

# Meeting Minutes City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California 94612

Ceda Floyd, City Clerk

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

**/City Council**

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

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

**Tuesday, May 18, 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 6:12 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 - President of the Council De La Fuente

ORA\Councilmember Present: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

3

Open Forum / Citizens Comments

(Time Available: 15 minutes)

*The following individuals spoke under Open Forum:*

- *Sanjiv Handa*

- *Delores Allen*

- *Dorothy Coleman*

- *John Grace*

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.

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 May 4, 2004.

**\*Approve as Submitted**

**8. PRESENTATION OF CEREMONIAL MATTERS**

8.1

Subject: Bike to Work Day

From: President De La Fuente

Recommendation: Adopt a Resolution proclaiming Thursday, May 20, 2004 as City of Oakland

Bike To Work Day (04-0355)

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

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

**vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78535 C.M.S.*

[04-0355.pdf,](#)

[Item 8.1 5-18-04.pdf,](#)

[78535 CMS.pdf](#)

8.2

Subject: Public Works Week

From: Councilmember Nadel

Recommendation: Adopt a Resolution celebrating the week of May 16th through 22nd as

Public Works Week in the City of Oakland (04-0396)

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

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

**vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78536 C.M.S.*

[04-0396.pdf,](#)

[Item 8.2 5-18-04.pdf,](#)

[78536 CMS.pdf](#)

## **9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS**

*Agency/Councilmember Brooks took a point of personal privilege and*

*requested that the meeting be adjourned in memory of Harold Butler.*

*Agency/Councilmember Reid took a point of personal privilege and requested*

*that the meeting be adjourned in memory of Dan Purnell, Sr., Patricia Freitas,*

*Reverend Earl Holloway, and Morris Soublet.*

**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 (04-0404)

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

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

**vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78537 C.M.S.*

[Item 10.1CC 5-18-04.pdf,](#)

[78537 CMS.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 (04-0405)

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

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

**vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78538 C.M.S.*

[Item 10.2CC 5-18-04.pdf,](#)

[78538 CMS.pdf](#)

10.3CC

Subject: Joseph Tuman and Kristen Weisser - 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 State Farm Insurance as subrogee of Joseph Tuman and



Kristen Weisser in the amount of fourteen thousand three hundred seventy four dollars and no

cents (\$14,374.00) as a result of a sewer trench failure that caused a tree to fall onto insured's

property (Public Works Agency) (04-0406)

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

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

**vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78539 C.M.S.*

[Item 10.3CC 5-18-04.pdf](#),

[78539 CMS.pdf](#)

10.4CC

Subject: William Welch - 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 William Welch, et al. v. City of Oakland, et al., Superior

Court, County of Alameda, case no. RG03-089823, in the amount of \$100,000.00 as a result of

a trip and fall accident on Tunnel Road between Charing Cross Road and Hiller Drive,

Oakland, on May 26, 2002 (Public Works Agency) (04-0407)

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

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

**vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78540 C.M.S.*

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

*- Sanjiv Handa*

[Item 10.4CC 5-18-04.pdf,](#)

[78540 CMS.pdf](#)

10.5CC

Subject: Brian Johnson - 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 Brian Johnson v. City of Oakland, et al., United States

District Court Case No. C03-3165 JL, our file no. 23063, in the amount of \$70,000.00. This

case involves claims of violations of civil rights against Oakland Police Officers. (Oakland

Police Department - Police Conduct) (04-0408)

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

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

**vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78541 C.M.S.*

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

*- Sanjiv Handa*

[Item 10.5CC 5-18-04.pdf,](#)

[78541 CMS.pdf](#)

10.6CC

Subject: Arthur Jenkins - 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 Arthur Jenkins v. City of Oakland et al., United States

District Court Case No. C 03-0151 SI, our file no. 22349, in the amount of \$19,000.00. This

case involves claims of false arrest and excess force against Oakland Police Officers (Oakland

Police Department) (04-0411)

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

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

**vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78542 C.M.S.*

[Item 10.6CC 5-18-04.pdf,](#)

[Item 10.6 CC SUPP 5-18-04.pdf,](#)

[78542 CMS.pdf](#)

10.7CC

Subject: McGuire Research Services, LLC

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing a professional services agreement between

the City of Oakland and McGuire Research Services, LLC, in an amount not to exceed \$50,000

to conduct a City-wide survey to determine the nature of citizen interaction with police, for the

purpose of gathering statistics on citizens' experiences (03-0279)

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

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

**vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78543 C.M.S.*

*Contract Number 04-1736*

[0279.pdf](#),

[Item 13 12-9-03.pdf](#),

[10.37CC 12-16-03.pdf](#),

[03-0279.pdf](#),

[Item 10.7CC 5-18-04.pdf](#),



[78543 CMS.pdf](#)

10.8CC

Subject: Landmark Designation - Victorian Legal Center

From: Community and Economic Development Agency

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

the Victorian Legal Center - Law Offices of Warren B. Wilson (historic name: Mason-Elsey-

Wilson House) at 653 11th Street as a landmark pursuant to Section 17.102.030 of the Oakland

Planning Code (Councilmember Nadel, District 3) (04-0267)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Ordinance Number 12598 C.M.S.*

[04-0267.pdf](#),

[Item 14.2 5-04-04.pdf](#),

[Item 10.8CC 5-18-04.pdf](#),

[12598 CMS.pdf](#)

10.9CC

Subject: Landmark Designation - Samm/Dalton/Cooper Mansion

and Cooper Brothers Grocery Store

From: Community and Economic Development Agency

Recommendation: Approve the Final Passage (Seocnd Reading) of an Ordinance designating

the Samm/Dalton/Cooper Mansion and Cooper Brothers Grocery Store (historic name: Samm (

Jacob) /Dalton (Henry) /Cooper (Freddie) House and Corner Store) at 1454 8th Street (the

house) and 1450 8th Street (the store) as a landmark pursuant to Section 17.102.030 of the

Oakland Planning Code (Councilmember Nadel, District 3) (04-0268)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Ordinance Number 12599 C.M.S.*

[04-0268.pdf](#),

[Item 14.1 5-04-04.pdf](#),

[Item 10.9CC 5-18-04.pdf](#),

[12599 CMS.pdf](#)

10.10CC

Subject: Public Employees' Retirement System Contract Amendment

From: Office of the City Manager

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

of the City of Oakland authorizing an amendment to the contract between the City of Oakland

and the Board of Administration of the California Public Employees' Retirement Systems (

PERS) that authorizes (1) 2.7% at age 55 retirement benefits for all City Officers and civilian (

Non-Sworn) employees who are members of PERS; and (2) 3.0% at age 50 retirement benefits

for employees who are members of the International Association of Firefighters, Local 55 (04-

0236-1)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Ordinance Number 12600 C.M.S.*

*Contract Number 04-1737*

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

- *Sanjiv Handa*

[Item 16.pdf 4-20-04,](#)

[Item 16 SUPP 4-20-04.pdf,](#)

[78490 CMS.pdf,](#)

[Item 10.10CC 5-18-04.pdf,](#)

[12600 CMS.pdf](#)

S-10.11CC

Subject: Alameda Countywide Clean Water Program

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City of Oakland to amend the

Agreement with the Alameda Countywide Clean Water Program to change voting allocations

and contracting authorization to implement the Alameda Countywide Clean Water Program (04

-0283)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78544 C.M.S.*

*Contract Number 04-1738*

[04-0283.pdf](#),

[Item 7 4-27-04.pdf](#),



[Item 7 PWC 5-11-04.pdf,](#)

[Item 10.11CC SUPP 5-18-04.pdf,](#)

[78544 CMS.pdf](#)

S-10.12CC

Subject: Garfield Park Field Repair Project

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Manager to award a construction

contract to American Civil Constructors, Inc., for the Garfield Park Field Repair (Project No. C

196610) in the amount of one hundred sixty two thousand four hundred and twenty seven

dollars (\$162,427) (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS

ITEM REQUIRES A 2/3 VOTE) (04-0336)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78545 C.M.S.*

*Contract Number 04-1739*

[04-0336.pdf,](#)

[Item 10 5-11-04.pdf,](#)

[Item 10.12CC SUPP 5-18-04.pdf](#),

[78545 CMS.pdf](#)

S-10.13CC

Subject: Main Library Children's Room Renovation Project

From: Public Works Agency

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

Main Library Children's Room Renovation Project, to negotiate a contract, and to award a

construction contract within budget in an amount not to exceed \$270,000 (PURSUANT TO

SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE) (04-0284

)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78546 C.M.S.*

*Contract Number 04-1740 C.M.S.*

*The following individual spoke against this item:*

- *Ora Knowell*

[04-0284.pdf](#),

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

[Item 10.13CC SUPP 5-18-04.pdf](#),

[78546 CMS.pdf](#)

S-10.14CC

Subject: 2004 Mayor's Summer Jobs Program

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution authorizing a contract not to exceed \$40,000 with the

Oakland Private Industry Council, Inc. to coordinate the 2004 Mayor's Summer Jobs Program (

04-0198)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78547 C.M.S.*

*Contract Number 04-1741*

[04-0198.pdf](#),

[Item 3 4-27-04.pdf](#),

[Item 4 CED 5-11-04.pdf](#),

[Item 10.14CC SUPP 5-18-04.pdf](#),

[78547 CMS.pdf](#)

S-10.15CC

Subject: Construction Monitoring Services

From: Community and Economic Development Agency

Recommendation: Adopt an Agency Resolution authorizing increases in contracts to provide

construction monitoring services for affordable housing projects with Advanced Resources in

Construction Services Ltd. in an amount not to exceed \$38,420 and Don Todd Associates in an

amount not to exceed \$38,420 from reallocated funds (04-0216)

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland**

**Redevelopment Agency / City Council on 6/1/2004**

[04-0216.pdf](#),

[Item 6 4-27-04.pdf](#),

[Item 6 CED 5-11-04.pdf](#),

[Item 10.15CC SUPP 5-18-04.pdf](#),

S-10.16CC

Subject: Broadway/MacArthur/San Pablo Redevelopment Project Area

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution authorizing a one year extension of the Project Area

Committee for the Broadway/MacArthur/San Pablo Redevelopment Project to July 25, 2005 (

04-0272)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,



Councilmember Reid and Vice Mayor Chang

*Resolution Number 78548 C.M.S.*

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

- *Sanjiv Handa*

[04-0272.pdf](#),

[Item 10 4-27-04.pdf](#),

[Item 7 CED 5-11-04.pdf](#),

[Item 10.16CC SUPP 5-18-04.pdf](#),

[78548 CMS.pdf](#)

S-10.17CC

Subject: Temescal Business Improvement Management District

From: Community and Economic Development Agency

Recommendation: Adopt the following pieces of legislation related to the Temescal/Telegraph

Avenue Property Business Improvement District:

1) A Resolution of Intention to form the Temescal/Telegraph Avenue Property Business

Improvement District, granting preliminary approval of the Management Plan, directing filing

of the proposed Assessment District Boundary Description, submitting a proposed assessment

to the affected property owners for majority protest procedure approval; and scheduling a

public hearing for July 20, 2004; and (04-0350)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78549 C.M.S.*

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

*- Sanjiv Handa*

[04-0350.pdf,](#)

[Item 8 5-11-04.pdf,](#)

[Item 8 CED 5-11-04.pdf,](#)

[Item 10.17CC SUPP 5-18-04.pdf,](#)

[78549 CMS.pdf](#)

2) A Resolution authorizing the City Manager to execute the ballot for one City-owned

property on which assessments are to be levied (APN 014-1219-003-00 - the Temescal Library)

to support the formation of the Temescal/Telegraph Avenue Property Business Improvement

District of 2005; and (04-0350a)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78550 C.M.S*

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

*- Sanjiv Handa*

[Item 8 5-11-04.pdf,](#)

[Item 8 CED 5-11-04.pdf,](#)

[Item 10.17CC SUPP 5-18-04.pdf,](#)

[78550 CMS.pdf](#)

3) A Resolution appointing the Temescal/Telegraph Avenue Advisory Board as the Advisory

Board of the Temescal/Telegraph Avenue Property Business Improvement District of 2005 (04

-0350b)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78551 C.M.S.*

[Item 8 5-11-04.pdf,](#)

[Item 8 CED 5-11-04.pdf,](#)

[Item 10.17CC SUPP 5-18-04.pdf,](#)

[78551 CMS.pdf](#)

S-10.18CC

Subject: Child Development Services Grants

From: Department of Human Services

Recommendation: Adopt a Resolution authorizing the City Manager to apply for, accept, and

appropriate Head Start Basic, Training and Technical Assistance, Quality Improvement, Cost

of Living Allowance (COLA), and Early Head Start Grants for Program Year 2004-2005 from

the U.S. Department of Health and Human Services, in the estimated amount of \$14,446,279,

and authorizing the City to contract with the Unity Council in an estimated amount of \$4,048,

006 to provide child development services under said grants (04-0196)

**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 - President of the Council De La Fuente



ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78552 C.M.S.*

*Contract Number 04-1742*

[04-0196.pdf,](#)

[Item 3 5-11-04,](#)

[Item 10.18CC SUPP 5-18-04.pdf,](#)

[78552 CMS.pdf](#)

S-10.19CC

Subject: City's Head Start Advisory Panel

From: Department of Human Services

Recommendation: Adopt a Resolution extending the duration of the Head Start Advisory Panel

and confirming the appointment of two new members to fill current vacancies (04-0195)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78553 C.M.S.*

[04-0195.pdf](#),

[Item 4 5-11-04.pdf](#),

[Item 10.19CC SUPP 5-18-04.pdf](#),

[78553 CMS.pdf](#)

S-10.20CC

Subject: Alcohol Control Enforcement Project

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate

grant funds in an amount not to exceed one hundred thousand dollars (\$100,000) from the State

of California, Department of Alcoholic Beverage Control, for a one-year Alcohol Control

Enforcement Project within the Police Department and authorizing the Department to enter into

a contract for services with the State of California for implementation of this initiative (04-

0335)

**Adopted**

*Resolution Number 78554 C.M.S.*

*Contract Number 04-1743*

[04-0335.pdf](#),

[Item 3 5-11-04.pdf](#),

[Item 10.20CC SUPP 5-18-04.pdf](#),

[78554 CMS.pdf](#)

S-10.21CC

Subject: Project Safe Neighborhoods Grant Funds

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate

grant funds in an amount not to exceed one hundred forty thousand dollars (\$140,000) from the

State of California, Office of Emergency Services, serving as the fiscal agent for Project Safe

Neighborhoods as administered through the Office of the U.S. Attorney, Northern District of

California for the U.S. Department of Justice, Bureau of Justice Assistance, in support of the

Oakland Homicide Task Force Program and the Drug Education for Youth Program within the

Police Department (04-0341)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78555 C.M.S.*

[04-0341.pdf,](#)

[Item 4 5-11-04.pdf,](#)

[Item 10.21CC SUPP 5-18-04.pdf,](#)

[78555 CMS.pdf](#)

S-10.22CC

Subject: Urban Search and Rescue Team

From: Oakland Fire Department

Recommendation: Adopt a Resolution authorizing the City Manager to apply for, accept, and

appropriate a grant from the Federal Emergency Management Agency (FEMA), Department of

Homeland Security for the period September 10, 2003 to February 9, 2005 in the amount of one

million one hundred thousand dollars (\$1,100,000) to meet the continued expenses of the Fire

Department's Urban Search and Rescue (USAR) Team as they equip and train to respond to

natural disasters and/or weapons of mass destruction (WMD) incidents; and authorizing the

City Manager to competitively bid and award contracts for the purchase of trucks, trailers and

forklifts as required by FEMA, without return to Council up to a total amount not to exceed

four hundred thousand dollars (\$400,000) (04-0351)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78556 C.M.S.*

[04-0351.pdf](#),

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

[Item 10.22CC SUPP 5-18-04.pdf](#),

[78556 CMS.pdf](#)

S-10.23CC

Subject: West Oakland Weed and Seed Initiative

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Manager, on behalf of the City of

Oakland, to accept and appropriate a grant in an amount not to exceed two hundred twenty-five

thousand dollars (\$225,000) from the U.S. Department of Justice (USDOJ), Office of Justice

Programs, Executive Office of Weed and Seed for the continued program implementation of

the West Oakland Weed and Seed Initiative and authorizing a funding agreement in an amount

not to exceed twenty-five thousand dollars (\$25,000) with the Oakland Police Activities League

for truancy and mentoring services associated with the program (04-0352)

**Adopted**

*Resolution Number 78557 C.M.S.*

*Contract Number 04-1745*

[04-0352.pdf](#),

[Item 6 5-11-04.pdf](#),

[Item 10.23CC SUPP 5-18-04.pdf](#),

[78557 CMS.pdf](#)

S-10.24CC

Subject: Destruction of Records

From: Office of the City Clerk/Office of Parks and Recreation

Recommendation: Adopt a Resolution authorizing the destruction of certain records in the care

and custody of the Office of Parks and Recreation (OPR) (04-0291)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78558 C.M.S.*

[04-0297.pdf,](#)

[04-0291.pdf,](#)

[Item 7 RLC 5-13-04.pdf,](#)

[Item 10.24CC SUPP 5-18-04.pdf,](#)

[78558 CMS.pdf](#)

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

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

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

**the following vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

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

- *Sanjiv Handa*





*There were six final decisions made during closed session:*



*Item 2(e): Saroeum Sam v. City of Oakland*

*Council authorized settlement in the amount of \$100,000. In addition, drivers'*

*liability insurance company will pay the \$50,000 policy limit. Case arose out of*

*an automobile accident involving five teenagers riding in the vehicle. Plaintiffs*

*contend that the injuries were the result of a dangerous condition of public*

*property.*





*A motion was made by Vice Mayor Chang, seconded by Councilmember Nadel*

*to authorize settlement, and hearing no objections, all members present were*

*recorded as voting: Ayes: Agency/Councilmember: Brunner, Chang, Nadel,*

*Quan, Wan, and Reid - 6, Abstain: Brooks -1; Excused: De La Fuente - 1*





*Item 2(g): Thina Faison v. City of Oakland*



*Council authorized settlement in the amount of \$11,000. Plaintiff alleged that*

*she injured her ankle due to a dangerous condition of public property when she*

*fell on a deteriorated section of concrete. She sustained a severe right ankle*

*sprain and other injuries and was on crutches for three months.*



*A motion was made by Vice Mayor Chang, seconded by Councilmember Brooks*

*to authorize settlement, and hearing no objections, all members present were*

*recorded as voting: Ayes: Agency/Councilmember: Brooks, Brunner, Chang,*



*Nadel, Quan, Reid and Wan - 7; Excused: De La Fuente - 1*



*Item 2(h):     Lolinh Saelle v. City of Oakland*

*Council authorized settlement in the amount of \$9,500. Plaintiff asserted that*

*the Oakland police used excessive force during the course of handcuffing him*

*incident to arresting him as a burglary suspect. Plaintiff suffered a fractured*

*forefinger and cuts and bruises to his upper body.*





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

*Reid to authorize settlement, and hearing no objections, all members present*

*were recorded as voting: Ayes: Agency/Councilmember: Brooks, Brunner,*

*Chang, Nadel, Quan, Reid and Wan - 7; Excused: De La Fuente - 1*



*Item 2(f):     Silveira v. City of Oakland*

*Council authorized settlement in the amount of \$50,000. This matter involves a*

*due process challenge to the City's blight ordinance which was resolved*



*administratively. The \$50,000 covers plaintiff's attorney's fees.*



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

*Quan to authorize settlement, and hearing no objections, all members present*

*were recorded as voting: Ayes: Agency/Councilmember: Brooks, Brunner,*

*Chang, Nadel, Quan, Reid and Wan - 7; Excused: De La Fuente - 1*



*Item 2(c):     Lynn Beamon v. City of Oakland*



*Council authorized settlement in the amount of \$87,500. Plaintiff alleged that*

*the City failed to protect him from a hostile work environment.*



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

*Reid to authorize settlement, and hearing no objections, all members present*

*were recorded as voting: Ayes: Agency/Councilmember: Brooks, Brunner,*

*Chang, Nadel, Quan, Reid and Wan - 7; Excused: De La Fuente - 1*





*Item 1: California Waste Solutions- Settlement of Host Fees*

*Claim (PWA)*

*Council authorized settlement in the amount of \$109,405. California Waste*

*Solutions claimed that the City owed the company recycling payment allegedly*

*due under a recycling contract for the 1992-97 years. The settlement includes:*

*1) City's payment of the \$109,405; 2) City's and CWS' agreement to indemnify*

*each other for claims and demands under the contract; and 3) City's agreement*

*to authorize a contract with CWD to provide recycling services for 2005-2012.*





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

*Quan to authorize settlement, and hearing no objections, all members present*

*were recorded as voting: Ayes: Agency/Councilmember: Brooks, Brunner,*

*Chang, Nadel, Quan, Reid and Wan - 7; Excused: De La Fuente - 1*

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

*Councilmember Brunner, to accept the oral report from the City Attorney on*

*final decisions made during Closed Session, and hearing no objections, all*

*members present were recorded as voting: Ayes: Agency/Councilmember:*

*Brooks, Brunner, Chang, Nadel, Reid, Quan, and Wan-7, Excused: De La*

*Fuente -1*

12

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

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

*Councilmember Reid 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: De La Fuente-1*

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

**THEREAFTER:**

13

Reconsideration of Ordinances pursuant to Charter Section 216  
*There was no action necessary for this item.*

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

Subject: Community Development Block Grant Programs - Public Hearing

From: Community and Economic Development Agency

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

authorizing the City Manager to prepare and submit the Consolidated Plan Annual Action Plan

for Housing and Community Development for Fiscal Year 2004-2005 to the U.S. Department

of Housing and Urban Development; accepting and appropriating funds totalling \$17,641,406

for the Community Development Block Grant, Home Investment Partnership, Emergency

Shelter Grant and Housing Opportunities for Persons With Aids programs; and, authorizing the

City Manager to negotiate and execute agreements with contractors/subrecipients for Fiscal

Year 2004-2005 for the Community Development Block Grant and Housing Opportunities for



Persons with Aids programs (Vice Mayor Chang, City-wide) (04-0174)

**Continued to Concurrent Meeting of the Oakland Redevelopment Agency /**

**City Council on 6/1/2004**

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

*opened at 7:02 p.m.*

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

*Councilmember Brooks, to close the Public Hearing, 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*

*The following individuals spoke on item 14.1 and did not indicate a position:*

*- Laura Norin*

- *Johnathan Winters*

- *Martin Carey Rios*

[04-0174.pdf,](#)

[Item 4 4-27-04.pdf,](#)

[Item 9 5-11-04.pdf,](#)

[Item 14.1 5-18-04.pdf,](#)

[Item 9 SUPP CED 5-11-04.pdf](#),

[Item 14.1-2 Revised Resolution.pdf](#)

2) Resolution to amend Resolution Number 76276 C.M.S. to 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; and 2) limit the total amount of funding for

district allocations to the amount of CDBG funds unallocated after the annual City Council

budget review (TITLE CHANGE) (04-0174a)

**Continued to Concurrent Meeting of the Oakland Redevelopment Agency /**

**City Council on 6/1/2004**

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

*Councilmember Brooks, continue the Public Hearing to June 1, 2004 to take*

*action on the Revised Recommendation noticed for item 14.1, and hearing no*

*objections, the motion passed by Ayes: Agency/Councilmember: Brooks,*

*Brunner, Chang, Nadel, Reid, Quan, and Wan-7, Excused: De La Fuente -1*

[Item 4 4-27-04.pdf,](#)

[Item 9 5-11-04.pdf,](#)

[Item 14.1 5-18-04.pdf,](#)

[Item 14.1-2 Revised Resolution.pdf](#)

14.2

Subject: Planning Commission Appeal-VMD04-401 - Public Hearing

From: Community and Economic Development Agency

Recommendation: Conduct a Public Hearing and adopt a Resolution denying the appeal and

sustaining the decision of the City Planning Commission in approving construction of a new

single-family residence located on a vacant lot adjacent to 3601 Lakeshore Avenue (Case File

Number VMD03-401)(Councilmember Wan, District 2) (04-0246)

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

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

**vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution 78559 C.M.S.*

*The following individual spoke against this item:*



- *Cameron C. Brown*

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

- *Jerry Wong*

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

*opened 7:08 p.m.*

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

*Councilmember Reid, to close the Public Hearing, and hearing no objections,*

*the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang,*

*Nadel, Reid, Quan, and Wan-7. Excused: De La Fuente -1*

[04-0246.pdf,](#)

[Item 14.2 5-18-04.pdf,](#)

[78559 CMS.pdf](#)

**ACTION ON NON-CONSENT ITEMS:**

Subject: California Waste Solutions - Northern Half of the City

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Manager to enter into an agreement

with California Waste Solutions to provide weekly single stream residential recycling

collection and processing services in the northern half of the City from January 1, 2005 through

December 31, 2012 in an initial amount of approximately \$2,575,000 per year (04-0306)

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

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

**motion carried by the following vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78560 C.M.S.*

*Contract Number 04-1746*

*The following individuals spoke in favor of this item:*

*- Jud Goff*



- *Victor Duong*

- *Steve Gillman*

- Philip Nguyen

- Tran Hong Phui

- *Douglas Nguyen*

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

*- Sanjiv Handa*

- *Renu Lisa Neogy-Prieto*

- *Mildred Hatcher*

- *James S. Hatcher*

- *Odrs Hall*

- *Marcel Diallo*

- *Trung Nguyen*

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



*Councilmember Reid, to adopt the resolution on Item 15 as amended to include*

*the language referred to in Attachment A of this item: and hearing no*

*objections, the motion passed by Ayes: Agency/Councilmember: Brooks,*

*Brunner, Chang, Nadel, Reid, Quan, and Wan, Excused: De La Fuente -1*

[Item 15 pt. 2 5-04-04.pdf,](#)

[Item 15 pt. 1 5-18-04.pdf,](#)

[Item 15 SUPP 5-18-04.pdf,](#)

[78560 CMS.pdf](#)

15.1

Subject: Waste Management of Alameda County - Southern Half of the City

From: Public Works Agency

Recommendation: A Report with Recommendations for approval of the Fifth Amendment to

the Franchise Agreement for solid waste and yard waste collection and disposal services with

Waste Management of Alameda County and authorizing weekly single stream residential

recycling collection and processing services in the southern half of the City (\$926,000); and

weekly yard waste and residential food scraps recycling throughout the City from January 1,

2005 through December 31, 2012 in an initial amount of approximately \$2,031,000 per year (

TITLE CHANGE TO DELETE RESOLUTION PREVIOUSLY NOTICED AS ITEM 15.1) (

04-0300)

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

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

**by the following vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

[04-0300.pdf](#),

[Item 15.1 5-18-04.pdf](#)

15.2

Subject: Residential Food Scraps Recycling Program

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Manager to enter into an agreement

with the Alameda County Waste Management Authority for \$761,000 in funding to purchase

containers for the Residential Food Scraps Recycling Program and development of public

education materials (04-0301)

**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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78561 C.M.S*

*Contract Number 04-1747*

[04-0301.pdf](#),

[Item 15.2 5-18-04.pdf](#),

[78561 CMS.pdf](#)

15.3

Subject: Solid Waste Collection and Disposal Rates

From: Public Works Agency

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

Ordinance No. 11820 C.M.S. increasing rates charged for solid waste collection and disposal

for multi-family and single-family ratepayers, increasing City fees paid by Waste Management

of Alameda County to the City of Oakland and authorizing the Fifth Amendment to the



Franchise Agreement for solid waste and yard waste collection and disposal services to include

weekly single stream residential recycling and processing services in the southern half of the

City (\$926,000), and City-wide weekly yard waste collection and residential food scraps

recycling in an initial amount of approximately \$2,031,000 per year (TITLE CHANGE

INCORPORATING PROVISIONS OF THE RESOLUTION PREVIOUSLY NOTICED AS

ITEM 15.1 AND DELETED HEREON) (04-0295)

**Approved on Introduction for Final Passage to Concurrent Meeting of the  
Oakland Redevelopment Agency / City Council on 6/1/2004**

*Agency/Councilmember Reid made a motion seconded by Agency/*

*Councilmember Quan to approve an urgency finding pursuant to Section 2.20.*

*080 E(2) regarding Items 15, 15.1, 15.2 and 15.3 that there is a need to take*

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

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

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

*subsequent special or regular meeting, and hearing no objections, the motion*

*passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel,*

*Reid, Quan, and Wan-7. Excused: De La Fuente -1*

[04-0295.pdf](#),

[Item 15.3 5-18-04.pdf](#),

[Item 15.3 5-18-04.pdf](#),

[Item 10.12CC 6-01-04.pdf](#)

(Item 7 6-1-04)

[Attachment A 5-18-04](#)

16

Subject: 2002-2003 Comprehensive Annual Financial Report

From: Finance and Management Agency

Recommendation: Receive the Fiscal Year 2002-2003 Comprehensive Annual Financial

Informational Report and Oakland Redevelopment Agency Financials (04-0155)

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

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

**following vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

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

- *Sanjiv Handa*

[04-0155.pdf](#),

[CAFR June 30, 2003.pdf](#),

[ORA Financials June 30, 2003.pdf](#),

[Item 8 4-27-04.pdf](#),

[Item 16 5-18-04.pdf](#),

[Item 16 SUPP 5-18-04.pdf](#)

From: Council President De La Fuente

Recommendation: Adopt a Resolution appointing Thomas Limon as a member of the Budget

Advisory Committee (04-0412)

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

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

**vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78562 C.M.S.*

[Item 17 5-18-04.pdf,](#)

[78562 CMS.pdf](#)

18

Subject: Amendment to the Salary Schedule

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 Service Employees International Union

Local 790, Part-Time Memorandum of Understanding (04-0403)

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

**Wan, that this matter be Approved on Introduction for Final Passage to**

**the Concurrent Meeting of the Oakland Redevelopment Agency / City**

**Council, due back on June 1, 2004. The motion carried by the following**

**vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

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

- *Sanjiv Handa*

[04-0403.pdf](#),

[Item 18 5-18-04.pdf](#)

S-19

Subject: Prohibition of Fireworks in the City of Oakland

From: President De La Fuente

Recommendation: Adopt an Emergency Ordinance repealing Chapter 8.06.010 of the Oakland

Municipal Code which prohibits the firing and explosion of fireworks and other pyrotechnical

devices and adding Chapter 8.06.030 prohibiting the sale, transfer, possession and use of



fireworks within City limits (04-0418)

**A motion was made by Councilmember Quan, 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 - President of the Council De La Fuente

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Ordinance Number 12601 C.M.S.*



*The following individuals spoke in favor of this item:*

- *Patricia Reulas*

- *Karen Lind*

- *Robert Bodnar*

- *Mark Daly*



- *Carolyn vallergera*

- *Colleen Brown*

- *Keh B. Lupoff*

- *Abraham Antonio Reulas*

- *John Fall*

- *Larry Holmes*

- *Richard Louis Drechsler*





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

- *Sanjiv Handa*



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

*Councilmember Reid to approve an urgency finding pursuant to Section 2.20.*

*080 E(2) regarding Item S-19 that there is a need to take immediate action*

*which came to the attention of the local body after the agenda was posted, and*

*that the need to take immediate action is required to avoid a substantial adverse*



*impact that would occur if the action were deferred to a subsequent special or*

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

*Brunner, Chang, Nadel, Quan, Reid, and Wan; Abstain: Brooks -1 Excused: De*

*La Fuente -1*



*Agency/Councilmember Reid made a motion seconded by Agency/*

*Councilmember Quan to approve the Emergency Ordinance as amended to*

*include the following language:*



1. *The City Administrator may issue permits for professional displays of*

*fireworks and the use, but not sale of fireworks for purposes of cultural*

*celebrations or business promotion. The City Administrator shall promulgate a*

*separate set of regulations and fees governing the issuance of such permits for (*

*1) large public fireworks displays; and (2) small fireworks displays for cultural*

*celebrations and business promotions; provided however, that the City*

*Administrator may issue permits prior to promulgating regulations and*

*establishing fees, until the end of the year of 2004.*

2. *Further, if any display of fireworks is to be held within any public park or*



*other property under the jurisdiction of the City, the City Administrator shall*

*have the right to require the posting of any bond, or taking out of any*

*insurance, that he or she may deem necessary.*

3) *Delete Section 2 A, Item 5;*

4) *Insert "and exempt 12508" into Section 2 A, Item 8, after '...Section 12529';*

*and*

5) *Delete the following language from Section 2 A, Item 9: "or involving any*

*fireworks or pyrotechnical devices designated 'Exempt fireworks', 'Fireworks',*

*or 'Fireworks Kits' within California Health and Safety Code Section 12508,*

*12511, or 12512, or any device described under California Health and Safety*

*Code Section 12526"*

*Council also directed staff to prepare a follow-up report regarding enforcement*



*efforts from the Police and Fire Departments with return to the Public Safety*

*Committee for discussion on whether fire personnel can issue citations.*

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

*Quan, Reid, and Wan; Abstain: Brooks -1 Excused: De La Fuente -1*

[04-0418.pdf,](#)

[Item 19 SUPP 5-18-04.pdf,](#)

[12601 CMS.pdf](#)

*S-20*

Subject: Vanguard Construction - West Oakland Bay Trail

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing award of a contract to Vanguard

Construction for the construction of West Oakland Bay Trail (Project Number G134010) in the

amount of four hundred seventy-nine thousand one hundred twenty-four dollars and forty-four

cents (\$479,124.44)(PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS

ITEM REQUIRES A 2/3 VOTE) (04-0278)

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

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

**vote:**

**Votes:**

*ORA\Councilmember Abstained: 1 - Councilmember Brooks*

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

*ORA\Councilmember Ayes: 6 - Councilmember Nadel, Councilmember*

*Brunner, Councilmember Wan, Councilmember Quan, Councilmember Reid*

*and Vice Mayor Chang*

*Resolution Number 78563 C.M.S.*

*Contract Number 04-1748*

[\*Item 6 4-27-04.pdf,\*](#)

[\*Item 5 PWC 5-11-04.pdf,\*](#)

[\*Item 5 SUPP PWC 5-11-04.pdf,\*](#)

[\*Item 20 SUPP 5-18-04.pdf,\*](#)

[\*78563 CMS.pdf\*](#)

21

Subject: Worker Retention at Large-Scale Hospitality Businesses

From: President De La Fuente and Councilmember Brunner

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

Retention at Large-Scale Hospitality Businesses (04-0250)

**A motion was made by Councilmember Reid, seconded by Vice Mayor**

**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 June 1, 2004. The motion carried by the following**

**vote:**

**Votes:**

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

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*The following individual spoke in favor of this item:*

*- Mario Joseph Savioni*

*- Andrew Petrazzuoli*

*- Clare Lee Darby*

*- Judy Goff*

- *Caroll Troy Richardson*

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

- *Sanjiv Handa*

- *Hector Reynas*



[Item 3 CED 5-11-04.pdf,](#)

[Item 3 SUPP CED 5-11-04.pdf,](#)

[Item 21 SUPP 5-18-04.pdf,](#)

[Item 10.10CC 6-01-04.pdf](#)

### **ADJOURNMENT OF COUNCIL SESSION**

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

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

*Council adjourned the meeting in memory of Harold Butler, Dan Purnell, Sr.,*

*Patricia Freitas, Reverend Earl Holloway, and Morris Soublet at 10:00 p.m.*

Americans With Disabilities Act

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

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

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

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

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

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

THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO ENSURE THE

SAFETY OF THOSE ATTENDING MEETINGS. (...)

*City Clerk and Clerk of the Council*