

Meeting Minutes City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California 94612

LaTonda Simmons, City Clerk

Concurrent Meeting of the Oakland Redevelopment

Agency/City Council

Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza

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

Tuesday, November 16, 2004

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 6:13 p.m..

1
Pledge of Allegiance
2

Roll Call / ORA & Council

COUNCIL MEMBERS; Jane Brunner, Dist. 1; Danny Wan, Dist. 2; Nancy Nadel, Dist. 3;

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

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

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Present: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

3

Open Forum / Citizens Comments

(Time Available: 15 minutes)

The following individuals spoke under Open Forum

- *Dorothy Coleman*

- *Darnell Levingston*

- *Oscar C. Wright*

- *Cloteal Swoops*

- *Hector Reyna*

- *Sanjiv Handa*

- *Sequonite Buggs*

- *Hugh Bassette*

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 was necessary for this item.

5

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

No action was necessary for this item.

6

Requests from Councilmember(s) to schedule an Action Item considered by Committee but not forwarded to Council, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.

No action was necessary for this item.

7

Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on the October 19, 2004

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

8. PRESENTATION OF CEREMONIAL MATTERS

8.1

Subject: Friends of Mandela Parkway

From: Councilmember Nadel

Recommendation: Adopt a Resolution recognizing the newly formed "Friends of Mandela

Parkway" Organization (04-0881)

A motion was made by Councilmember Nadel, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78931 C.M.S.

[Council Rpt 8.1 11-16-04.pdf,](#)

[78931.pdf](#)

8.2

Subject: Chief Richard L. Word - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution honoring Chief Richard L. Word for his 20 years of

dedication and service to the City of Oakland (04-0860)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78876 C.M.S.

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

- Sanjiv Handa

- Hugh Bassette

[78876.pdf](#),

[Council Rpt 8.2 11-16-04.pdf](#),

[78931.pdf](#)

8.3

Subject: Afterschool Initiative of 2004

From: Councilmember Wan

Recommendation: Adopt a Resolution honoring the Oakland Fund for Children and Youth

Staff and Board Members of the Planning and Oversight Committee for their outstanding work

on the Afterschool Initiative of 2004 (04-0855)

A motion was made by Councilmember Quan, seconded by

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

the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78877 C.M.S.

[Council Rpt 8.3 11-16-04.pdf,](#)

[78877.pdf](#)

8.4

Subject: Joseph T. Yew - Service Recognition

From: Councilmember Wan

Recommendation: Adopt a Resolution honoring Joseph T. Yew, Jr. for five years of

outstanding service to the City of Oakland (04-0857)

A motion was made by Councilmember Wan, 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 Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78878 C.M.S.

[Council Rpt 8.4 11-16-04.pdf,](#)

[78878.pdf](#)

8.5

Subject: 2004 "Phoenix Award" Recipients

From: Council President De La Fuente

Recommendation: Adopt a Resolution commending East Bay Habitat for Humanity, the

Environmental Services Division of Oakland's Public Works Agency, and the Housing

Development Division of Oakland's Community and Economic Development Agency for

earning the Prestigious 2004 "Phoenix Award" by successfully developing a "Brownfield" site

and revitalizing an Oakland Neighborhood (04-0845)

A motion was made by Councilmember Reid, 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 Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78879 C.M.S.

[Council Rpt 8.5 11-16-04.pdf,](#)

[78879.pdf](#)

8.6

Subject: International Education Week - November 15 - 19, 2004

From: Council President De La Fuente

Recommendation: Adopt a Resolution declaring the week of November 15-19, 2004 as

International Education Week in the City of Oakland (04-0896)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

[Council Rpt 8.6 11-16-04.pdf,](#)

[78880.pdf](#)

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

10. CONSENT CALENDAR (CC) ITEMS:

10.1CC

Subject: Declaration of a Local Emergency due to AIDS epidemic

From: Office of the City Attorney

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

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

AIDS epidemic (04-0884)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78881 C.M.S.

The following individual spoke on the following item and did not indicate a

position:

- Darnell Levingston

[Council Rpt 10.1CC 11-16-04.pdf,](#)

[78881.pdf](#)

10.2CC

Subject: Medical Cannabis Health Emergency

From: Office of the City Attorney

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

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

of Oakland (04-0885)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78882 C.M.S.

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

- Darnell Levingston

[Council Rpt 10.2CC 11-16-04.pdf,](#)

[78882.pdf](#)

10.3CC

Subject: Robert and Shelagh Brodersen - 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 Robert and Shelagh Brodersen, in the amount of \$54,457.41,

as a result of property damages sustained when a blocked city storm drain caused a landslide on

their property (Public Works Agency) (04-0886)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78883 C.M.S.

[Council Rpt 10.3CC 11-16-04.pdf,](#)

[78883.pdf](#)

10.4CC

Subject: Jane Roberts - 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 Jane Roberts v. City of Oakland, et al., Alameda County

Superior Court, no. WG03108953, in the amount of \$15,000.00 for property and economic

damages resulting from a defective sewer main (Public Works Agency) (04-0887)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78884 C.M.S.

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

- Sanjiv Handa

[Council Rpt 10.4CC 11-16-04.pdf,](#)

[78884.pdf](#)

10.5CC

Subject: Craige R. Davis - Settlement Agreement

From: Office of the City Attorney

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

compromise and settle the claim of Craige R. Davis, in the amount of thirteen thousand seven

hundred dollars and no cents (\$13,700.00), as a result of property damage sustained as a result

of tree roots from a City Tree (Public Works Agency) (04-0888)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78885 C.M.S.

[Council Rpt 10.5CC 11-16-04.pdf,](#)

[78885.pdf](#)

10.6CC

Subject: Robert Girard - 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 Robert Girard v. City of Oakland, et al., Alameda County

Superior Court case no. RG03095102, our file no. 22904, in the amount of \$10,000.00

(Oakland Police Department) (04-0889)

A motion was made, seconded by Councilmember Quan, that this matter

be Adopted. The motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78886 C.M.S.

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

- *Hugh Bassette*

[Council Rpt 10.6CC 11-16-04.pdf,](#)

[78886.pdf](#)

10.7CC

Subject: Lea D. Rubio - 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 Lea D. Rubio v. City of Oakland, et al., Alameda County

Superior Court case no. 2002-077021, our file no. 22599, in the amount of \$85,000.00. This

case involves a slip and fall accident on an upraised portion of sidewalk. (Public Works

Agency) (04-0890)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78887 C.M.S.

[Council Rpt 10.7CC 11-16-04.pdf,](#)

[78887.pdf](#)

10.8CC

Subject: Tamara Zeltzer - Settlement Agreement

From: Office of the City Attorney

Recommendation: Adopt a Resolution ratifying the City Administrator's approval of settlement

and authorizing and directing the City Attorney to compromise and settle the case of Tamara

Zeltser DBA Medallion Jewelry & Loan v. City Of Oakland, et al., United States District Court

case no. C 94-2756 WDB, in the amount of \$30,000.00 for alleged due process violations

arising from seizures of property (Oakland Police Department) (04-0891)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78888 C.M.S.

[Council Rpt 10.8CC 11-16-04.pdf,](#)

[78888.pdf](#)

10.9CC

Subject: Renaming a portion of Broadway

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution renaming "Broadway" between 5th Street and 6th Street

and under I-580 to "Broadway Auto Row" (04-0808)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78889 C.M.S.

[Council Rpt 10.9CC 11-16-04.pdf,](#)

[78889.pdf](#)

10.10CC

Subject: Piedmont Hills Underground Assessment District

From: Finance and Management Agency

Recommendation: Adopt a Resolution of the City Council of the City of Oakland granting

consent to the City of Piedmont to conduct proposed special assessment proceedings for

proposed Piedmont Hills Underground Assessment District (04-0812)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78890 C.M.S.

[Council Rpt 10.10CC 11-16-04.pdf,](#)

[78890.pdf](#)

10.11CC

Subject: Capital Improvement Program

From: Office of the City Administrator

Recommendation: Action on a Report on the Fiscal Year 2003-2008 Capital Improvement

Program, through June 30, 2004 (04-0759)

A motion was made by Councilmember Reid, seconded by Councilmember

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

following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

[11-16-04 Council S-10.11CC .pdf,](#)

[10-26-04 Cmte Rpt 8.pdf](#)

10.12CC

Subject: City Auditor's Quarterly Report

From: Office of the City Auditor

Recommendation: Action on a Report on the City Auditor's Quarterly Report on the Status of

Recommendations for the Quarter ended September 30, 2003 (04-0751)

A motion was made by Councilmember Reid, seconded by Councilmember

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

following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

[Council Rpt 10.12CC 11-16-04.pdf,](#)

[Council Report 10.11CC 11-16-04.pdf](#)

10.13CC

Subject: Clay Street Garage - Performance Audit of the Lease Agreement

From: Office of the City Auditor

Recommendation: Action on the Report regarding the Performance Audit of the lease

agreement between the City of Oakland and the City of Oakland-Clay Street Garage

Corporation regarding the operations of the Clay Street Garage (04-0777)

A motion was made by Councilmember Reid, seconded by Councilmember

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

following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

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

- Sanjiv Handa

[Council Rpt 10.13CC 11-16-04.pdf](#)
10.14CC

Subject: City of Oakland Investment Policy

From: Finance and Management Agency

Recommendation: Action on a Report on the implementation of the City's Investment policy

preference for socially responsible investments (04-0852)

A motion was made by Councilmember Reid, seconded by Councilmember

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

following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

[Council Rpt 10.14CC 11-16-04.pdf](#)
10.15CC

Subject: Environmental Clean Up of Willow Park

From: Community and Economic Development Agency

Recommendation: Adopt the following pieces of legislation:

1) Adopt an Agency Resolution authorizing the Agency Administrator to apply for and accept a

loan for up to \$200,000 from the Environmental Protection Agency, appropriate the funds and

contribute the funds to the City under the cooperation agreement, for the Environmental Clean

up of Willow Park; and (04-0736)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

ORA Resolution Number 2004-36 C.M.S.

Contract Number 04-1830

[Council Rpt 10.15CC 11-16-04.pdf,](#)

[2004-56.pdf](#)

2) Adopt a Resolution authorizing the City to accept and appropriate up to \$200,000 in

Redevelopment Agency Funds under the cooperation agreement, for the Environmental Clean

up of Willow Park (04-0736-1)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78891 C.M.S.

Contract Number 04-1830

[Council Rpt 10.15CC 11-16-04,](#)

[78891.pdf](#)

10.16CC

Subject: Subsidized Funds Serving Low Income Tenants

From: Community and Economic Development Agency

Recommendation: Action on a Report from the Community and Economic Development

Agency regarding the number of buildings developed with subsidized funds serving low income

tenants scheduled to convert to market rate, the dates scheduled for conversion and steps to

mitigate the impacts of conversion to low income tenants (04-0732)

A motion was made by Councilmember Reid, seconded by Councilmember

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

following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

[Council Report 10.16CC 11-16-04.pdf,](#)

[11-16-04 Council S-10.16CC.pdf](#)

10.17CC

Subject: Infill Opportunity Zone

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution to identify a Caltrans-owned vacant parcel (APN 004

0051 018 00), within the West Oakland Redevelopment Area/ West Oakland Transit Village

area, as an "Infill Opportunity Zone", consistent with current general plan and zoning, in order

to expedite the acquisition and development of this site in residential/mixed use development

(04-0790)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78892 C.M.S.

Contract Number 04-1831

[Council Rpt 10.17CC 11-16-04,](#)

[78892.pdf](#)

10.18CC

Subject: Tobacco Control Enforcement

From: Oakland Police Department

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

appropriate grant funds in an amount not to exceed fifteen thousand dollars (\$15,000) from the

Alameda County Public Health Department, Tobacco Control Program for a three-month

Tobacco Control Enforcement Project within the Police Department and authorizing the

Department to enter into a contract for services with the Alameda County Public Health

Department for implementation of this initiative (04-0828)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78893 C.M.S.

[Council Rpt 10.18CC 11-16-04.pdf,](#)

[78893.pdf](#)

10.19CC

Subject: "Secure Our Schools" Initiative

From: Oakland Police Department

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

appropriate grant funds in an amount not to exceed fifty thousand dollars (\$50,000) from the

U.S. Department of Justice, Office of Community Oriented Policing Services (DOJ/COPS) for

continued implementation of the Police Department's "Secure Our Schools" Initiative

(04-0834)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78894 C.M.S.

[Council Rpt 10.19CC 11-16-04,](#)

[78894.pdf](#)

10.20CC

Subject: Gang Resistance Education and Training Program

From: Oakland Police Department

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

appropriate grant funds in the amount of twenty-nine thousand nine hundred seventy-three

dollars (\$29,973) from the U.S. Department of Justice, Office of Justice Programs, to the Police

Department for the continued implementation of the Gang Resistance Education and Training

(GREAT) Program (04-0846)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78895 C.M.S.

[Council Rpt 10.20CC 11-16-04,](#)

[78895.pdf](#)

10.21CC

Subject: Keep Oakland Beautiful

From: Public Works Agency

Recommendation: Adopt a Resolution recognizing the activities of Keep Oakland Beautiful

and its advisory board members (04-0877)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78896 C.M.S.

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

- Sanjiv Handa

[Council Rpt 10.21CC 11-16-04.pdf,](#)

[78896.pdf](#)

10.22CC

Subject: Kaiser Aluminum and Chemical Corporation v. City of Oakland

From: Office of the City Attorney

Recommendation: Receive a report regarding the decision by California Court of Appeal in

Kaiser Aluminum and Chemical Corporation v. City of Oakland, upholding constitutionality of

the City's Business Tax on landlords (04-0894)

A motion was made by Councilmember Reid, seconded by Councilmember

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

following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

[Council Rpt 10.22CC 11-16-04.pdf](#)
S-10.23CC

Subject: Camron-Stanford House

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to reject all bids for

the Camron-Stanford house restoration, waive the competitive bid process, and negotiate and

award a contract for a not to exceed amount of one hundred seventy five thousand dollars

(\$175,000) without return to Council (Project No. C198910) (04-0809)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78897 C.M.S.

Contract Number 04-1832

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

- Frances Hayden Rhodes

[11-9-04 Cmte Rpt 4 and 10-25CC 11-16-04 Council.pd....pdf,](#)

[78897.pdf](#)

S-10.24CC

Subject: Pavement Management Technical Assistance Program

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing an application to the Metropolitan

Transportation Commission for up to \$25,000 in consulting services through the Pavement

Management Technical Assistance Program and payment of local matching funds in the

amount of \$2,867.50 from Measure B Funds (04-0861)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78898 C.M.S.

[11-9-04 CMTE Rpt 5 and 10-26CC 11-16-04.pdf,](#)

[78898.pdf](#)

S-10.25CC

Subject: State EZ Program

From: Community and Economic Development Agency

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

Ordinance Number 12611 C.M.S. (Master Fee Schedule) to increase the \$30 Enterprise Zone

Processing fee by \$10 to \$40 (04-0741)

**Approved on Introduction for Final Passage to Concurrent Meeting of the
Oakland Redevelopment Agency / City Council on 12/7/2004**

[11-9-04 Cmte Rpt 5 and 11-16-04 Council 10.26CC &pdf,](#)

[12631 CMS.pdf](#)

S-10.26CC

Subject: Award a Contract - Francisco & Associates

From: City Administrator's Budget Office

Recommendation: Adopt a Resolution authorizing the City Administrator to renew and execute

a contract with Francisco & Associates for a two-year amount not to exceed \$122,000 to

perform District Engineering Services for the Landscaping and Lighting Assessment District,

the Wildfire Prevention Assessment District, the Emergency Services Retention Act of 1997

(Measure M), the Paramedic Services Act of 1997 (Measure N), the Library Services Retention

and Enhancement Act of 2004 (Measure Q), and the Rockridge Library Community Facilities

District of 1992 for Fiscal Years 2005-2006 and 2006-2007 (04-0829)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78899 C.M.S.

Contract Number 04-1833

[11-9-04 Cmte Rpt 6 and 11-16-04 Council 10.26CC.pd....pdf,](#)

[78899.pdf](#)

S-10.27CC

Subject: Fruitvale Business Improvement Management District Advisory Board

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

Year 2004 - 2005 (04-0847)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78900 C.M.S.

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

- Sanjiv Handa

[11-9-04 Cmte Rpt 10 and 11-16-04 Council 10.27CC.p....pdf,](#)

[78900.pdf](#)

S-10.28CC

Subject: Senior Resident Needs Assessment and Comprehensive Plan

From: Department of Human Services

Recommendation: Action on a Report and Recommendations for the 2003-2004 Senior

Resident Needs Assessment and Comprehensive Plan (04-0285)

A motion was made by Councilmember Reid, seconded by Councilmember

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

following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

[11-09-04 Cmte Rpt 3 and 11-16-04 Council 11-16-04C....pdf,](#)

[Council Rpt S-10.28CC 11-16-04.pdf](#)

S-10.29CC

Subject: Cultural Affairs Commission's Pubic Art Advisory Cmte - Appointment

From: Cultural Arts and Marketing

Recommendation: Adopt a Resolution approving the appointment of Carole Jeung and Deborah

Lozier to the Cultural Affairs Commission's Public Art Advisory Committee (04-0836)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resoluion Number 78901 C.M.S.

[11-9-04 Cmte Rpt 6 and 11-16-04 Council 10.29CC .p....pdf,](#)

[78901.pdf](#)

S-10.30CC

Subject: Medi-cal Administrative Activities Program

From: Department of Human Services

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

appropriate an estimated \$150,000 reimbursement for Fiscal Year 2002-2003 from the Federal

Medi-cal Administrative Activities (MAA) Program for activities related to the Medi-cal

population and to accept and appropriate a similar amount for subsequent program years for the

life of the Federal MAA Program without returning to Council each year (04-0773)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78902 C.M.S.

[11-09-04 Cmte Rpt. 7 and 11-16-04 Council 10.30CC.....pdf,](#)

[78902.pdf](#)

S-10.31CC

Subject: Public Art Services Contracts

From: Cultural Arts and Marketing

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

execute cultural services contracts with seven Oakland-Based individual artists and nonprofit

organizations providing public art services in Oakland in a total amount not to exceed

(\$73,517) (04-0838)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78093 C.M.S

Contract Number 04-1834

[Committee Report 8.pdf](#),

[78903.pdf](#)

S-10.32CC

Subject: Mandela Gateway Public Artwork - Robert Ellison

From: Cultural Arts and Marketing Department

Recommendation: Adopt a Resolution authorizing a professional services agreement between

the City of Oakland and Robert Ellison in an amount not to exceed forty three thousand dollars

(\$43,000) for the creation of public artwork for Mandela Gateway (04-0867)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78904 C.M.S.

Contract Number 04-1835

[Committee Report 9.pdf](#),

[78904.pdf](#)

S-10.33CC

Subject: Metropolitan Medical Response System

From: Oakland Fire Department

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

appropriate five hundred thousand dollars (\$500,000.00) from the U.S. Department of

Homeland Security/FEMA - Metropolitan Medical Response System (MMRS) to fund the

Oakland Fire Department MMRS Program and Enhance Integrated, Systematic Mass Casualty

Preparedness, with primary focus on terrorist events involving radiological, nuclear, chemical,

biological, or explosive agents (04-0864)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78905 C.M.S.

[Committee Report 4.pdf,](#)

[Council Report S-10.33CC 11-16-04.pdf,](#)

[78905.pdf](#)

S-10.34CC

Subject: Emergency Response Services for Oakland

From: Oakland Fire Department

Recommendation; Adopt a Resolution authorizing the City Administrator to: 1) accept and

appropriate a payment of two hundred and eighty thousand dollars (\$280,000.00) from the U.S.

Department of Homeland Security/FEMA - Metropolitan Medical Response System (MMRS)

to pay for emergency response coordination services by the Oakland Fire Department MMRS

Program, and, 2) enter into a contract with the U.S. Department of Homeland Security/FEMA

MMRS to provide emergency response services in Oakland and surrounding jurisdictions for a

period of one (1) year (04-0865)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78906 C.M.S.

Contract Number 04-01836

[Committee Report 5.pdf,](#)

[Council Report S-10.34CC 11-16-04.pdf,](#)

[Council Report S-10.34CC 11-16-04.pdf,](#)

[78906.pdf](#)

S-10.35CC

Subject: Oakland's Elementary Schools - Critical Incident Response Plan

From: Oakland Police Department

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

professional services agreement with and accept and appropriate a maximum of thirteen

thousand eight hundred and seventy-seven dollars (\$13,877) from the Oakland Unified School

District (OUSD), for use by the Police Department, to cover the overtime costs of a Sergeant of

Police to prepare and implement a Critical Incident Response Plan for Oakland's Elementary

Schools for the period of July 1, 2004 through June 30, 2005 (04-0862)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78907 C.M.S.

Contract Number 04-1837

[Committee Report 6.pdf,](#)

[78907.pdf](#)

S-10.36CC

Subject: Pathways to Change Juvenile Repeat Offender Program

From: Oakland Police Department

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

funding agreement between the City of Oakland and the East Bay Community Foundation (Safe

Passages) in an amount not to exceed two hundred thousand dollars (\$200,000) for the period

of July 1, 2004 through June 30, 2005 for services associated with the "Pathways to Change"

Juvenile Repeat Offender Program (04-0863)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78908 C.M.S.

Contract Number 04-1838

[Committee Report 7.pdf,](#)

[78908.pdf](#)

S-10.37CC

Subject: 2004 Forensic Casework DNA Backlog Reduction Program

From: Oakland Police Department

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

appropriate grant funds in the amount of ninety-eight thousand three hundred and forty-four

dollars (\$98,344) from the U.S. Department of Justice, National Institute of Justice

(USDOJ/NIJ) for the 2004 Forensic Casework DNA Backlog Reduction Program (04-0868)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78909

[Committee Report 8.pdf,](#)

[78909.pdf](#)

S-10.38CC

Subject: 2004 DNA Capacity Enhancement Program

From: Oakland Police Department

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

appropriate grant funds in the amount of eighty-two thousand seven hundred and twenty-seven

dollars (\$82,727) from the U.S. Department of Justice, National Institute of Justice

(USDOJ/NIJ) for the 2004 DNA Capacity Enhancement Program (04-0869)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78910 C.M.S.

[Committee Report 9.pdf](#),

[78910 CMS.pdf](#)

S-10.39CC

Subject: Food and Food Service Management

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing a professional services agreement between

the City of Oakland and Compass Group, USA, by and through its Canteen Correctional

Services Division, in an amount not to exceed three hundred twenty-nine thousand eight

hundred fifty dollars (\$329,850) in Fiscal Year 2004-2005 for the provision of food and food

service management for the City of Oakland Jail for the period of October 1, 2004 through

September 30, 2005 (04-0876)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

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

- *Sanjiv Handa*

[Committee Report 12.pdf](#),

[78911 CMS.pdf](#)

11
(04-0964)

Adopted

Please refer to the attached Closed Session Report Out Form.

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

- *Sanjiv Handa*

[11-16-04 Closed Session Report Out Form.DOC](#)

12

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

Sunshine Ordinance

Agency/Councilmember Quan 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: Brunner, Chang, Nadel,

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

Brooks - 1

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

THEREAFTER:

13

Reconsideration of Ordinances pursuant to Charter Section 216

No action was necessary for this item.

14. Consideration of items with statutory Public Hearing Requirements:

14.1

Subject: Underground Utility District Number 236S - Public Hearing

From: Public Works Agency

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

Intention to establish Underground Utility District Number 236S for developed subdivisions

with completed underground utility service at Ariane Court, a segment of Diablo Drive,

Bishops Court, Observation Place, Skyline Circle and a segment of Redwood Road, pursuant to

Ordinance Number 7769 C.M.S. (Councilmember Brooks, District 6) (04-0621)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

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

opened 8:00 p.m.

Agency/Councilmember Reid made a motion, seconded by

Agency/Councilmember Wan , to close the Public Hearing, 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

[Cmtte Rpt 9-28-04 & 10-12-04 and Council Rpt 14.1.....pdf,](#)

[Council S-10.9CC Council Rpt 14.1 11-16-04.pdf,](#)

[78856.pdf](#)

14.2

Subject: Rockridge Business Improvement District Advisory Board - Public Hearing

From: Community and Economic Development Agency

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

Intention to levy an Annual Assessment for Fiscal Year 2005 - 2006 for the Rockridge Business

Improvement District, approving the Annual Report of the Rockridge Business Improvement

District Advisory Board (Councilmember Brunner, District 1) (04-0737)

A motion was made by Councilmember Brunner, seconded by

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

the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78913 C.M.S.

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

opened 8:01 p.m.

Agency/Councilmember Brunner made a motion, seconded by

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

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

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

Excused - Brooks - 1

[CMTE Rpt Item 4 10-12-04 & Council 10.16CC & Council...](#),

[78859.pdf](#),

[Council Rpt 14.2 11-16-04.pdf](#),

[78913.pdf](#)

14.3

Subject: Montclair Business Improvement District Advisory Board - Public Hearing

From: Community and Economic Development Agency

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

Intention to levy an Annual Assessment for Fiscal Year 2005 - 2006 for the Montclair Business

Improvement District, approving the Annual Report of the Montclair Business Improvement

District Advisory Board (Councilmember Quan, District 4) (04-0738)

A motion was made by Councilmember Quan, seconded by

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

the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78914 C.M.S.

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

opened 8:02 p.m.

Agency/Councilmember Quan made a motion, seconded by

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

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

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

Excused - Brooks - 1

[CMTE Rpt 10-12-04 & Council 10.17CC & Council Rptpdf,](#)

[78860.pdf,](#)

[Council Rpt 14.3 11-16-04.pdf,](#)

[78914.pdf](#)

14.4

Subject: Property Interests at Various Locations - Public Hearing

From: Redevelopment Agency, Real Estate Division

Recommendation: Conduct a Public Hearing and upon conclusion adopt the following pieces of

legislation: 1) An Agency Resolution of Necessity declaring certain property interests at 565

Thomas Berkley Way (20th Street), Oakland, Ca 94612, (Assessor Parcel Number :

008-0644-038-00), necessary for public purposes and authorizing Agency Counsel to initiate

condemnation proceedings for the acquisition of said property (04-0762)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Noes: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente and Councilmember Chang

ORA Resolution Numer 2004-57 C.M.S.

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

opened 8:03 p.m.

Agency/Councilmember Wan made a motion, seconded by

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

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

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

Excused - Brooks - 1

The following individual(s) spoke against this item:

- *Alex Hahn*

- *Wallace E. Smith*

- *Kim Mayor*

- *Charles Hahn*

- *Chunakei Tony Fung*

- *John M. Revelli*

- *Winn Schwyhart*

- *Jeff Leon*

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

- Emily Weinstein

[Committee Report & Council Rpt 14.4.pdf,](#)

[Council Rpt S-14.4 11-16-04.pdf,](#)

2) An Agency Resolution of Necessity declaring certain property interests at 571 Thomas

Berkley Way (20th Street), Oakland, Ca 94612, (Assessor Parcel Numbers: 008-0644-036-00,

008-0644-037-00), necessary for public purposes and authorizing Agency Counsel to initiate

condemnation proceedings for the acquisition of said property (04-0762-1)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Noes: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente and Councilmember Chang

ORA Resolution Number 2004-58 C.M.S.

3) An Agency Resolution of Necessity declaring certain property interests at 1972 San Pablo

Avenue, Oakland, Ca 94612, (Assessor Parcel Number: 008-0644-023-00), necessary for public

purposes and authorizing Agency Counsel to initiate condemnation proceedings for the

acquisition of said property (04-0762-2)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

ORA Resolution Number 2004-59 C.M.S.
[2004-59.pdf](#)

4) An Agency Resolution of Necessity declaring certain property interests at 490 Thomas

Berkley Way (20th Street) Oakland, Ca 94612, (Assessor Parcel Number: 008-0649-009-00),

and 2000-2016 Telegraph Avenue, Oakland, Ca 94612, (Assessor Parcel Number:

008-0649-010-00), necessary for public purposes and authorizing Agency Counsel to initiate

condemnation proceedings for the acquisition of said property (04-0762-3)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 2 - Councilmember Brooks and

Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente and Councilmember Chang

ORA Resolution Number 2004-60 C.M.S.
[2004-60.pdf](#)

5) An Agency Resolution of Necessity declaring certain outdoor advertising billboard leasehold

interests owned by Viacom Outdoor Inc., known as lease Number 258 covering face Number

1774 and 1250 at 2016 Telegraph Avenue, Oakland CA 94612, face number 2662 at 490

Thomas Berkley Way, Oakland CA 94612, and face number 4173 at Fox Theater, 1815 San

Pablo Avenue, Oakland CA 94612; lease number 1348 covering face numbers 4172 and 4177

at 1998 San Pablo Avenue, Oakland CA 94612; and lease number 209 covering face number

1742 and 1100 at 593 Thomas Berkley Way, Oakland CA 94612; necessary for public purposes

and authorizing agency council to initiate condemnation proceedings for the acquisition of said

property (04-0762-4)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Noes: 1 - Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente and Councilmember Chang

ORA Resolution Number 2004-61 C.M.S.

[2004-61.pdf](#)

14.5

Subject: Amendment to the Oakland Municipal Code - Public Hearing

From: Community and Economic Development Agency

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

(First Reading) of an Ordinance to amend the Oakland Planning Code to rezone approximately

423 parcels, comprising approximately 121 acres of land, in an area generally bounded by

Joaquin Miller Road and Park to the north, Holy Names College and Highway 13 to the south

and west, and Crestmont Drive to the east, and commonly referred to as Butters Canyon

Neighborhood, from the R-30 one-family residential zone to the R-20 low density residential

zone (Councilmember Quan, District 4) (04-0758)

Approve as Amended on Introduction for Final Passage to Concurrent

Meeting of the Oakland Redevelopment Agency / City Council on

12/7/2004

Upon the reading of Item 14.5 by the City Clerk, the Public Hearing was

opened 9:20 p.m.

Agency/Councilmember Quan made a motion, seconded by

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

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

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

Excused - Brooks - 1

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

- *Cherie Donahue*

- *Walter Anderson*

- *Judy Anderson*

- *Connie Skoogs*

- *Carol Bernau*

- *Paul Dries*

- *Amy Evans McClure*

- *William Henrikson Morris*

- *Polly Henrikson Morris*

[Committee Rpt Item 6 & Council Rpt. 14.5 11-16-04pdf,](#)

[12632 CMS.pdf](#)

14.6

Subject: General Plan Amendment (Safety Element) 10900 Edes Ave - Public Hearing

From: Community And Economic Development Agency

Recommendation: Conduct a Public Hearing and upon conclusion adopt the following

legislation: 1) Resolution (A) approving a negative declaration and adopting the safety element,

an element of the general plan (GPA 04-04188); and (B) approving a mitigated negative

declaration and amending the General Plan Land Use Designation of 10900 Edes Avenue from

"Business Mix" to "Housing and Business Mix" (GPA 03-023) (04-0761)

A motion was made by Councilmember Quan, seconded by

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

the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Absent: 1 - Councilmember Quan

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Reid and Councilmember Chang

Resolution Number 78915 C.M.S.

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

opened 9:22 p.m.

Agency/Councilmember Quan made a motion, seconded by

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

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

Chang, Nadel, Reid, Wan and President of the Council De La Fuente -6,

Excused - Brooks - 1, Quan - Absent -1

[Cmte Report #3 Item 4 Attach Council Rpt 14.6 11-....pdf,](#)

[Cmte Rpt #3 Item 4 Attach B& Council Rpt 14.6 11-1....pdf,](#)

[Cmte Rpt #3 Item 4 Attach C Council Rpt 14.6 11-16....pdf,](#)

[Cmte Rpt #3 Item 4 Attach D 1 & Council Rpt 14.6 1....pdf,](#)

[Cmte Rpt #3 Item 4 Attach D 2 & Council Rpt 14.6 1....pdf,](#)

[Cmte Rpt #3 Item 4 Attach D 3 & Council Rpt 14.6 1....pdf,](#)

[78915.pdf](#)

2) Approve the Introduction (First Reading) of an Ordinance rezoning 10900 Edes Avenue,

from the M-20, Light Industrial Zone to the R-40, Garden Apartment Residential Zone

(04-0761-1)

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 December 7, 2004. The motion carried

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Absent: 1 - Councilmember Quan

ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember

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

Councilmember Reid and Councilmember Chang

[Cmt Rpt #3 Item 4 Attach Council Rpt 18 12-07-04pdf,](#)

[Cmte Rpt #3 Item 4 Attach B& Council Rpt 14.6 11-1....pdf,](#)

[Cmte Rpt #3 Item 4 Attach C & Council Rpt 14.6 11-....pdf,](#)

[Cmte Rpt #3 Item 4 Attach D 1 Council Rpt 14.6 11....pdf,](#)

[Cmte Rpt #3 Item 4 Attach D 2 & Council Rpt 14.6 1....pdf,](#)

[Cmte Rpt #3 Item 4 Attach D 3 Council Rpt 14.6 11-....pdf,](#)

[Committee Report #1 Item 3.pdf,](#)

[12633 CMS.pdf](#)

ACTION ON NON-CONSENT ITEMS:

15

Subject: Citywide Performance Results

From: Office of the City Administrator

Recommendation: Action on a Report for Council review and consideration on Fiscal Year

2003-2004 Citywide Performance Results (04-0750)

A motion was made by Councilmember Quan, seconded by

Councilmember Brunner, that this matter be *Received and Filed. The

motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

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

- *Sanjiv Handa*

[11-12-04 Cmte 4 & 11-16-04 Council 15 .pdf,](#)

[Council S-15 11-16-04.pdf](#)

15.1

Subject: Oakland Fund for Children and Youth - Request for Proposals

From: Department of Human Services

Recommendation: Action on a Report and request for approval of the Fiscal Year 2005-2006

Request for Proposals for the Oakland Fund for Children and Youth (04-0756)

A motion was made by Councilmember Nadel, seconded by

Councilmember Wan, that this matter be *Received and Filed. The motion

carried by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

[Cmt Rpt 10-26-04 & Council Rpt 15.1 11-16-04 pdf](#)
15.2

Subject: Oakland Fund for Children and Youth - Evaluation Report

From: Department of Human Services

Recommendation: Adopt a Resolution regarding the Oakland Fund for Children and Youth

Final Evaluation Report for Fiscal Year 2003-2004 (04-0757)

A motion was made by Councilmember Nadel, seconded by

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

the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78916 C.M.S.

[Cmt Rpt 4 10-26-04 & Council Rpt 15.2 11-16-04.pd....pdf,](#)

[Council Rpt 15.2 11-16-04.pdf,](#)

[78916.pdf](#)

15.3

Subject: Oakland Fund for Children and Youth Strategic Plan

From: Department of Human Services

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

execute an agreement with Gibson and Associates for the period of November 17, 2004 through

November 16, 2005, in an amount not to exceed \$124,778 for professional services to develop

the Oakland Fund for Children and Youth third Strategic Plan (2006-2010) (04-0789)

A motion was made by Councilmember Nadel, seconded by

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

the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78917 C.M.S.

Contract Number 04-1840

[Cmte Rpt Item 5 & Council Rpt 15.3 11-16-04.pdf,](#)

[78917.pdf](#)

16

Subject: Free Holiday Parking and Anticipated Parking Revenues

From: Community and Economic Development Agency

Recommendation: Adopt the following pieces of legislation:

1) A Resolution authorizing free parking at certain City-owned parking garages during the 2004

Holiday season; and (04-0733)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78918 C.M.S.

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

- Troy Christmas

- *Aziz Khatri*

- *Lome Aseron*

- *Pamela A. Drake*

- *Nancy Strange*

- *Jenny Kassan*

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

- Sanjiv Handa

[Cmte Rpt 9-28-04 & 10-19-04 and Council Rpt 16 11....pdf,](#)

[78918.pdf](#)

2) A Resolution authorizing budgeting and appropriation of anticipated parking meter and

enforcement revenue funds for additional Shop Oakland marketing and merchant organizing

activities in Fiscal Year 2004-2005 and authorizing a sole source contract with the Oakland

Merchants Leadership Forum in an amount not to exceed \$155,000 for marketing and merchant

organizing services in Fiscal Year 2004-2005 (TITLE CHANGE) (04-0733-1)

A motion was made by Councilmember Nadel, seconded by

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

the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resoluton NUmber 78919 C.M.S.

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

- Anne Marx

[Committee Report Item 4 9-28-04.pdf,](#)

[Council Rpt 10-19-04 & Council Rpt 16 11-16-04.pdf,](#)

[78919.pdf](#)

17

Subject: Community Development Block Grant (CDBG) Program Funding

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution to amend Resolution No. 78588 C.M.S. to 1) change the

Community Development Block Grant (CDBG) proposal funding process so that Community

Development (CD) District Boards will review proposals and make funding recommendations

only for programs funded with CDBG district allocations, with the option of funding projects

for one or two years; and 2) include participation of the City Advisory Committee in the budget

hearings process to review and make recommendations to the City Council on the proposed

budget for City programs receiving CDBG funding (TITLE CHANGE) (04-0749-1)

A motion was made by Councilmember Brunner, seconded by

Councilmember Nadel, that this matter be Adopted as Amended. The

motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78920 C.M.S.

Agency/Councilmember Brunner made a motion, seconded by

Agency/Councilmember Nadel, to adopt the Resolution on Item 17 as amended

to include the following provision: that both the CAC and local district boards

will review city-wide proposals before they come to Council, and hearing no

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

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

Excused - Brooks -1

The following individual(s) spoke against this item:

- *Toni R. Cook*

- *Charles Chiles*

[Cmte Rpt 10-12-04 & Council Rpt 17.pdf,](#)

[Council S10.19CC & Council Rpt 17 11-16-04.pdf,](#)

[78920.pdf](#)

Subject: Purchasing System Amendments

From: Finance and Management Agency/Office of the City Attorney

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

Ordinance No. 7937 C.M.S., adopted February 6, 1969, and amendments thereto, codified at

Oakland Municipal Code Title 2, Chapter 2.04, Purchasing System, Article I, Bidding,

Contracting and Purchasing, to increase the City Administrator's contract approval limits,

revise City Council approval limits accordingly, revise the local business preference, make

necessary corrections, clarifications, delete obsolete provisions and codify current procedures

(03-0289)

A motion was made by Councilmember Brunner, seconded by

Councilmember Reid, 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 December 7, 2004. The

motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Agency/Councilmember Brunner made a motion, seconded by

Agency/Councilmember Reid, to approve the Introduction of the Ordinance as

amended to include the following corrections:

1 page 5 2.02.020 b 3 change "contact" to contract

2. *page 7 2.04.030 a 1 change 2.04.030 b to 2.04.030 a 2*

add a subpart " c" 2.04.030 a 2 c, which is indential to 2.04.020.b 3 which

reads "Appropriation resolution, notwithstanding the limits in this section, any

purchase or contract identified in a Council-approved appropriation Resolution

is subject to City administrator's limits in 2.04.020.a

4. page 8 2.04.030 d change "d" to "c"

and hearing no objections, the motion passed by Ayes:

Agency/Councilmember: Brunner, Chang, Nadel, Reid, Quan, Wan and

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

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

- Sanjiv Handa

[Cmte Rpt.pdf](#),

[Cmt Rpt 5-11-04.pdf,](#)

[Cmte Rpt 7-13-04.pdf,](#)

[Cmte Rpt 9-28-04 & Council Rpt 18 11-16-04 & Counc....pdf,](#)

[Council Rpt. Item 19 12-07-04.pdf,](#)

[12634 CMS.pdf](#)

19

~~Subject: MacArthur Boulevard Utility Undergrounding~~

~~From: Public Works Agency~~

~~Recommendation: Adopt a Resolution authorizing award of a construction contract to the~~

~~responsible low bidder, Underground Construction Company, Inc., in an amount not to exceed~~

~~\$9,282,964.45 for construction of Underground Utility District No. 233, on MacArthur~~

~~Boulevard (from 73rd Avenue to the San Leandro City line) using \$1,673,022 in City of~~

~~Oakland funds out of a budget of \$2,000,000 for the project and payments from PG&E, SBC,~~

~~and Comcast totaling \$7,609,942, subject to certain conditions (04-0648)~~

[Cmte Rpt 9-14-04/9-28-04,](#)

[Council Rpt 9-21-04 & 10-5-04.pdf,](#)

[Council Rpt 10-5-04 & Council Rpt 11-16-04.pdf,](#)

[Council Rpts 10-19-04 & 11-16-04.pdf](#)

Subject: Memorandum of Understanding Regarding Unit U41

From: Finance and Management Agency

Recommendation: Adopt a Resolution approving memorandum of understanding between the

City of Oakland and the Deputy Attorney V and Special Counsel Association, representing

employees in representation Unit U41 covering the period of July 1, 2003 through June 30,

2005 (04-0837)

A motion was made by Councilmember Brunner, seconded by

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

the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78921 C.M.S

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

- Sanjiv Handa

[Cmte Rpt Item 4 & Council Rpt 20 11-16-04.pdf,](#)

[Council Rpt 20 11-16-04.pdf,](#)

[78921.pdf](#)

20.1

Subject: Amendment to the Salary Ordinance

From: Finance and Management Agency

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

salary schedule of Ordinance No. 12187 C.M.S. (The Salary Ordinance) to increase the pay of

certain miscellaneous job classifications pursuant to the Deputy City Attorney V and Special

Counsel Association Memorandum of Understanding (04-0831)

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 December 7, 2004. The motion carried

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

[Cmte Rpt & Council Rpt 20.1 11-16-04.pdf,](#)

[Council Rpt 20.1 11-16-04 & Council Rpt 20 12-07-0....pdf,](#)

[Council Rpt. S-20CC 12-7-04.pdf,](#)

[12635 CMS.pdf](#)

21

Subject: Amendment to the Salary Ordinance

From: Finance and Management Agency

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

salary schedule of Ordinance No. 12187 C.M.S. (The Salary Ordinance) to add the permanent

part-time equivalent classification of Systems Analyst II, PPT. The Ordinance also amends the

classifications of Fire Communications Dispatcher, Senior, Fire Communications Supervisor,

Fire Suppression District Inspector, and Public Works Operations Manager (04-0787)

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 December 7, 2004. The motion carried

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

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

- *Ralph Kanz*

[Cmte Rpt & Council Rpt 21 11-16-04 & Council Rpt 2....pdf,](#)

[12636 CMS.pdf](#)

22

Subject: Uptown Mixed Use Redevelopment Project

From: Community and Economic Development Agency

Recommendation: Adopt the following pieces of legislation:

1) An Agency Resolution requesting the approval of the updated residential and commercial

relocation plans for the Uptown Mixed Use Redevelopment Project and authorizing the

implementation of the plans and, (04-0772)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

ORA Resolution Number 2004-32

[Cmt Rpt 10-26-04 & Council Rpt 22 11-16-04.pdf,](#)

[Uptown Parcel Map.pdf,](#)

[Uptown Parcel Map.pdf,](#)

[2004-62.pdf](#)

2) Adopt a City Resolution adopting the updated Residential and Commercial Relocation Plans
for the Uptown Mixed Use Redevelopment Project (04-0772-1)

A motion was made by Councilmember Wan, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78922 C.M.S.

[Cmt Rpt & Council Rpt 22 11-16-04.pdf,](#)

[Uptown Parcel Map.pdf,](#)

[Uptown Parcel Map.pdf,](#)

[78922.pdf](#)

Subject: Easement - 5982 Ascot Drive

From: Community and Economic Development Agency

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

5-foot wide reserve public utility easement located on the northeastern line of 5982 Ascot Drive

(04-0712)

A motion was made by Councilmember Wan, seconded by Councilmember

Reid, that this matter be Approved as Amended for Final Passage. The

motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Ordinance Number 12627 C.M.S.

[CMTE Rpt 5 9-28-04/10-12-04 & Council Rpt 10-19-....pdf,](#)

[12627.pdf](#)

Subject: Easement - 6012 Ascot Drive

From: Community and Economic Development Agency

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

5-foot wide reserve public utility easement located on the southwestern line of 6012 Ascot

Drive (04-0713)

A motion was made by Councilmember Wan, seconded by Councilmember

Reid, that this matter be Approved for Final Passage. The motion carried

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Ordinance Number 12628 C.M.S.

[CMTE Rpt 9-28-04/10-12-04 & Council Rpt 10-19-04 &....pdf,](#)

[78850.pdf](#),

[12628.pdf](#)

25

Subject: Amendment to the Salary Ordinance

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 provide a fifty

percent salary range table for executive management employee job classifications in Unit UK1,

Unit UN1 and Unit UR1 and to amend the classification of City Manager, Assistant City

Manager, Deputy City Manager, Assistant to the City Manager, Executive Assistant to the City

Manager, Receptionist to the City Manager, City Manager Analyst, Director of Aging, Health

& Human Services, Director of Parks and Recreation, Agency Director of Finance &

Management and add the classifications of Director of Development, Director of

Redevelopment & Economic Development, CPRB Executive Director and Administrative

Assistant to the City Administrator (04-0794)

A motion was made by Councilmember Brunner, seconded by

Councilmember Reid, that this matter be Approved for Final Passage. The

motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Ordinance Number 12629 C.M.S.

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

- Sanjiv Handa

[CMTE Rpt 10-12-04 & Council Rpt 28.pdf,](#)

[Council Rpt 10-19-04 & Council Rpt 25 11-16-04.p....pdf,](#)

[12629.pdf](#)

26

Subject: Easement Encroachment on 198 Oak Road

From: Community and Economic Development Agency

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

the granting of an encroachment easement of 885 square feet to Hoi Liang Phua and Linli Lee

on City property located at Davie Tennis Stadium at 198 Oak Road, Oakland for the appraised

market value of \$5,350 (04-0740)

A motion was made by Councilmember Nadel, seconded by

Councilmember Reid, that this matter be Approved for Final Passage. The

motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Ordinance Number 12630 C.M.S.

[CMTE Rpt & Council Rpt.10.15CC & Council Rpt 26 11....pdf,](#)

[12630.pdf](#)

Subject: Amicus Briefs Supporting the City of Berkeley

From: Office of the City Attorney

Recommendation: Adopt a Resolution authorizing the City Attorney to file an Amicus Brief in

support of the City of Berkeley in Alameda County Superior Court in an action challenging the

process and procedures of Berkeley's Police Review Commission, Alameda Co. Superior Court

Case No. 2002057569 (04-0893)

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 Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78923 C.M.S.

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

- Sanjiv Handa

[11-16-04 Council 27.pdf](#),

[11-16-04 Council S-27.pdf](#),

[78923.pdf](#)

28

Subject: MacArthur Transit Village Project - City Attorney's Report

From: Office of the City Attorney

Recommendation: Receive the City Attorney's Report highlighting legal issues, and risks

regarding the Resolution authorizing the Agency Administrator to (1) execute an agreement

that will allow the Agency to complete hazardous materials testing on BART-owned property

at the Macarthur BART station and (2) pay up to \$60,000 for insurance to cover liability to

third parties (04-0895)

A motion was made by Councilmember Brunner, seconded by

Councilmember Chang, that this matter be *Received and Filed. The

motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Subject: MacArthur Transit Village Project

From: Community and Economic Development Agency

Recommendation: Adopt an Agency Resolution authorizing the Agency Administrator to 1)

negotiate and execute a permit to enter, including indemnification provisions, with BART to

allow the Agency to complete hazardous materials testing on BART-owned property at the

MacArthur BART Station as part of the predevelopment work for the MacArthur Transit

Village Project, and 2) pay up to \$60,000 for no more than one-third of the cost of an insurance

policy, and the policy deductible, to cover third party liability (04-0843)

A motion was made by Councilmember Brunner, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

ORA Resolution Number 2004-63 C.M.S.

[11-9-04 Cmte 9 and 11-16-04 Council 28-1.pdf,](#)

[2004-63.pdf](#)

29

Subject: Appointments to the Commission on Persons with Disabilities

From: Office of the Mayor

Recommendation: Adopt a Resolution re-appointing Denis Craig, Nancy Crosby, Lynne Cutler

and Alice Moore as members of the Commission on Persons with Disabilities (04-0898)

A motion was made by Councilmember Brunner, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78924 C.M.S.

[Council Rpt 29 11-16-04.pdf,](#)

[78924.pdf](#)

30

Subject: Appointment to the Children's Fund Planning and Oversight Committee

From: Councilmember Nadel

Recommendation: Adopt a Resolution appointing Diana Alonso as a member of the Children's

Fund Planning and Oversight Committee (04-0897)

A motion was made by Councilmember Brunner, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78925 C.MS.

[Council Rpt 30 11-16-04.pdf,](#)

[S-30 11-16-04.pdf,](#)

[78925.pdf](#)

31

Subject: Appointment to the Housing, Residential Rent and Relocation Board

From: Office of the Mayor

Recommendation: Adopt a Resolution amending Resolution number 78926 appointing Stephen

Sanger as a member of the Housing, Residential Rent and Relocation Board (04-0892)

A motion was made by Councilmember Brunner, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78926

[Council Rpt 31 11-16-04.pdf,](#)

[78926.pdf,](#)

[Council Rpt Item 25 12-07-04.pdf](#)

S-32

Subject: Leona Quarry Project Tract Maps 7351 and 7493

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Engineer to enter into a subdivision

improvement agreement with Desilva Group, Inc. for construction of certain improvements in

connection with Tracts "7351" and "7493", Leona Quarry Projects; fixing the amount of the

security to guarantee the faithful performance of such agreement and adopting plans and

specifications (TITLE CHANGE) (04-0742)

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Abstained: 1 - Councilmember Nadel

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Brunner, Councilmember

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

Councilmember Reid and Councilmember Chang

Resolution Number 78927 C.M.S.

Contract Number 04-1843

The following individual(s) spoke against this item:

- *Stephan A. Malmstrom*

- *Colleen Brown*

- *Tom Elwin Silva*

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

- David Chapman

- Ralph Kanz

[10-26-04 Cmte 3 & 11-16-04 Council 32.pdf,](#)

[Council Report S-32.pdf,](#)

S-33

Subject: Pedestrian Countdown Signals

From: Public Works Agency

Recommendation: Adopt a Resolution authoring the City Administrator to enter into a grant

agreement with the State of California, Office of Traffic Safety (OTS), in the amount of one

hundred thirty-one thousand five hundred dollars (\$131,500), and to accept and appropriate

project funds to install pedestrian countdown signals at twenty-three (23) intersections

(04-0704)

A motion was made by Councilmember Quan, seconded by

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

the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78928 C.MS

Contract Number 04-1844

[11-9-04 Cmte 3.pdf](#),

[Council Report S-33 11-16-04.pdf](#),

[78928.pdf](#)

S-34

Subject: Municipal Improvement Fund "Pay-Go Funds"

From: Council President Ignacio De La Fuente/Councilmember Quan

Recommendation; Adopt a Resolution directing the Oakland City Attorney to pursue

amendments to the 1982 Trust Agreement with Bank of America in order to clarify that the

Mayor and individual City Councilmembers have the option of providing the funds related to

that agreement (commonly referred to as Municipal Improvement Fund "Pay-Go Funds") to

projects at public schools in Oakland (04-0856)

A motion was made by Councilmember Quan, seconded by

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

the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78929 C.MS

Contract Number 04-1845

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

- Sanjiv Handa

[11-9-04 Cmte 7 and 11-16-04 Council 34.pdf,](#)

[78929.pdf](#)

S-35

Subject: Grant Procedures for Pay-Go Account Funds

From: Office of the City Attorney

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

procedures for grants from the Pay-Go Account to non-city entities (04-0858)

A motion was made by Councilmember Brunner, seconded by

Councilmember Wan, 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 December 7, 2004. The

motion carried by the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

[11-9-04 Cmte 8 and 11-16-04 Council 35.pdf,](#)

[Council Report S-35 11-16-04 & Council Rpt 22 12-0....pdf,](#)

[12637 CMS.pdf](#)

Subject: Oakland Army Base Workforce Development Collaborative

From: Oakland Base Reuse Authority

Recommendation: Adopt an Agency Resolution authorizing the Agency Administrator to 1)

consent to the assignment of the rights and obligations of the Alameda County Homeless Base

Conversion Collaborative to the Oakland Army Base Workforce Development Collaborative

("Workforce Collaborative") under the 1999 Memorandum of Understanding, and 2) negotiate

and enter into an amended and restated Memorandum of Understanding with the Workforce

Collaborative, Port of Oakland, and Oakland Base Reuse Authority, for an alternate homeless

accommodation for the Oakland Army Base in an amount not to exceed five million four

hundred thousand dollars (\$5,400,000) (04-0810)

A motion was made by Councilmember Nadel, seconded by

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

the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 2004-64 C.M.S.

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

- John Braver

- Dan Scarola

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

- *Matt Davis*

[11-9-04 Cmte 5 and 11-16-04 Council 36.pdf,](#)

[2004-64.pdf](#)

S-37

Subject: Lakeshore/Lake Park Business Improvement Management Dist Advisory Bd.

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 2004 - 2005 (04-0842)

A motion was made by Councilmember Nadel, seconded by

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

the following vote:

Votes:

ORA\Councilmember Excused: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Reid and Councilmember Chang

Resolution Number 78930

[11-9-04 Cmte 8 and 11-16-04 Council 37.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 at 11:46 p.m.

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City Clerk and Clerk of the Council