

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

1 Frank H. Ogawa Plaza, Council Chambers, 3rd Floor

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

Tuesday, January 03, 2006

6:00 PM

Oakland City Hall, 3rd Floor

1
Pledge of Allegiance

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 6:05 p.m.

2
Roll Call / ORA & Council

ORA\Councilmember Present: 8 - Councilmember Chang, Councilmember

Reid, Councilmember Brunner, Councilmember Nadel, Councilmember

Kernighan, Councilmember Brooks, President of the Council De La Fuente and

Vice Mayor Quan

3

Open Forum / Citizens Comments

(Time Available: 15 minutes)

The following individual(s) spoke under Open Forum:

- *Ashley James*

- *Sanjiv Handa*

- *Dorothy Coleman*

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 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)

There was no action 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.

There was no action necessary for this item.

7

Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment

Agency/City Council held on December 20, 2005

A motion was made by Councilmember Reid, seconded by Councilmember

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

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

8. PRESENTATION OF CEREMONIAL MATTERS

8.1

Subject: Mayor Proclamation - Oakland's One City, One Book Campaign

From: Oakland Public Library

Recommendation: Receive A Mayoral Proclamation To Kick-Off Oakland's One City, One

Book Campaign Featuring The Book Mistress Of Spices, By Chitra Divakaruni (05-0945)

***Withdrawn with No New Date**

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9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

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

that the meeting be adjourned in memory of Machetta Williams.

Agency/Councilmember De La Fuente took a point of personal privilege and

requested that the meeting be adjourned in memory of Delores Gonzalez.

10. CONSENT CALENDAR (CC) ITEMS:

10.1-CC

Subject: Declaration Of A Local Emergency Due To AIDS Epidemic

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Renewing And Continuing The City Council's

Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis

With Regard To The AIDS Epidemic (05-1018)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

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10.2-CC

Subject: Medical Cannabis Health Emergency

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local

Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In

The City Of Oakland (05-1019)

This Matter was Adopted on the Consent Agenda.

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

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10.3CC

Subject: Oakland Redevelopment Agency V. Fung - Settlement

From: Office of the City Attorney

Recommendation: Adopt A Resolution Authorizing And Directing Agency Counsel To

Compromise And Settle The Case Of Oakland Redevelopment Agency V. Fung, Et Al, In The

Amount Of \$500,000, As A Result Of An Eminent Domain Action Commenced By The

Redevelopment Agency To Facilitate The Uptown Project Development (05-1025)

A motion was made by Councilmember Brunner, seconded by Vice Mayor

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

vote:

Votes:

ORA\Councilmember Abstained: 1 - Councilmember Brooks

ORA\Councilmember Ayes: 7 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

President of the Council De La Fuente and Vice Mayor Quan

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10.4CC

Subject: Oakland Redevelopment Agency V. Viacom Outdoor, Inc., - Settlement

From: Office of the City Attorney

Recommendation: Adopt A Resolution Authorizing And Directing Agency Counsel To

Compromise And Settle The Case Of Oakland Redevelopment Agency V. Viacom Outdoor,

Inc., In The Amount Of \$140,000, Plus Interest From July 15, 2005, As A Result Of An

Eminent Domain Action Commenced By The Redevelopment Agency To Facilitate The

Uptown Project Development (05-1026)

A motion was made by Councilmember Brunner, seconded by Vice Mayor

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

vote:

Votes:

ORA\Councilmember Abstained: 2 - Councilmember Brunner and

Councilmember Brooks

ORA\Councilmember Ayes: 6 - Councilmember Chang, Councilmember Reid,

Councilmember Nadel, Councilmember Kernighan, President of the Council De

La Fuente and Vice Mayor Quan

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10.5-CC

Subject: Vacating Ferro Street

From: Community And Economic Development Agency

Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance

Conditionally Vacating Ferro Street To The Port Of Oakland From Its Intersection With Middle

Harbor Road To Its Western Terminus (05-0800)

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

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

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10.6-CC

Subject: Nonexclusive Storm Drain Easement

From: Community And Economic Development Agency

Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Authorizing

The Granting Of A Nonexclusive Permanent Storm Drain Easement Of 479 Square Feet On

City Owned Property Located At 105th Avenue, Oakland (APN # 045-5370-020-01) To

Marinwoods Enterprises, Inc. For The Appraised Market Value Of \$2,500 Plus Master Fee

Schedule Fees (05-0853)

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

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

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Passed The Consent Agenda

A motion was made by Councilmember Brunner, seconded by Vice Mayor

Quan, including all the preceding items marked as having been adopted on

the Consent Agenda. The motion carried by the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

11

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

Closed Session

There were no final decisions made during Closed Session. There was no action

neccesary for this item.

12

A disclosure of non-confidential Closed Session Discussion pursuant to Section 15 of 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, Kernighan and President of the Council De La Fuente -8

At 6:25 p.m., the ORA/City Council recessed.

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

THEREAFTER:

The ORA/City Council reconvened at 7:02 p.m.

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:

14.1

Subject: Delinquent Business Taxes - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct A Public Hearing Regarding The Assessment Of Liens For

Delinquent Business Taxes And Upon Conclusion Adopt One Of The Following Pieces Of

Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs

Incurred By The City Of Oakland For Delinquent Business Taxes And Confirming The

Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary -

Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice

Of Lien And Assessment Charges To Be Turned Over To The County For Collection; or

(05-0928-1)

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

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

vote:

Votes:

ORA\Councilmember Absent: 2 - Councilmember Chang and Councilmember

Brunner

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

Councilmember Kernighan, Councilmember Brooks, President of the Council

De La Fuente and Vice Mayor Quan

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

opened at 7:02 p.m.

Agency/Councilmember Brooks made a motion, seconded by

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

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

Brunner, Chang, Nadel, Reid, Quan, Kernighan and President of the Council

De La Fuente -8

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2) A Resolution Overruling Protests And Accepting And Confirming Reports Of The City

Administrator On The Delinquent Business Taxes, And Confirming The Recordation Of Liens,

Administrative Charges, And Assessment Charges As Necessary - Pursuant To Title 5, Chapter

5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment

Charges To Be Turned Over To The County Tax Collector For Collection; or (05-0928-2)

Not Adopted

3) A Resolution Continuing Hearing On Reports Of The City Administrator On The Delinquent

Business Taxes, And Confirming Of The Recordation Of Liens, Administrative Charges And

Assessment Charges, As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland

Municipal Code (05-0928-3)

Not Adopted
14.2

Subject: Delinquent Transient Occupancy Taxes - Public Hearing

From: Finance And Management Agency

Recommendation: Conduct A Public Hearing Regarding The Assessment Of Liens For

Delinquent Transient Occupancy Taxes And Upon Conclusion Adopt One Of The Following

Resolutions:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs

Incurred By The City Of Oakland For Delinquent Transient Occupancy Taxes And Confirming

The Recordation Of Liens, Administrative Charges, And Assessment Charges As Necessary

Pursuant To Title 4, Chapter 4.24 Of The Oakland Municipal Code, And Directing The Notice

Of Lien And Assessment Charges To Be Turned Over To The County For Collection; Or

(05-0931-1)

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

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

vote:

Votes:

ORA\Councilmember Absent: 2 - Councilmember Chang and Councilmember

Brunner

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

Councilmember Kernighan, Councilmember Brooks, President of the Council

De La Fuente and Vice Mayor Quan

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

opened 7:04 p.m.

Agency/Councilmember Nadel made a motion, seconded by

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

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

Brunner, Chang, Nadel, Reid, Quan, Kernighan and President of the Council

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2) A Resolution Overruling Protests And Accepting And Confirming Reports Of The City

Administrator On The Delinquent Transient Occupancy Taxes And Confirming The

Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary

Pursuant To Title 4, Chapter 4.24 Of The Oakland Municipal Code, And Directing The Notice

Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For

Collection; Or (05-0931-2)

Not Adopted

3) A Resolution Continuing Hearing On Reports Of The City Administrator On The Delinquent

Transient Occupancy Taxes And Confirming The Recordation Of Liens, Administrative

Charges And Assessment Charges As Necessary Pursuant To Title 4, Chapter 4.24 Of The

Oakland Municipal Code (05-0931-3)

Not Adopted
14.3

Subject: Delinquent Mandatory Garbage Fees - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct A Public Hearing Regarding Delinquent Mandatory Garbage Fees

For April/May/June 2005 Monthly Accounts And July/August/September 2005 Quarterly

Accounts And Upon Conclusion Adopt One Of The Following Resolutions:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs

Incurred By The City Of Oakland For Delinquent Garbage Service Fees, And Confirming The

Recordation Of Liens, Administrative Charges, And Assessment Charges, As Necessary -

Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien

And Assessment Charges To Be Turned Over To The County Tax Collector For Collection; or

(05-0938-1)

A motion was made by Councilmember Brooks, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

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

opened at 7:05 p.m.

Agency/Councilmember Brooks made a motion, seconded by

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

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

Brunner, Chang, Nadel, Reid, Quan, Kernighan and President of the Council

De La Fuente -8

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2) A Resolution Overruling Protests And Objections, And Accepting And Confirming Reports

Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent

Garbage Service Fees, And Authorizing The Recordation Of Liens, Administrative Charges, As

Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The

Notice Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For

Collection; or (05-0938-2)

Not Adopted

3) A Resolution Continuing Hearing On Reports Of The City Administrator On The Delinquent

Garbage Services Fees And Confirming Of The Recordation Of Liens, Administrative Charges,

And Assessment Charges, As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal

Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The

Alameda County Tax Collector For Collections (05-0938-3)

Not Adopted
14.4

Subject: Delinquent Real Property Transfer Taxes - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct A Public Hearing Regarding The Assessment Of Liens For

Delinquent Real Property Transfer Taxes And Upon Conclusion Adopt One Of The Following

Resolutions:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs

Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes, And

Confirming The Recordation Of Liens, Administrative Charges, And Assessment Charges, As

Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The

Notice Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For

Collection; or (05-0943-1)

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 Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

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

opened at 7:08 p.m

Agency/Councilmember Reid made a motion, seconded by

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

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

Brunner, Chang, Nadel, Reid, Quan, Kernighan and President of the Council

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

- *Sanjiv Handa*

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2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports

Of The City Administrator On The Cost Incurred By The City Of Oakland For Delinquent Real

Property Transfer Taxes, And Authorizing The Recordation Of Liens, Administrative Charges

As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The

Notice Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For

Collection; or (05-0943-2)

Not Adopted

3) A Resolution Continuing Hearing On Reports Of The City Administrator On The Delinquent

Real Property Transfer Taxes And Confirming Of The Recordation Of Liens, Administrative

Charges, And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland

Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned

Over To The Alameda County Tax Collector For Collections (05-0943-3)

Not Adopted

14.5

Subject: Taxi Medallion Number 303

From: Office of the City Administrator

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution

Affirming Administrative Hearing Officer's Revocation Of Taxi Medallion (Vehicle Operating

Permit) Number 303 (05-0519-3)

***Withdrawn with No New Date**

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ACTION ON NON-CONSENT ITEMS:

15

Subject: Election Of Vice Mayor

From: Office of the City Clerk

Recommendation: Adopt A Resolution Electing Councilmember _____ As Vice

Mayor Of The City Council Of The City Of Oakland For The Term Beginning January 3, 2006

And Ending January 3, 2007 Pursuant to City Charter Section 208 (05-1021)

A motion was made by Councilmember Chang, seconded by President of

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

carried by the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

Agency/Councilmember Chang made a motion to nominate

Agency/Councilmember Jean Quan as Vice Mayor of the City Council. The

motion was seconded by President of the Council De La Fuente. The motion

passed with Ayes: Brooks, Brunner, Chang, Kernighan, Nadel, Quan, Reid and

President of the Council De La Fuente - 8.

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

- Sanjiv Handa

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16

Subject: Amendment To Assembly Bill 1121 - A Moratorium On Executions

From: Councilmember Brooks

Recommendation: Adopt A Resolution Supporting AB 1121, Sponsored By Assembly

Member Koretz, Which Would Place A Moratorium On The Carrying Out Of Any Executions

In The State Of California Until Certain Criteria Are Met, Or, Failing That, Until January 1,

2009. The Bill Would Also Make Findings And State Declarations Of The Legislature Relative

To The California Commission On The Fair Administration Of Justice (05-1017)

A motion was made by Councilmember Brooks, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

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17

Subject: Salary Ordinance - Amendment

From: Finance And Management Agency

Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending

The Salary Schedule Of Ordinance No. 12187 C.M.S. (The Salary Ordinance) To Add The

Classifications Of Park Attendant, Senior Services Administrator, PPT And Chief Conservator,

To Amend The Title Of Executive Assistant To The Assistant City Manager, And Increase The

Salary Of Energy Engineer III (TITLE CHANGE) (05-0878)

A motion was made by Vice Mayor Quan, seconded by Councilmember

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

carried by the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

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Subject: Radio Equipment Upgrade

From: Finance And Management Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator Or Her Designee To Negotiate And

Execute An Agreement With Nextel Communications For The Replacement, Retuning,

Upgrade And Modification Of The City's 800 MHz Radio Equipment Per The FCC Rebanding

Agreement Without Return To Council (05-0929)

A motion was made by Councilmember Reid, seconded by Councilmember

Chang, that this matter be Adopted as Amended Council directed staff to

return to the Public Safety Committee and full Council after the conclusion

of negotiations with Nextel to allow review of the final agreement and

further directing staff to ask Nextel for the timeline on reimbursement of

expenses owed to the City of Oakland. The motion carried by the following

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

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

- *Sanjiv Handa*

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2) A Resolution Authorizing The City Administrator Or Her Designee To Allocate Funds From

The Radio Replacement Fund In An Amount Not To Exceed Three Million Dollars

(\$3,000,000.00) And Authorize The City Administrator To Execute A Contract With

Dailey-Wells Inc. For Project Engineering, Radio Replacement And Upgrades Without Return

To Council (05-0929-1)

***Rescheduled to *Rules & Legislation Committee on 1/5/2006**

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2) A Resolution Authorizing The City Administrator Or Her Designee To Authorize Two (2)

Additional Positions For Project Management And Installation Coordination For A Period Not

To Exceed Three Years Without Return To Council (05-0929-2)

***Rescheduled to *Rules & Legislation Committee on 1/5/2006**

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3) A Resolution Authorizing The City Administrator To Enter Into Cooperative Agreements

With Bay Area Rapid Transit District (BART) And The City Of Richmond Allowing The

Mutual Roaming Capabilities Of Public Safety Units On Each Of The Radio Systems Without

Return To Council; And (05-0929-3)

***Rescheduled to *Rules & Legislation Committee on 1/5/2006**

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4) A Resolution Authorizing The City Administrator Or Her Designee To Execute A Purchase

Order With M/A-Com Inc. For Radio Parts And Materials For An Amount Not To Exceed Five

Hundred Thousand Dollars (\$500,000.00) Per Year For Three (3) Years Without Return To

Council (05-0929-4)

***Rescheduled to *Rules & Legislation Committee on 1/5/2006**

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19

Subject: Amicus Brief - O'Connell V. City Of Stockton

From: Office of the City Attorney

Recommendation: Adopt A Resolution Authorizing The City Attorney To Join In An Amicus

Brief To The California Supreme Court Regarding The Case Of O'Connell V. City Of Stockton

To Protect Oakland's Beat Feet And Sideshow Vehicle Forfeiture Ordinances (05-1020)

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: 3 - Councilmember Brunner, Councilmember

Nadel and Councilmember Brooks

ORA\Councilmember Ayes: 5 - Councilmember Chang, Councilmember Reid,

Councilmember Kernighan, President of the Council De La Fuente and Vice

Mayor Quan

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

- Sanjiv Handa

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20

Subject: Barry Pilger - Appointment

From: Vice Mayor Brunner

Recommendation: Adopt A Resolution Appointing Barry Pilger As A Member Of The Budget

Advisory Committee (05-1022)

A motion was made by Councilmember Brunner, seconded by Vice Mayor

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

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

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

- Sanjiv Handa

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S-21

Subject: Steve Splendorio And Bruce Nielsen - Settlement

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Amending Resolution 79497 Authorizing And

Directing The City Attorney to Compromise And Settle The Case Of Steve Splendorio And

Bruce Nielsen, And Other Employees Similarly Situated (Plaintiffs) v. City Of Oakland, Et. Al,

(Defendants), United States District Court, Northern District Of California, Case No.

C044349-CW, As Follows: (1) City Shall Pay A Total Amount Ranging Between \$916,506

And \$1,300,000 As Compensation To Qualifying Members Of Local 55 For Incorrect FLSA

Overtime Calculations (05-1029)

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 Ayes: 8 - Councilmember Chang, Councilmember Reid,

Councilmember Brunner, Councilmember Nadel, Councilmember Kernighan,

Councilmember Brooks, President of the Council De La Fuente and Vice Mayor

Quan

Agency/Councilmember Reid made a motion seconded by

Agency/Councilmember Chang to approve an urgency finding pursuant to

Section 2.20.080 E(2) regarding Item 21 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.

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

- Sanjiv Handa

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Continuation of Open Forum
ADJOURNMENT OF COUNCIL SESSION

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

Agency/Council adjourned the meeting at 7:47 p.m.

Americans With Disabilities Act

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

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

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

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

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

Office of the City Clerk

Phone: (510) 238-7370

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

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

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

THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO ENSURE THE

SAFETY OF THOSE ATTENDING MEETINGS. (...)

