicycle Master Plan, adopted July 20,

1999, is current and in compliance with the Streets and Highways Code Section 891.2

(04-0906)

**This Matter was Adopted on the Consent Agenda.**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Resolution Number 79040 C.M.S.*

[Cmte Rpt 6 1-11-05 & 5 1-25-05 & Council Rpt S-10.....pdf,](#)

[79040 CMS.pdf](#)

S-10.8-CC

Subject: One-Stop System Administrator and Career Center Operator

From: Community and Economic Development Agency

Recommendation: Action on a Report and Recommendation from the Oakland Community and

Economic Development Agency and the Oakland Workforce Investment Board on the

Competitive Bidding Process for the Oakland Workforce Investment Area's One-Stop System

Administrator and One-Stop Career Center Operator (04-0969)

**This Matter was \*Received and Filed on the Consent Agenda.**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

[Cmt Rpt 8 1-25-05. & Council Rpt S-10.8CC 2-01-05.....pdf](#)  
S-10.9-CC

Subject: Oakland Health Profile 2004

From: Councilmember Nadel/Department of Public Health

Recommendation: A Presentation from the Department of Public Health on their "Oakland

Health Profile 2004" (04-0854)

**This Matter was \*Received and Filed on the Consent Agenda.**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

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

- *Sanjiv Handa*

[Cmte Rpt Item 3 1-11-05 & 1-25-05 & Council Rpt S-....pdf](#)

S-10.10-C

C

Subject: Annual Report from the Parks and Recreation Advisory Commission

From: Parks and Recreation Advisory Commission

Recommendation Receive an Annual Report from the Parks and Recreation Advisory

Commission (05-0025)

**This Matter was \*Received and Filed on the Consent Agenda.  
Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

[Cmt Rpt 4 1-25-05 & Council Rpt S-10.10CC 2-01-05.....pdf](#)

S-10.11-C

C

Subject: Fireman's Fund Heritage Program

From: Fire Department

Recommendation: Adopt a Resolution to accept and appropriate a grant for one hundred

thousand dollars (\$100,000) from the Fireman's Fund Heritage Program to the Oakland Fire

Department Office of Emergency Services for the Citizens of Oakland Respond to Emergencies

(CORE) Program (05-0014)

**This Matter was Adopted on the Consent Agenda.**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Resolution Number 79041 C.M.S.*

*Contract Number 05-0009*

[Cmt Rpt 3 1-25-05 & Council Rpt S-10.11CC 2-01-05.....pdf,](#)

[79041 CMS.pdf](#)

**Passed The Consent Agenda**

**A motion was made by Councilmember Brooks, seconded by**

**Councilmember Quan, including all the preceding items marked as having**

**been adopted on the Consent Agenda. The motion carried by the following**

**vote:**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

11

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

Closed Session

**A motion was made by Councilmember Brooks, seconded by**

**Councilmember Quan, to \*Approve as Submitted. The motion carried by**

**the following vote:**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

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

*- Hugh Bassette*

- *Sanjiv Handa*

*Agency Counsel/City Attorney reported that there were no final decisions made*

*during Closed Session*

*Agency/Councilmember Brooks made a motion, seconded by*

*Agency/Councilmember Quan, 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:*

*Brooks, Brunner, Chang, Nadel, Quan, and President of the Council De La*

*Fuente -6, Excused: Reid - 1, Vacant: District 2 -1*

12

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

**A motion was made by Councilmember Quan, seconded by**

**Councilmember Brooks, to Accepted. The motion carried by the following**

**vote:**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Agency/Councilmember Quan made a motion seconded by*

*Agency/Councilmember Brooks 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, Quan, and President of the Council De La Fuente - 6, Excused: Reid - 1,*

*Vacant: District 2 - 1*

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

**THEREAFTER:**

13

Reconsideration of Ordinances pursuant to Charter Section 216

*There was no action necessary for this item.*

**14. Consideration of items with statutory Public Hearing Requirements:**

**THERE ARE NO PUBLIC HEARINGS SCHEDULED FOR THIS EVENING  
ACTION ON NON-CONSENT ITEMS:**

15

Subject: Appointment of the Chairperson to the Finance and Management Committee

From: Council President Ignacio De La Fuente

Recommendation: Action pursuant to the Council's Rules of Procedure (Resolution No. 79006

C.M.S.) to confirm the City Council President's appointment of Councilmember Jean Quan as

the Chairperson of the Finance and Management Committee (05-0046)

**A motion was made by Councilmember Brunner, seconded by**

**Councilmember Chang, that this matter be Approved. The motion carried**

**by the following vote:**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

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

- *Sanjiv Handa*

[Council Rpt 15 2-01-05.pdf](#)

16

Subject: Amendment to the Oakland Municipal Code

From: Oakland Public Ethics Commission

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

Oakland Municipal Code Chapter 3.13 the Limited Public Financing Act of the City of

Oakland, originally adopted December 14, 1999 (04-0760)

**\*Withdrawn with No New Date**

[Cmte Rpt 6 11-18-04.pdf](#),

[Council Rpt Item 18 01-04-05 & Item 15 2-01-05.pdf](#),

[Council Rpt 16 2-01-05.pdf](#)

17

Subject: Limited Public Financing Matching Program

From: Public Ethics Commission

Recommendation: Adopt a Resolution authorizing and appropriating up to \$50,000 to fund the

Limited Public Financing Matching Program for the District 2 Special Election (05-0042)

**A motion was made by Councilmember Brunner, seconded by**

**Councilmember Quan, that this matter be Adopted as Amended. The**

**motion carried by the following vote:**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Resolution Number 79042 C.M.S.*

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

*Agency/Councilmember Quan, to adopt the resolution on Item 16 and further*

*directed staff to add provisions to take effect immediately to protect the tax*

*payers' money for this special election and for future elections, by amending the*



*Oakland Municipal Code to 1) require candidates to file all required reports*

*before getting any matching funds and 2) requiring campaign contributors to*

*use 2-party checks (instead of just money orders which are difficult to track to*

*their source).*

*and hearing no objections, the motion passed by Ayes:*

*Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Quan, and President*

*of the Council De La Fuente -6, Excused: Reid -1 Vacant: District 2 -1*



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

- *Ralph Kanz*

- *Sanjiv Handa*

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

- *Barbara Newcombe*

[Council Rpt 17 2-01-05.pdf,](#)

[Council Rpt. & Council Rpt S-17 2-01-05.pdf,](#)

[79042 CMS.pdf](#)



Subject: Appointments to the Children's Fairyland Board

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Larry Magid and Rosa Linda Armendariz as

members of the Children's Fairyland Board (05-0047)

**A motion was made by Councilmember Quan, seconded by**

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

**by the following vote:**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Resolution Number 79043 C.M.S.*

[Council Rpt 18 2-01-05.pdf,](#)

[79043 CMS.pdf](#)

19

Subject: Appointments to the Museum of California Foundation Board

From: Office of the Mayor

Recommendation: Adopt a Resolution reappointing Christopher Curtis, Christopher McLain,

Phyllis Pfeiffer, and Marianne Buttner Robinson as members of the Oakland Museum of

California Foundation Board (05-0048)

**A motion was made by Councilmember Quan, seconded by**

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

**by the following vote:**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Resolution Number 79044 C.M.S.*

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

- *Sanjiv Handa*

[Council Rpt 19 2-01-05.pdf,](#)

[79044 CMS.pdf](#)

20

Subject: Appointments to the Commission on Person with Disabilities

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Robert Pittman and Gladys Hudson as

members of the Commission on Persons with Disabilities (05-0049)

**A motion was made by Councilmember Quan, seconded by**

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

**by the following vote:**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Resolution Number 79045 C.M.S.*

[Council Rpt 20 2-01-05.pdf](#),

[79045 CMS.pdf](#)

21

Subject: Police Services Agency - Performance Audit

From: Finance and Management Agency

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

professional services contract with Public Financial Management, Inc. to conduct a

performance audit of the Oakland Police Service Agency overtime and related staffing issues

for an amount not to exceed \$180,000 (05-0022)

**A motion was made by Councilmember Brunner, seconded by**

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

**the following vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 5 - Councilmember Nadel, Councilmember

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

Councilmember Chang

*Resolution Number 79046 C.M.S.*

*Contract Number 05-0010*



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



*Agency/Councilmember Quan, to adopt the resolution on Item 21, with the*

*following amendments to the Scope of Work:*



*1) Amend the Second paragraph of Attachment B to read "The selected firm will*

*be expected to identify weaknesses in and recommend improvements to internal*

*controls for each of the specific deliverables relative to potential savings to*

*assist the Department in containing overtime costs...etc. etc"*

*2) Review OPD's own recommendations on reducing overtime and what they*



*have actually done to reduce overtime.*

3) Review the *PERF* report's recommendations regarding police overtime;

*4) Review grants, specifically related to overtime;*

*5) Review the reimbursement policy related to overtime; and*

6) *Review the procedure by which overtime is granted.*



*hearing no objections, the motion passed by Ayes: Agency/Councilmember:*

*Brunner, Chang, Nadel, Quan, and President of the Council De La Fuente -6,*



*Abstained: Brooks -1 Excused: Reid -1, Vacant: District 2 -1*





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

- *Sanjiv Handa*



*The following individual(s) spoke against this item:*

- *Gene Hazzard*



- *Hugh Bassette*

[Council Rpt 10.7CC 1-18-05 & Cmte Rpt 10 1-25-05.p....pdf,](#)

[Council Rpt 16 1-18-05 & Cmte Rpt 10 1-25-05.pdf,](#)

[Cmt Rpt Item S-10 1-25-05 & Council Rpt 21 2-01-05....pdf,](#)

[79046 CMS.pdf](#)

22  
Number not Used

*AT 9:48 p.m. PRESIDENT OF THE CITY COUNCIL, DE LA FUENTE,*

*RELINQUISHED THE CHAIR AND VICE MAYOR BRUNNER PRESIDED AS*

*PRESIDENT PRO TEMPORE.*

S-23

Subject: Leona Quarry Project Tract Maps 7351 and 7493

From: Public Works Agency

Recommendation: Receive a Report on the status of Leona Quarry Subdivision Project related

to compliance with conditions of approval and response to letters from Natural Heritage

Institute regarding concerns from Millsmont Homeowner's Association on Leona Quarry

Subdivision Project (04-0742-1)

**A motion was made by Councilmember Brooks, seconded by President of**

**the Council De La Fuente, that this matter be \*Received and Filed. The**

**motion carried by the following vote:**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Agency/Councilmember Brooks made a motion, seconded by Agency/Council*

*President De La Fuente, to accept the Informational Report and directed staff*

*to make available the recent PEER Review Reports on the City of Oakland*

*website within the next 20 days and hearing no objections, the motion passed by*

*Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Quan, and*

*President of the Council De La Fuente -6, Excused: Reid -1, Vacant: District 2*



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

- *Nancy Sidebotham*

- *Marc Brest Von Kempen*

- *Chiye Azuma*



- *Ralph Kanz*

*The following individual(s) spoke against this item:*

- *Steven Luntz*

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

- *David Chapman*

- *Kent Peyton*

[Cmt Rpt Item 3 12-14-04.pdf](#),

[Cmt Rpt 3 1-25-05.pdf](#),

[Council Rpt S-23 2-01-05.pdf](#)

Subject: Francisco & Associates - Contract

From: City Administrator's Budget Office

Recommendation: Adopt a Resolution authorizing the City Administrator to execute a contract

with Francisco & Associates for a two-year amount not to exceed \$31,339 to perform district

engineering services for the Violence Prevention and Public Safety Act of 2004 (Measure Y)

for Fiscal Years 2005-06 and 2006-07 (05-0004)

**A motion was made by Councilmember Nadel, seconded by President of**

**the Council De La Fuente, that this matter be Adopted. The motion**

**carried by the following vote:**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid

ORA\Councilmember Absent: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 5 - Councilmember Nadel, Councilmember

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

Councilmember Chang

*Resolution Number 79047 C.M.S.*

*Contract Number 05-0011*

*Agency/Councilmember Nadel made a motion seconded by*

*Agency/Councilmember Quan to approve an urgency finding pursuant to*

*Section 2.20.080 E(2) regarding Item S-24 that there is a need to take*

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

*was posted, and that the need to take immediate action is required to avoid a*

*substantial adverse impact that would occur if the action were deferred to a*

*subsequent special or regular meeting.*

[Cmt Rpt 7 1-25-05 & Council Rpt S-24 2-01-05..pdf,](#)

[79047 CMS.pdf](#)

S-25

Subject: Amendment to the Oakland Municipal Code

From: Councilmember Danny Wan

Recommendation: Approve the Introduction and Final Passage of an urgency Ordinance,

pursuant to Government Code Section 65858, imposing a moratorium on massage service

activities (05-0012)

**A motion was made by President of the Council De La Fuente, seconded by**

**Councilmember Chang, that this matter be Approved for Final Passage.**

**The motion carried by the following vote:**

**Votes:**

ORA\Councilmember Excused: 1 - Councilmember Reid



ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Brooks and Councilmember Chang

*Ordinance Number 12647 C.M.S.*

*Agency/Council President De La Fuente made a motion seconded by*

*Agency/Councilmember Chang to approve the Urgency finding pursuant to*

*Section 2.20.070 E (1) that the need to take action on Items S-25 is necessary as*

*the matter is time sensitive; and that substantial adverse impact could result if*

*deferred to a subsequent meeting, hearing no objections, the motion passed by*

*Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Quan, and*

*President of the Council De La Fuente -6, Excused: Reid - 1, Vacant: District 2*

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

- *Linnette Haynes*

- *Leslie Yun*

- *Sanjiv Handa*



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

*- Norma Hotalino*

- *Carl Chan*

- *Jennie Ong*

- *Allan Wan*

[Cmt Rpt 4 1-25-05 & Council Rpt S-25 2-01-05..pdf,](#)

[Cmt Rpt Item S-4 & Council Rpt S-25 2-01-05..pdf,](#)

[Council Rpt. S-25 2-01-05.pdf,](#)

[12647 CMS.pdf](#)

**Continuation of Open Forum**

**ADJOURNMENT OF COUNCIL SESSION**

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

**Council)**

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

*Agency/Council adjourned the meeting in memory of Jim McCarty and Frank*

*Hurst at 10:26 p.m.*

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings

please contact the Office of the City Clerk. When possible, please notify the City Clerk 48

hours prior to the meeting so we can make reasonable arrangements to ensure accessibility.

Also, in compliance with Oakland's policy for people with environmental illness or multiple

chemical sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk

Phone: (510) 238-7370

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 839-6451 (TDD)

THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR OVER

THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO ENSURE THE

SAFETY OF THOSE ATTENDING MEETINGS. (...)

