

City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California

94612

Ceda Floyd, City Clerk

Online Meeting Minutes - Draft

Concurrent Meeting of the Oakland Redevelopment Agency/City Council

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

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

6:00 PM

Oakland City Hall, 3rd Floor

Tuesday, December 2, 2003

A meeting of the Joint Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 6:40 p.m. with President Pro Tempore Brunner presiding as Chairperson.

1 Pledge of Allegiance

2 Roll Call / ORA & Council
COUNCIL MEMBERS: Jane Brunner, Dist. 1; Danny Wan, Dist. 2; Vice Mayor Nancy Nadel, Dist. 3; Jean Quan, Dist. 4; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; Henry Chang, At-Large, and President Ignacio De La Fuente, Dist. 5

ORA\Councilmember Excused: President of the Council De La Fuente

ORA\Councilmember Present: Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel, Councilmember Quan, Councilmember Brooks, Councilmember Reid and Councilmember Chang

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

The following speakers spoke on this item:

- Thordie Asley
- Reverend Harry Williams
- Sandra Andrews
- Denise Smith
- Al Ballard
- Frank Brodsky
- Keith Mohammed
- Betty Stevensen
- Edourette Corry
- Beverly Blythe
- Phineas Alexander
- Roosevelt Mosley
- Young Turner
- Latisha Montgomery
- Jacqueline Whitfield
- Renee Kpeglo
- Rebecca Kaplan

4 Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a "non-consent" item.

There was no action necessary on this item.

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

There was no action necessary on this item.

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

There was no action necessary on this item.

- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on November 18, 2003

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

ORA\Councilmember Excused: President of the Council De La Fuente
1 -

ORA\Councilmember Ayes: 7 - Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel,
Councilmember Quan, Councilmember Brooks, Councilmember
Reid and Councilmember Chang

8. Presentation of Ceremonial Matters

Subject: City Wide Open House Bus Tour
From: Councilmember Reid
Recommendation: Present six (6) Proclamations recognizing the Sponsors for the first "City Wide Open House Bus Tour" held on October 18, 2003

Attachments: [0288.pdf](#)

Councilmember Reid presented proclamations to the sponsors of the first "City Wide Open House Bus Tour".

- 8.2 Subject: Oakland Association of Realtors
From: Councilmember Reid
Recommendation: Adopt a Resolution acknowledging the 100th Year Anniversary of the Oakland Association of Realtors and the declaration of Thursday, December 4, 2003 "Oakland Realtors Day"

Attachments: [0286.pdf](#),
[78213 CMS.pdf](#),
[Item 8.2 12-2-03](#)

Resolution Number 78213 C.M.S.

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

ORA\Councilmember Excused: President of the Council De La Fuente
1 -

ORA\Councilmember Ayes: 7 - Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel,
Councilmember Quan, Councilmember Brooks, Councilmember
Reid and Councilmember Chang

Enactment No: 78213

- 8.3 Subject: Oakland Public Library
From: Councilmember Chang
Recommendation: Adopt a Resolution honoring and commemorating the Oakland Public Library for 125 years of service, 1878-2003

Attachments: [0261.pdf](#),
[78214 CMS.pdf](#),
[Item 8.3 12-2-03](#)

Resolution Number 78214 C.M.S.

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

ORA\Councilmember Excused: President of the Council De La Fuente
1 -

ORA/Councilmember Ayes:

7 -

Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel,
Councilmember Quan, Councilmember Brooks, Councilmember
Reid and Councilmember Chang

Enactment No: 78214

9. Council Acknowledgements / Announcements

10. CONSENT CALENDAR (CC) ITEMS:

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

10.1

Subject: Declaration of a Local Emergency due to AIDS epidemic
From: Office of the City Attorney
Recommendation: Adopt a Resolution renewing and continuing the City Council's Declaration of a Local Emergency due to the existence of a critical public health crisis with regard to the AIDS epidemic
Attachments: [10.1CC 12-2-03](#),
[78215 CMS.pdf](#)
Resolution Number 78215 C.M.S.
This Matter was Adopted on the Consent Agenda.
Enactment No: 78215

10.2

Subject: Medical Cannabis health emergency
From: Office of the City Attorney
Recommendation: Adopt a Resolution renewing the City Council's Declaration of a local public health emergency with respect to safe, affordable access to Medical Cannabis in the City of Oakland
Attachments: [10.2CC 12-2-03](#),
[78216 CMS.pdf](#)
Resolution Number 78216 C.M.S.
This Matter was Adopted on the Consent Agenda.
Enactment No: 78216

10.3

Subject: Deborah Edgerly as Interim City Manager
From: Mayor Jerry Brown
Recommendation: Consider a Motion to confirm the appointment of Deborah Edgerly as Interim City Manager
Attachments: [03-0330.pdf](#),
[10.3CC 12-2-03](#)
The following individual spoke on this item and did not indicate a position:
- Sanjiv Handa
This Matter was Approved on the Consent Agenda.

10.4

Subject: Keshonda East-Perkins - Planning and Oversight Committee
From: Councilmember Brunner
Recommendation: Adopt a Resolution appointing Keshonda East-Perkins as a member of the Children's Fund Planning and Oversight Committee
Attachments: [10.4CC 12-2-03](#),
[78214 CMS.pdf](#)
Resolution Number 78217 C.M.S.
This Matter was Adopted on the Consent Agenda.
Enactment No: 78217

10.5

Subject: Jean E. Newton - 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 Jean E. Newton v. City of Oakland, et al., Alameda County Superior Court Case No. 2-064323, our file no. 22310, in the amount of \$6,000.00 (Public Works Agency)
Attachments: [10.5CC 12-2-03](#),
[78218 CMS.pdf](#)

Resolution Number 78218 C.M.S.

This Matter was Adopted on the Consent Agenda.

Enactment No: 78218

10.6

Subject: Oakland Zoning Code Amendment

From: Community and Economic Development Agency

Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending Chapter 17.100 (S-15, Transit Oriented Zone) of the Oakland Zoning Code to conditionally permit auto fee parking

Attachments: [10.6CC 12-2-03,](#)
[12561 CMS.pdf](#)

Ordinance Number 12561 C.M.S.

This Matter was Approved for Final Passage on the Consent Agenda.

Enactment No: 12561

Passed The Consent Agenda

A motion was made, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

ORA\Councilmember Excused: President of the Council De La Fuente
1 -

ORA\Councilmember Ayes: 7 - Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel,
Councilmember Quan, Councilmember Brooks, Councilmember
Reid and Councilmember Chang

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

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

There were 3 final decisions made during Closed Session:

Item 2d: Baker v. City of Oakland

Council authorized settlement in the amount of \$22,500 in a case arising out of incidents on October 20, 2000 and December 22, 2000 wherein plaintiffs alleged that officers of the Oakland Police Department used excess force.

The motion was made by Councilmember Reid, seconded by Councilmember Brooks.
The motion passed with 7 Ayes; 1 Excused -De La Fuente

Item 2e: Edwards v. City of Oakland

Council authorized settlement in the amount of \$35,000 in a case arising out of an incident on October 24, 2000 wherein the plaintiff alleged that officers used excessive force.

The motion was made by Councilmember Brooks, seconded by Councilmember Reid.
The motion passed with 7 Ayes; 1 Excused -De La Fuente

Item 2f: Davis v. City of Oakland

Council authorized settlement in the amount of \$110,000 in a case arising out of an incident on March 1, 2000 wherein the plaintiff alleged that officers used excessive force.

The motion was made by Councilmember Reid, seconded by Councilmember Brooks.
The motion passed with 6 Ayes; 1 Abstain -Brunner; 1 Excused -De La Fuente

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Chang, to accept the oral report from the City Attorney, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan -7; Excused, President of the Council De La Fuente -1

***Received and Filed**

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

Agency/Councilmember Reid made a motion seconded by Agency/Councilmember Nadel confirming that there were no discussions pursuant to Section 15 of the Sunshine Ordinance, and hearing no objections, the motion passed by Ayes:
Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, and Wan-7,
Excused - 1 President of the Council De La Fuente

13 Reconsideration of Ordinances pursuant to Charter Section 216

No action was necessary on this item.

14. Consideration of items with statutory Public Hearing Requirements:

14.1

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

Attachments: [03-0215.pdf](#),
[Item 14.1 12-2-03](#)

***Withdrawn with No New Date**

ACTION ON NON-CONSENT ITEMS:

15

Subject: Jean Rubsamen - Housing, Residential Rent and Relocation Board
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Jean Rubsamen as a member of the Housing, Residential Rent and Relocation Board

Attachments: [78219 CMS.pdf](#),
[Item 15.pdf 12-2-03](#)

Resolution Number 78219 C.M.S.

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

- Martha de Wolf

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

- Sanjiv Handa

- Rick Judd

- Susan G. Schacher

- Eddie Ytuarte

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

ORA\Councilmember Excused:

President of the Council De La Fuente

1 -

ORA\Councilmember Ayes:

7 -

Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel, Councilmember Quan, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78219

16

Subject: Hillery Bolt Trippe - Housing, Residential Rent and Relocation Board
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Hillery Bolt Trippe as a member of the Housing, Residential Rent and Relocation Board

Attachments: [78220 CMS.pdf](#),
[Item 16 12-2-03](#)

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

- Martha de Wolf

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

- Sanjiv Handa
- Rick Judd
- Susan G. Schacher
- Eddie Ytuarte

The Council directed staff to forward to the Rules Committee a scheduling item for a discussion of the Boards and Commissions appointment process relative to candidate qualifications and criteria.

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

ORA\Councilmember Excused: President of the Council De La Fuente
1 -

ORA\Councilmember Ayes: 7 - Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel, Councilmember Quan, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78220

17

Subject: Interim Controls For Signs Within Specified Zones
From: Community and Economic Development Agency
Recommendation: Approve the Introduction (First Reading) of an Ordinance amending Ordinance No. 12461 C.M.S. to extend by six months, the existing interim controls on the issuance of building, zoning, and other permits for the construction of new business, civic and residential signs within all commercial, industrial, S-1, S-2, S-3, S-15, and S-16 zones

Attachments:
[0292.pdf](#),
[Item 10.12 CC.pdf](#),
[Item 17 12-2-03](#)

A motion was made by Councilmember Reid, seconded by Councilmember Brooks, 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 16, 2003. The motion carried by the following vote:

ORA\Councilmember Excused: President of the Council De La Fuente
1 -

ORA\Councilmember Ayes: 7 - Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel, Councilmember Quan, Councilmember Brooks, Councilmember Reid and Councilmember Chang

18

Subject: Wildcat Canyon Ranch Youth Program
From: Office of Parks and Recreation
Recommendation: Adopt a Resolution modifying the license and master concession agreement between the City and Wildcat Canyon Ranch Youth Program to increase horse boarding fees and to extend the term through June 30, 2004 (TITLE CHANGE)

Attachments:
[Item 16.pdf](#),
[Item 18 12-2-03](#),
[Item 6 10-28-03.pdf](#)

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

- Sal Gomez
- Barbara Sutherland
- Judy Bank
- Leila Moncharch

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Chang, to withdraw and reschedule this Item to the December 16, 2003 City Council agenda. The motion passed by Ayes: Agency/Councilmembers: Brunner, Chang, Quan, and Wan -4; No: Brooks -1, Abstain: Nadel -1, Absent: Reid -1, Excused: President De La Fuente -1

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

Subject: Sale of a City Owned Surplus Property

From: Community and Economic Development agency

Recommendation: Approve the Introduction (First Reading) of an Ordinance authorizing the City Manager to enter into a purchase and sales agreement for the sale of a city owned surplus property (APN 045-5276-022-02) from the negotiated sale conducted on October 24, 2003 to the highest bidder, the Hothem Trust, in the amount of \$170,000

Attachments: [0290.pdf](#),
[Item 10.13 CC.pdf](#),
[Item 19 12-2-03](#)

A motion was made by Councilmember Reid, seconded by Councilmember Chang, 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 16, 2003. The motion carried by the following vote:

ORA\Councilmember Excused: President of the Council De La Fuente

1 -

ORA\Councilmember Ayes: 7 - Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel, Councilmember Quan, Councilmember Brooks, Councilmember Reid and Councilmember Chang

COUNCILMEMBER BROOKS WAS NOTED ABSENT AT 8:10 P.M.

Subject: Fox Theater Restoration

From: Community and Economic Development Agency

Recommendation: A Continued discussion to Adopt the following legislation:

1) Adopt an Agency Resolution authorizing the Agency Administrator to: (1) amend the repayment agreement with the City of Oakland increasing City appropriations by \$367,500 for construction work on the Fox Theater and wrap around buildings; and (2) enter into an exclusive negotiating agreement with the Paramount Theatre of the Arts, Inc., to redevelop the Fox Theater and wrap-around buildings, and

Attachments: [2003-82 CMS.pdf](#),
[Item 20 12-3-03](#)

Agency Resolution Number 2003-82 C.M.S.

Contract Number 03-024

The following individual spoke in favor of this item:

- Ed Thomas
- Phil Tagami

The following individual spoke against this item:

- Reverend Henry Williams
- Stevan Tompkins

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

- Sanjiv Handa
- Hugh Bassette

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

President of the Council De La Fuente

ORA\Councilmember Excused: 1 -

ORA\Councilmember Absent: Councilmember Brooks
1 -

ORA\Councilmember Ayes: 6 - Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel,
Councilmember Quan, Councilmember Reid and Councilmember
Chang

Enactment No: 2003-82

2) Adopt an Agency Resolution authorizing the Agency Administrator to negotiate and execute a Professional Services Contract with California Capital Group for an amount not to exceed \$432,500 for professional services needed for the pre-development of the Fox Theater and wrap around buildings, and

Attachments: [2003-83 CMS.pdf](#),
[Item 20 12-2-03](#)

Agency Resolution Number 2003-83 C.M.S.
Contract Number 03-025

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

President of the Council De La Fuente

ORA\Councilmember Excused: 1 -

ORA\Councilmember Absent: Councilmember Brooks
1 -

ORA\Councilmember Ayes: 6 - Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel,
Councilmember Quan, Councilmember Reid and Councilmember
Chang

Enactment No: 2003-83

3) Adopt a Resolution authorizing the City Manager to: (1) amend the repayment agreement with the Redevelopment Agency increasing City appropriations by \$367,500 for construction work on the Fox Theater and wrap-around buildings; (2) waive advertising and bidding and negotiate and award construction contracts, without return to Council, in accord with the specifications prepared by the city, the state standard specifications for public works construction ("Greenbook" 2000 ED.), Oakland's technical specifications and the contractor's bid(s) in an amount not to exceed \$367,500 for removal of mold and other hazardous materials from the Fox Theater and wrap-around buildings; and (3) amend the operating agreement between the City and the Paramount Theatre of the Arts, Inc., as necessary or appropriate to allow the Paramount Theatre of the Arts, Inc., to execute an exclusive negotiating agreement with the Redevelopment Agency for the development of the Fox Theatre and wrap-around buildings (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments: [78221 CMS.pdf](#),
[Item 20 12-2-03](#)

Resolution Number 78221 C.M.S.
Contract Number 03-1647

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

President of the Council De La Fuente

ORA\Councilmember Excused: 1 -

ORA\Councilmember Absent: Councilmember Brooks

1 -

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel,
6 - Councilmember Quan, Councilmember Reid and Councilmember
Chang

Enactment No: 78221

COUNCILMEMBER BROOKS WAS NOTED PRESENT AT 8:20 P.M.

AT 8:27 P.M. PRESIDENT PRO TEMPORE BRUNNER RELINQUISHED THE CHAIR
AND VICE MAYOR NADEL PRESIDED AS CHAIRPERSON.

Subject: Wireless Telephonic Service Providers

From: Finance and Management Agency

Recommendation: Adopt a Resolution submitting, on the Council's own motion,
to electors at the March 2, 2004 election, a proposed Ordinance amending
Section 4.28.030 of the Oakland Municipal Code so that wireless telephonic
service providers will be required to apply the City of Oakland's Utility User's
Tax ("UUT") in accordance with the Sourcing Rules of Section 117 of the
Federal Mobile Telecommunications Sourcing Act of 2000, and directing the
City Clerk to fix the date for submission of arguments and to provide for notice
and publication in accordance with the March 2, 2004 election

Attachments: [78222 CMS.pdf](#),
[Item 21 12-2-03](#),
[Item 6 10-28-03.pdf](#)

Resolution Number 78222 C.M.S.

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

- Sanjiv Handa

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember
Wan, to adopt the Resolution with the ballot question amended to read: "Shall the
Oakland Municipal Code be amended to require wireless telephonic service providers to
change the methodology of computing the current City of Oakland's Utility User's Tax
("UUT") to be consistent with the Federal Mobile Telecommunications Sourcing Act of
2000?" and hearing no objections, the motion passed by Ayes:

Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and
President of the Council De La Fuente -8

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

ORA\Councilmember Excused: President of the Council De La Fuente

1 -

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel,
7 - Councilmember Quan, Councilmember Brooks, Councilmember
Reid and Councilmember Chang

Enactment No: 78222

PRESIDENT PRO TEMPORE BRUNNER WAS NOTED PRESENT AT 8:40 P.M. AND
RESUMED PRESIDING AS CHAIRPERSON.

Subject: Measure X - Proposed Charter Amendments
 From: City Council Legislative Analyst
 Recommendation: A Continued discussion to Adopt a Resolution submitting, on the Council's own motion, proposed Charter Amendments, entitled, "Measure Amending the Oakland City Charter to (1) retain the Mayor-Council form of government, commonly called the "Strong Mayor", and elected City Attorney; (2) change how salaries for Councilmembers, the City Attorney and the City Auditor are set; (3) change how vacancies on Boards and Commissions are filled; (4) require Mayor to hold public meetings; (5) change Mayor's term limit to two consecutive terms; and (6) make other changes in the Charter"; directing the City Clerk to fix the date for submission of arguments and to provide for notice and publication in accordance with the law; and consolidating the Election with the Statewide Presidential Primary

Attachments: [78225 CMS.pdf](#),
[Item 22 12-2-03](#)

Resolution Number 78225 C.M.S.

The following individual spoke and did not indicate a position:

- Hector Reyna
- Hugh Bassette
- Sanjiv Handa
- Gene Hazzard

Agency/Councilmember Wan made a motion, seconded by Agency/Councilmember Chang to adopt the Resolution with the ballot question language amended to read: "Shall the City Charter be amended to retain the Mayor Council (strong Mayor) government and elected City Attorney and provide (1) that no person may be elected Mayor for more than two consecutive terms; (2) Mayor must annually hold four public meetings; (3) that Council make appointments to boards and commissions when vacancies are unfilled; (4) limitations and voter-approval requirements for Councilmember salary increases, and (5) formula setting City Attorney and Auditor salaries?"; the motion failed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Quan, and Wan -4; Noes: Nadel, Brooks and Reid -3; Excused: President De La Fuente-1

At 10:08 p.m., Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Quan, to suspend the Council rules which do not provide for reconsideration of an action at the same meeting regarding Item 22, Measure X - a Resolution placing proposed Charter amendments on the March 2004 ballots. Upon the call of the roll, the motion passed Ayes: Agency/Councilmember: Brunner, Chang, Reid, Quan, and Wan -5; Noes: Nadel, Brooks -2; Excused: President De La Fuente -1

Next, Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Quan, to reconsider the Resolution on Item 22, Measure X , Proposed Charter amendment and upon the call of the roll the motion passed by 5 Ayes Agency/Councilmember: Brunner, Chang, Reid, Quan, and Wan; 2 Noes, Nadel, Brooks, 1-Excused President De La Fuente.

Then, Agency/Councilmember Wan made a motion, seconded by Agency/Councilmember Quan, to adopt the Resolution on Item 22 with the ballot question to read: "Shall the City Charter be amended to retain the Mayor Council government and elected City Attorney and provide (1) that no person may be elected Mayor for more than two consecutive terms; (2) Mayor must annually hold four public meetings; (3) that Council make appointments to boards and commissions when vacancies are unfilled; (4) limitations and voter-approval requirements for Councilmember salary increases, and (5) formula setting City Attorney and Auditor salaries?" and upon call of the roll the call of the role the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Reid, Quan, and Wan -5; Noes, Nadel, Brooks -2, Excused: President De La Fuente -1

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

ORA\Councilmember Excused: President of the Council De La Fuente

ORA\Councilmember Ayes:

5 - Councilmember Brunner, Councilmember Wan, Councilmember
Quan, Councilmember Reid and Councilmember Chang

The Council moved, seconded and carried a motion to extend the meeting time past
10:30 p.m.

Subject: Library Services Retention and Enhancement Act - Ballot Measure

From: Councilmembers Quan and Brunner

Recommendation: A Continued discussion regarding the following legislation:

OPTION #1:

Adopt a Resolution submitting, on the Council's own motion, to the Electors at
the March 2, 2004 Election, a proposed ordinance extending the "Library
Services Retention and Enhancement Act of 1994 and amending Section 2,
use of proceeds, in order to expand the services funded by the Act; amending
Section 4, Imposition of Parcel Tax, in order to increase the Parcel Tax Levy;
amending Section 8, minimum Library appropriation prerequisite at Fiscal Year
2000-2001 level, in order to increase the minimum general fund appropriation
level; and amending Section 9, Term of Taxation, in order to extend collection
of the tax for an additional 15 years; directing the City Clerk to fix the date for
submission of arguments and to provide for notice and publication in
accordance with the law; and consolidating the Election with the Statewide
Presidential Primary (TITLE CHANGE)

OPTION #2

Adopt a Resolution submitting, on the Council's own motion, to the Electors at
the March 2, 2004 Election, a proposed ordinance extending the "Library
Services Retention and Enhancement Act of 1994 and amending Section 2,
use of proceeds, in order to expand the services funded by the Act; amending
Section 4, Imposition of Parcel Tax, in order to increase the Parcel Tax Levy;
amending Section 8, minimum Library appropriation prerequisite at Fiscal Year
2000-2001 level, in order to increase the minimum general fund appropriation
level; and amending Section 9, Term of Taxation, in order to extend collection
of the tax for an additional 15 years; directing the City Clerk to fix the date for
submission of arguments and to provide for notice and publication in
accordance with the law; and consolidating the Election with the Statewide
Presidential Primary (TITLE CHANGE)

OPTION #3

Adopt a Resolution submitting, on the Council's own motion, to the Electors at
the March 2, 2004 Election, a proposed ordinance extending the "Library
Services Retention and Enhancement Act of 1994 and amending Section 2,
use of proceeds, in order to expand the services funded by the Act; amending
Section 4, Imposition of Parcel Tax, in order to increase the Parcel Tax Levy;
amending Section 8, minimum Library appropriation prerequisite at Fiscal Year
2000-2001 level, in order to increase the minimum general fund appropriation
level; and amending Section 9, Term of Taxation, in order to extend collection
of the tax for an additional 15 years; directing the City Clerk to fix the date for
submission of arguments and to provide for notice and publication in
accordance with the law; and consolidating the Election with the Statewide
Presidential Primary (TITLE CHANGE)

Attachments:

[78223 CMS.pdf](#),

[Item 23 12-2-03](#),

[Item 23.1 SUP 12-2-03.pdf](#),

[Item 23.2 SUP 12-2-03.pdf](#),

[Item 23.3 SUP 12-2-03.pdf](#)

The following individuals spoke in favor of this item:

- Lottie Rose
- Victoria Kelly
- Frank Brodsky

The following individuals spoke against this item:

- Hugh Bassette

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

- Sanjiv Handa

Agency/Councilmember Quan made a motion, seconded by President Pro Tempore Brunner to adopt Resolution as presented in Option #3, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, and Wan - 7, Excused: President of the Council De La Fuente -1

A motion was made by Councilmember Quan, seconded by Councilmember Brunner, that this matter be Adopted. Resolution in Option #3. The motion carried by the following vote:

ORA\Councilmember Excused: 1 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel, Councilmember Quan, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78223

AT 9:08 P.M. PRESIDENT PRO TEMPORE BRUNNER RELINQUISHED THE CHAIR AND AGENCY/COUNCILMEMBER QUAN PRESIDED AS CHAIRPERSON.

PRESIDENT PRO TEMPORE BRUNNER WAS NOTED PRESENT AT 9:18 P.M. AND RESUMED PRESIDING AS CHAIRPERSON

Subject: Prevent Violent Crime Measure - Ballot Measure

From: Councilmember Nadel

Recommendation: Adopt a Resolution submitting, on the Council's own motion, to the Electors at the March 2, 2004 Election, a proposed ordinance creating a special tax to fund youth, family and violence prevention programs; consolidating the Election with the Statewide Presidential Primary; and directing the City Clerk to fix the date for submission of arguments and provide for notice and publication in accordance with the March 2, 2004, Statewide Presidential Primary

Attachments:

[03-0306.pdf](#),

[78224 CMS.pdf](#),

[Item 24 12-2-03](#),

[Item 24 SUP 12-2-03.pdf](#)

Resolution Number 78224 C.M.S.

The following individuals spoke in favor of this item:

- Darryl Stewart
- Valerie M. Street
- Don Link

The following individuals spoke against this item:

- Josephine J. Lee
- Amy Chen

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

- Brandon Paul Reems
- Frank Brodsky
- Dawn Phillips
- Sanjiv Handa

Vice Mayor Nadel made a motion, seconded by Agency/Councilmember Reid, to adopt the resolution on Item 24 as amended to include a ten year sunset clause and include the following language: "Of the monies received from this tax, forty percent (40%) will be expended for social programs in accordance with objective 1 to 6 above; forty percent (40%) will be expended for police enforcement in accordance with objective 7 to 10 above; and twenty percent (20%) will be expended for jobs and job training programs in accordance with objective 11 to 12 above", and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid -5; No: Wan -1; Abstain Quan -1; Excused: President of the Council De La Fuente -1

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

ORA\Councilmember Abstained:	Councilmember Quan	
	1 -	
ORA\Councilmember Excused:	President of the Council De La Fuente	
	1 -	
ORA\Councilmember Nos:	Councilmember Wan	
	1 -	
ORA\Councilmember Ayes:	5 -	Councilmember Brunner, Vice Mayor Nadel, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78224

Continuation of Open Forum

The following individuals spoke on this item:

- Deloris Allen
- Sanjiv Handa
- Michael Johnson
- Edourdette Corey
- Jene Carter
- Luenell
- Roosevelt Mosley
- Linda Raymond
- Jackie Reyas

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 Oakland Redevelopment Agency/City Council adjourned the meeting at 10:43 p.m.

Americans With Disabilities Act

Notes:

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

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