

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 - Final

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 16, 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 6:20 p.m.

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 Present:

Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

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

The following individuals spoke under this item:

- Deloris Allen
- Daniel Josen
- Roosevelt Mosby
- Chyrrill Quamina
- Alicia Gilbert
- Brandon Blackman
- Robert Williams
- Tiffany Lacsado
- Bryan Philpot
- Carlton Smith
- Anthony Thomas

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 were no modifications to the Consent Calendar.

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 for this item.

Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on December 2, 2003

Item 24 will reflect the following amendments:
 ORA/Councilmember Reid as the seconder; and
 ORA/Councilmember Quan as Abstain

***Approve with the following amendments**

8. Presentation of Ceremonial Matters

8.1

Subject: Margaret Dixon
 From: Councilmember Reid
 Recommendation: Presentation of a Proclamation honoring Officer Margaret Dixon for her years of service in dedication to Oakland's Youth

Attachments:

[03-0327.pdf](#)

Councilmember Reid made a presentation of a Proclamation honoring Officer Margaret Dixon

8.2

Subject: "BEAT HEALTH DAY"
 From: Councilmember Reid
 Recommendation: Adopt a Resolution recognizing the Oakland Police Department Beat Health Unit and declaring December 17, 2003 as "BEAT HEALTH DAY" in the City of Oakland

Attachments:

[03-0334.pdf](#)

[78226 CMS.pdf](#)

[Item 8.2.pdf](#)

Resolution Number 78226 C.M.S.

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

ORA\Councilmember Ayes:

Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78226

8.3

Subject: Oakland Youth Orchestra
 From: Councilmember Chang
 Recommendation: Adopt a Resolution honoring the Oakland Youth Orchestra on its 40th Anniversary

Attachments:

[0358.pdf](#)

[78227 CMS.pdf](#)

[Item 8.3.pdf](#)

Resolution Number 78227 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 Ayes:

Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78227

8.4

Subject: Plywood and Lumber Sales
 From: Vice Mayor Nadel
 Recommendation: Adopt a Resolution recognizing Plywood and Lumber Sales for their commitment to the principles of the "Triple Bottom Line"

Attachments:

[0360.pdf](#)

[78228 CMS.pdf](#)

[Item 8.4.pdf](#)

Resolution Number 78228 C.M.S.

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

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

Enactment No: 78228

8.5

Subject: McClymonds Parent Academy
From: Vice Mayor Nadel
Recommendation: Adopt a Resolution recognizing the Contributions of the 7th
St. McClymonds Leadership and Engagement Initiative Parent Academy to the
City of Oakland

Attachments: [0361.pdf](#),
[78274 C.M.S..pdf](#),
[8.1.pdf](#)

***Withdrawn with No New Date**

9. Council Acknowledgements / Announcements

Vice Mayor Nadel took a point of personal privilege and requested that the meeting be
adjourned in memory of David Sloan and Father Bill O'Donnell

Agency/Councilmember Reid took a point of personal privilege and requested that the
meeting be adjourned in memory of DeShawn Holloway.

Agency/Councilmember Brunner took a point of personal privilege and requested that
the meeting be adjourned in memory of Father Bill O'Donnell, and Maria Natividad
Vargus.

President De La Fuente took a point of personal privilege and requested that the
meeting be adjourned in memory of Father Bill O'Donnell.

Agency/Councilmember Brooks took a point of personal privilege and requested that the
meeting be adjourned in memory of Damien Poe.

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

Attachments: [78230 CMS.pdf](#),
[Item 10.1 CC.pdf](#)

Resolution Number 78230 C.M.S.

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

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

Enactment No: 78230

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

Attachments: [78231 CMS.pdf](#),
[Item 10.2 CC.pdf](#)

Resolution Number 78231 C.M.S.

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

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

Enactment No: 78231

10.3CC

Subject: Dominick Baker - 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 Dominick Baker, et al. v. City of
Oakland, et al., United States District Court Case No. C 01-3942 MMC, our file
no. 21379, in the amount of \$22,500.00 as a result of excess force (Oakland
Police Department)

Attachments: [78232 CMS.pdf](#),
[Item 10.3 CC.pdf](#)

Resolution Number 78232 C.M.S.

The following individual spoke and did not indicate a position:

- Sanjiv Handa

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

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

Enactment No: 78232

10.4CC

Subject: John Davis - 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 John Davis v. City Of Oakland,
et al., United States District Court Case No. C 01-0888 CRB, our file no. 20514,
in the amount of \$110,000.00 as a result of excess force (Oakland Police
Department)

Attachments: [78233 CMS.pdf](#),
[Item 10.4 CC.pdf](#)

Resolution Number 78233 C.M.S.

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

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

Enactment No: 78233

10.5CC

Subject: Gilbert Edwards - 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 Gilbert Edwards, et al. v. City Of
Oakland, et al., United States District Court Case No. C01-3858 CRB, our file
no. 21394, in the amount of \$35,000.00 as a result of excess force (Oakland
Police Department)

Attachments: [78234 CMS.pdf](#),
[Item 10.5 CC.pdf](#)

Resolution Number 78234 C.M.S.

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

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

Enactment No: 78234

10.6CC

Subject: Leslie Jean Hardy - 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 Leslie Jean Hardy, in the amount of five thousand three hundred seventy three dollars and ninety-eight cents (\$5,373.98), as a result of property damage sustained due to flooding caused by failure of the City storm drain (Public Works Agency)

Attachments: [78235 CMS.pdf](#),
[Item 10.6CC.pdf](#)

Resolution Number 78235 C.M.S.

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

9 -

Enactment No: 78235

10.7CC

Subject: Bud Travers - 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 Bud Travers, in the amount of twenty two thousand two hundred sixty dollars and no cents (\$22,260.00), as a result of property damage sustained due to flooding caused by failure of the City sewer main (Public Works Agency)

Attachments: [78236 CMS.pdf](#),
[Item 10.7 CC.pdf](#)

Resolution Number 78236 C.M.S.

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

9 -

Enactment No: 78236

10.8CC

Subject: Genevieve Powell - 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 Genevieve Powell, in the amount of six thousand five hundred forty five dollars and three cents (\$6,545.03), as a result of property damage sustained from tree roots from City trees (Office of Parks and Recreation)

Attachments: [78237 CMS.pdf](#),
[Item 10.8 CC.pdf](#)

Resolution Number 78237 C.M.S.

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

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

9 -

Enactment No: 78237

10.9CC

Subject: Maria Ochoa - Oakland Museum of California Foundation Board
From: Mayor Brown
Recommendation: Adopt a Resolution appointing Maria Ochoa as a member of the Oakland Museum of California Foundation Board

Attachments: [78238 CMS.pdf](#),
[Item 10.9 CC.pdf](#)

Resolution Number 78238 C.M.S.

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78238

10.10
CC

Subject: Robert Thombs - Jack London Aquatic Center
From: President De La Fuente
Recommendation: Adopt a Resolution appointing Robert Thombs to the Board of Directors of the Jack London Aquatic Center

Attachments: [03-0325.pdf](#),
[78239 CMS.pdf](#),
[Item 10.10 CC.pdf](#)

Resolution Number 78239 C.M.S.

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78239

10.11
CC

Subject: Planning Commission Appeal - 1144 12th Street
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution denying, in part, the appeal and affirming, in part, the Planning Commission approval of a Major Conditional Use Permit and a Minor Variance (CMV03-207) for a clean and sober facility at 1144 12th Street, Oakland, such that there is a maximum of six (6) residents

Attachments: [0267.pdf](#),
[78240 CMS.pdf](#),
[Item 10.11 CC.pdf](#),
[Item 14.3 11-18-03.pdf](#)

Resolution Number 78240 C.M.S

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

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78240

10.12
CC

Subject: Interim Controls For Signs Within Specified Zones
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second 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](#),
[12563 CMS.pdf](#),
[Item 10.12 CC.pdf](#),
[Item 17 12-2-03](#)

Ordinance Number 12563 C.M.S.

A motion was made by Councilmember Wan, seconded by Councilmember Chang, that this matter be Approved for Final Passage. The motion carried by the following vote:

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 12563

10.13
CC

Subject: Sale of a City Owned Surplus Property
From: Community and Economic Development agency
Recommendation: Approve the Final Passage (Second 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 Hothorn Trust, in the amount of \$170,000

Attachments: [0290.pdf](#),
[12564 CMS.pdf](#),
[Item 10.13 CC.pdf](#),
[Item 19 12-2-03](#)

Ordinance Number 12564 C.M.S

A motion was made by Councilmember Wan, seconded by Councilmember Chang, that this matter be Approved for Final Passage. The motion carried by the following vote:

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 12564

10.14
CC

Subject: Installation of Mural along 40th Street / Highway 24 Overpass
From: Councilmember Brunner
Recommendation: Adopt a Resolution from the Oakland City Council supporting the installation of a mural along 40th Street at the Highway 24 overpass and assuming responsibility for its maintenance and upkeep

Attachments: [10.14CC 12-16-03.pdf](#),
[78241 CMS.pdf](#),
[Item 3 12-9-03.pdf](#)

Resolution Number 78241 C.M.S.

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78241

10.15
CC

Subject: Coliseum Transit Hub Streetscape Improvement Project
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution authorizing acceptance and appropriation of an amount up to \$303,188 in Transportation Funds for Clean Air Regional Funds from the Bay Area Air Quality Management District for the Coliseum Transit Hub Streetscape Project

Attachments: [10.15CC 12-16-03.pdf](#),
[78229 CMS.pdf](#),
[AR2003-12a.pdf](#),
[Item 5 12-9-03.pdf](#)

Resolution Number 78229 C.M.S.
Contract Number 03-1648

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

- Sanjiv Handa

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78229

10.16
CC

Subject: San Antonio Park Renovation
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing award of a construction contract to Bay Construction Company for the San Antonio Park renovation (Project No. C196510) in the amount of six hundred forty-two thousand dollars (\$642,000) (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments: [0284.pdf](#),
[10.16CC 12-16-03.pdf](#),
[78242 CMS.pdf](#),
[Item 6 12-9-03.pdf](#)

Resolution Number 78242 C.M.S.
Contract Number 03-1649

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78242

10.17
CC

Subject: Underground Utility District No. 234: 48th Street
From: Public Works Agency
Recommendation: Adopt a Resolution of Intention to establish Underground Utility District No. 234: 48th Street, between Telegraph and Shattuck Avenues, to be funded under California Public Utilities Commission (CPUC) Rule 20B; and set a Public Hearing for January 20, 2004

Attachments: [03-0218.pdf](#),
[10.17CC 12-16-03.pdf](#),
[78243 CMS.pdf](#),
[Item 7 12-9-03.pdf](#)

Resolution Number 78243 C.M.S.

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78243

10.18
CC

Subject: Installation of Signs and Creation of a "No Parking/Tow Away Zone
From: Public Works Agency
Recommendation: Adopt a Resolution approving the Installation of Signs and the creation of a "No Parking/Tow Away - Commercial Vehicles over 10,000 pounds or Unattached Trailers" Zone on 81st Avenue between Plymouth Avenue and Bancroft Avenue

Attachments: [03-0332.pdf](#),
[10.18CC 12-16-03.pdf](#),
[78244 CMS.pdf](#),
[Item 8 12-9-03.pdf](#)

Resolution Number 78244 C.M.S.

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

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

Enactment No: 78244

10.19
CC

Subject: Jack London On Street Parking Improvements
From: Public Works Agency
Recommendation: Adopt a Resolution approving installation of: 1) diagonal parking one side of the street for eleven identified blocks, and 2) one and two-hour parking zones on eighteen identified block fronts, in the Jack London District, upon majority support from adjacent properties

Attachments: [0201.pdf](#),
[10.19CC 12-16-03.pdf](#),
[78245 CMS.pdf](#),
[Attachment A.pdf](#),
[Item 9 12-9-03.pdf](#)

Resolution Number 78245 C.M.S.

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

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

Enactment No: 78245

10.20
CC

Subject: Fleet Management System Software - Agreement
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing a professional services agreement with Maximus Asset Solutions for purchase, installation, configuration, training, licensing and support of software for a Fleet Management System for an amount not to exceed \$500,000

Attachments: [03-0304.pdf](#),
[10.20CC 12-16-03.pdf](#),
[78246 CMS.pdf](#),
[Item 10 12-9-03.pdf](#)

Resolution Number 78246 C.M.S.

Contract Number 03-1650

The following individual spoke against this item:

- John Grace

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

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

Enactment No: 78246

10.21
CC

Subject: Central District Urban Renewal Plan
From: Community and Economic Development Agency
Recommendation: Approve the Introduction (First Reading) of an Ordinance amending the Central District Urban Renewal Plan to eliminate the time limit on establishing debt

Attachments:

[10.12CC.pdf](#),

[10.21CC 12-16-03.pdf](#),

[Item 5 12-9-03.pdf](#)

A motion was made by Councilmember Wan, 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 January 6, 2004. The motion carried by the following vote:

ORA\Councilmember Ayes:

Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Subject: Master Fee Schedule

From: Finance and Management Agency

Recommendation: Approve the following legislation:

(1) Approve the Introduction (First Reading) of an Ordinance amending Ordinance Number 9336 C.M.S. (Master Fee Schedule), as amended, to increase the fee collected on delinquent accounts; to increase the fee imposed for the delivery of information relating to Business Tax Certificates; to add a fee for the administration of Promissory Notes; to add a fee for the recordation of a release of lien; and to include in the Master Fee Schedule the fees imposed for administrative service charges relating to Business Tax Liens and Real Estate Transfer Tax Liens and codify the Business Tax Certificate Replacement Fee in the Master Fee Schedule

Attachments:

[10.13CC.pdf](#),

[10.22CC 12-16-03.pdf](#),

[Item 6 12-9-03.pdf](#),

[Sched 0169.pdf](#)

The following individual spoke against this item:

- John Grace

A motion was made by Councilmember Wan, 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 January 6, 2004. The motion carried by the following vote:

ORA\Councilmember Ayes:

Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

(2) Approve the Introduction (First Reading) of an Ordinance amending Chapters 4.20 and 5.04 of the Oakland Municipal Code to remove the amount of the Administrative Service charges imposed for Real Estate Transfer Tax Liens, Business Tax Liens and for the issuance of duplicate Business Tax Certificates

Attachments:

[10.13CC.pdf](#),

[10.22CC.pdf 12-16-03](#),

[Item 6 12-9-03.pdf](#)

A motion was made by Councilmember Wan, 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 January 6, 2004. The motion carried by the following vote:

ORA\Councilmember Ayes:

Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Subject: 51st Street and Coronado Avenue - Surplus Real Property

From: Community and Economic Development Agency

Recommendation: Approve the Introduction (First Reading) of an Ordinance authorizing the City Manager to enter into an offer to purchase agreement with John H. Jacobsen and Mara M. Jacobsen the adjoining property owners for 1, 500 square feet of surplus real property located at 51st Street and Coronado Avenue for the fair market value of \$1,500

10.22
CC

10.23
CC

Attachments: [0209.pdf](#),
[10.14CC.pdf](#),
[10.23CC.pdf 12-16-03](#),
[Item 7 12-9-03.pdf](#)

A motion was made by Councilmember Wan, 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 January 6, 2004. The motion carried by the following vote:

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

10.24
CC

Subject: Master Parking Management Contract
From: Community and Economic Development Agency
Recommendation: Approve Recommendation regarding a motion directing staff to issue a Request for Proposals for Master Parking Management Contract for City, Parking Authority and Redevelopment Agency owned garages

Attachments: [10.24CC.pdf 12-16-03](#),
[Item 10 12-9-03.pdf](#)

The following individual spoke against this item:
- John Grace

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

10.25
CC

Subject: City Center Garage
From: Community and Economic Development Agency
Recommendation: Adopt the following legislation regarding the City Center Garage:

1) Adopt an Agency Resolution authorizing the Agency Administrator to enter into a First Amendment to the Third Amended and Restated Easement Agreement regarding the existing vehicular ramp servicing the City Center Garage which would: (1) Permit modification of the existing ramp or replacement of the existing ramp with a new ramp; and (2) allow the modified or newly constructed ramp to continue to have an entry and exit on 11th Street in downtown Oakland, and

Attachments: [10.25CC.pdf 12-16-03](#),
[2003-84 C.M.S..pdf](#),
[Item 5 12-9-03.pdf](#)

Agency Resolution 2003-84 C.M.S.
ORA Contract Number 03-026

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 2003-82

2) Adopt a Resolution authorizing the City Manager to enter into a First Amendment to the Third Amended and Restated Easement Agreement regarding the existing vehicular ramp servicing the City Center Garage which would: (1) Permit modification of the existing ramp or replacement of the existing ramp with a new ramp; and (2) allow the modified or newly constructed ramp to continue to have an entry and exit on 11th Street in downtown Oakland

Attachments: [10.25CC.pdf 12-16-03](#),
[78247 CMS.pdf](#),
[Item 5 12-9-03.pdf](#)

Resolution Number 78247 C.M.S.
Contract Number 03-1651

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78247

10.26
CC

Subject: Summary Vacation of Sanitary Sewer Easement on Walker Avenue
From: Community and Economic Development Agency
Recommendation: Approve the Introduction (First Reading) of an Ordinance summarily vacating a five-foot wide sewer easement located on 711 Walker Avenue (APN 011-0836-018-00) and 717 Walker Avenue (APN 011-0836-017-00)

Attachments: [03-0339.pdf](#),
[10.15CC.pdf](#),
[10.26CC.pdf 12-16-03](#),
[Item 6 12-9-03.pdf](#)

A motion was made by Councilmember Wan, 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 January 6, 2004. The motion carried by the following vote:

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

10.27
CC

Subject: Native American Health Center
From: Department of Human Services
Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate a Substance Abuse and Mental Health Services Administration (SAMHSA) grant in the amount of \$5,999,538 over a six year period, Fiscal Years 2003-2009, to provide child mental health services and to execute a contract with the Native American Health Center to provide said services in an amount of \$932,885 for Fiscal Year 2003-2004 with five one-year options to renew

Attachments: [0239.pdf 12-16-03](#),
[10.27CC.pdf](#),
[78248 CMS.pdf](#),
[Item 3 12-9-03.pdf](#)

Resolution Number 78248 C.M.S.
Contract Number 03-1652

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78248

10.28
CC

Subject: Joint-Use School and Public Library
From: Oakland Public Library
Recommendation: Adopt a Resolution authorizing the City Manager, on behalf of the City of Oakland, to enter into a lease agreement and joint use cooperative agreement between the Oakland Public Library and the Oakland Unified School District for the operation of a joint use school and public library on the Woodland Elementary School Campus, located at 81st Avenue and Rudsdale Street

Attachments: [03-0035c.pdf](#),
[10.28CC.pdf 12-16-03](#),
[78249 CMS.pdf](#),
[Item 5 12-9-03.pdf](#)

Resolution Number 78249 C.M.S.
Contract Number 03-1653

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78249

Subject: Alameda Eastlake Feasibility Study and Project
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City of Oakland to apply for, accept and appropriate up to \$552,000.00 in Fiscal Year 2003-2004 Measure B Bicycle and Pedestrian Discretionary Funds for (1) update of the Oakland Bicycle Master Plan, including associated environmental documentation; and (2) construction of the Eastlake Streetscape Project Pedestrian elements from 8th to 10th Avenue

[03-0217.pdf](#)
Attachments: [10.29CC.pdf 12-16-03](#),
[78250 CMS.pdf](#),
[Item 4 12-9-03.pdf](#),
[Resched 0217.pdf](#)

Resolution Number 78250 C.M.S.
Contract Number 03-1654

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78250

Subject: Radar Speed Trailers and Public Safety Brochures
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate \$81,500 in Fiscal Year 2004-2005 funding from the Office of Traffic Safety (OTS) for six Radar Speed Trailers and Public Safety Brochures and to negotiate and execute a purchase agreement with Ver-Mac, Inc. not to exceed \$66,000 for the radar speed trailers

[03-0333.pdf](#)
Attachments: [10.30CC.pdf 12-16-03](#),
[78251 CMS.pdf](#),
[Item 5 12-9-03.pdf](#)

Resolution Number 78251 C.M.S.
Contract Number 03-1655

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78251

Subject: Police Administration Building Seismic Retrofit
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing Amendment No. 6 to the Agreement with the KPA Group for additional architectural and engineering services for the Police Administration Building Seismic Retrofit Phase I Project in an amount not to exceed \$131,017 for a total contract amount not to exceed \$899,028

[10.31CC.pdf 12-16-03](#)
Attachments: [78252 CMS.pdf](#),
[Item 6 12-9-03.pdf](#)

Resolution Number 78252 C.M.S.

Contract Number 03-1656

A motion was made by Councilmember Wan, seconded by Councilmember

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

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

Enactment No: 78252

10.32
CC

Subject: Sobriety Checkpoint Program

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 the amount of one
hundred seven thousand, five hundred and twenty-five dollars (\$107,525) from
the State of California, Office of Traffic Safety, for a Sobriety Checkpoint
Program to be conducted by the Police Department

Attachments: [03-0320.pdf](#),
[10.32CC.pdf 12-16-03](#),
[78253 CMS.pdf](#),
[Item 7 12-9-03.pdf](#)

Resolution Number 78253

Contract Number 03-1657

A motion was made by Councilmember Wan, seconded by Councilmember

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

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

Enactment No: 78253

10.33
CC

Subject: Paul Coverdell Forensic Science Program

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 the amount of two
hundred thirty-nine thousand three hundred and fifty-four dollars (\$239,354)
from the U.S. Department of Justice, National Institute of Justice, for the Paul
Coverdell National Forensic Science Improvement Act Program to be
conducted by the Police Department

Attachments: [03-0337.pdf](#),
[10.33CC.pdf 12-16-03](#),
[78254 CMS.pdf](#),
[Item 9 12-9-03.pdf](#)

Resolution Number 78254 C.M.S.

Contract Number 03-1650

A motion was made by Councilmember Wan, seconded by Councilmember

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

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

Enactment No: 78254

10.34
CC

Subject: Oakland Area Violent Drug Task Force

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the acceptance and
appropriation of Federal Funds from the United States Department of Justice,
Drug Enforcement Administration (DEA), in an amount not to exceed seventy
thousand five hundred seventy-eight dollars and seventy-five cents (\$70,578.75
) , for the overtime reimbursement costs of police personnel assigned to the
Oakland Area Violent Drug Task Force, for the period of April 1, 2003 through
September 30, 2004, to the Oakland Police Department

Attachments: [03-0317.pdf](#),
[10.34CC.pdf 12-16-03](#),
[78255 CMS.pdf](#),
[Item 10 12-9-03.pdf](#)

Resolution Number 78255 C.M.S.

Contract Number 03-1659

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78255

10.35
CC

Subject: Pathways to Change
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a funding agreement between the City of Oakland and the East Bay Community Foundation (Safe Passages) in an amount not to exceed two hundred thousand dollars (\$200,000) for the period of July 1, 2003 through June 30, 2004 for services associated with the "Pathways to Change" Juvenile Repeat Offender Program

Attachments: [0238.pdf](#),
[10.35CC 12-16-03.pdf](#),
[78256 CMS.pdf](#),
[Item 11 12-9-03.pdf](#)

Resolution Number 78256 C.M.S

Contract Number 03-1660

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78256

10.36
CC

Subject: After-Hour and Emergency Veterinary Medical Services
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing a professional services agreement between the City of Oakland and VCA Bay Area Animal Hospital in an amount not to exceed sixty-one thousand six hundred forty dollars (\$61,640) for the period of July 1, 2003 through June 30, 2005, to provide after-hour and emergency veterinary medical services

Attachments: [03-0338.pdf](#),
[10.36CC 12-06-03.pdf](#),
[78257 CMS.pdf](#),
[Item 12 12-9-03.pdf](#)

Resolution Number 78257 C.M.S.

Contract Number 03-1661

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78257

10.37
CC

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
Attachments: [0279.pdf](#),
[10.37CC 12-16-03.pdf](#),
[Item 13 12-9-03.pdf](#)

***Withdrawn with No New Date**

10.38
CC

Subject: National Medical Services
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing a professional services agreement between the City of Oakland and National Medical Services, in an amount not to exceed one hundred fifty-four thousand seven hundred dollars (\$154,700), for Blood and Urine Testing for the Period of July 1, 2003 through June 30, 2005
Attachments: [03-0318.pdf](#),
[10.38CC 12-16-03.pdf](#),
[78258 CMS.pdf](#),
[Item 14 12-9-03.pdf](#)

Resolution Number 78258 C.M.S.
Contract Number 03-1662

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

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

Enactment No: 78258

10.39
CC

Subject: High Rise Firefighting Equipment And Training
From: Oakland Fire Department
Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate a grant for sixty four thousand five hundred and fifty four dollars (\$64,554) from the Federal Emergency Management Agency (FEMA), United States Fire Administration (USFA), to the Oakland Fire Department, for high rise firefighting equipment and training
Attachments: [0270.pdf](#),
[10.39CC 12-16-03.pdf](#),
[78259 CMS.pdf](#),
[Item 15 12-9-03.pdf](#)

Resolution Number 78259 C.M.S
Contract Number 03-1663

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

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

Enactment No: 78259

10.40
CC

Subject: CORE Program Funding
From: Oakland Fire Department
Recommendation: Adopt a Resolution to accept and appropriate seven thousand five hundred ten dollars and nine cents (\$7,510.09) for the period December 4, 2002 to December 5, 2003 from the Federal Emergency Management Agency (FEMA) and the State of California Go SERV Grant for Community Emergency Response Team (CERT) Enhancement, awarded and administered by Alameda County Sheriffs Department Operational Area to the Oakland Fire Department Office of Emergency Services (OES) for the City of Oakland's Citizens of Oakland Respond to Emergencies (CORE) Program

Attachments: [03-0336.pdf](#),
[10.40CC 12-16-03.pdf](#),
[78260 CMS.pdf](#),
[Item 16 12-9-03.pdf](#)

Resolution Number 78260 C.M.S.
Contract Number 03-1664

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78260

10.41
CC

Subject: Alameda County Operational Area Oil Spill Response Plan
From: Oakland Fire Department
Recommendation: Adopt a Resolution to accept and appropriate eighteen thousand five hundred dollars (\$18,500), for Fiscal Year December 4, 2002 to December 5, 2003 Federal Emergency Management Agency (FEMA) Supplemental Emergency Operations Planning Grant awarded and administered by Alameda County Sheriffs Department, Operational Area to the Oakland Fire Department Office of Emergency Services (OES) for development of a terrorism annex, and review and update of the Alameda County Operational Area Oil Spill Response Plan

Attachments: [10.41CC 12-16-03.pdf](#),
[78261 CMS.pdf](#),
[Item 17 12-9-03.pdf](#)

Resolution Number 78261 C.M.S
Contract Number 03-1665

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78261

10.42
CC

Subject: Bricker-Mincolla Uniforms
From: Oakland Fire Department
Recommendation: Adopt a Resolution authorizing the City Manager to waive formal advertising and competitive bidding and enter into a contract with Bricker -Mincolla Uniforms for provision of firefighter trousers and coats in an amount not to exceed one hundred and thirty thousand dollars (\$130,000) for the period March 1, 2004 through March 1, 2007 and authorizing the City Manager to extend said contract for two additional years, one year at a time, until March 1, 2009, for an additional annual expenditure not to exceed forty three thousand three hundred thirty three dollars (\$43,333)

Attachments: [03-0335.pdf](#),
[10.42CC 12-16-03.pdf](#),
[78262 CMS.pdf](#),
[Item 18 12-9-03.pdf](#)

Resolution Number 78262 C.M.S
Contract Number 03-1666

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

Enactment No: 78262

Agency/Councilmember Wan made a motion, seconded by Agency/Councilmember Chang to adopt the Consent Agenda, 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

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 4 final decisions made during Closed Session:

Item 2i: Christopher Ellis v. City of Oakland

Council authorized settlement in the amount of \$30,000 in a case arising out of an incident on December 5, 2000 wherein the plaintiff alleged that officers used excessive force.

The motion was made by Councilmember Reid, seconded by Councilmember Brunner. The motion passed with 7 Ayes, 1 No - De La Fuente

Item 2k: Alphonso Baker v. City of Oakland

Council authorized settlement in the amount of \$15,000 in a case arising out of an incident on November 29, 2000 wherein this case involves claims of violations of civil rights against an Oakland Police Officer.

The motion was made by Councilmember Reid, seconded by Councilmember Brooks. The motion passed with 6 Ayes, 2 Noes, De La Fuente, Quan

Item 2f: Donna Warnock v. City of Oakland

Council authorized settlement in the amount of \$30,000 in a case arising out of an incident on August 25, 2002 as a result of a trip and fall accident in front of 80 Bellevue Avenue, Oakland.

The motion was made by Councilmember Wan, seconded by Councilmember Reid. The motion passed with 6 Ayes, 2-Absent - Nadel, De La Fuente

Item 2e: Maureen Dorsey, v. City of Oakland (Leona Quarry)

Council authorized the settlement of a case challenging the Council's December 2002 approval of Leona Quarry project and associated environmental impact report. As part of this settlement the City has agreed to consider in good faith certain modifications to the project.

- 1 The applicant proposed to contribute \$500,000 to the City in lieu of project senior affordable housing component;
- 2 Improve area drainage to include detention basin with 25 acre feet versus 20 area acre feet;
- 3 Include emergency vehicle design changes;
- 4 Implement additional geotechnical redesign recommendations;
- 5 Additional traffic related improvements.

The motion was made by Councilmember Brooks, seconded by Councilmember Reid. The motion passed with 8 Ayes.

Agency/Councilmember Wan 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, President of the Council De La Fuente -8

A motion was made by Councilmember Wan, seconded by Councilmember Chang, to *Received and Filed. The motion carried by the following vote:

ORA\Councilmember Ayes:

9 -

Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

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

Agency/Councilmember Wan made a motion seconded by Agency/Councilmember Chang confirming that there were no discussions pursuant to Section 15 of the Sunshine Ordinance, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

A motion was made by Councilmember Wan, seconded by Councilmember Chang, to Accepted. The motion carried by the following vote:

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

9 -

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 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:

Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was opened at 7:30 p.m.

NO PUBLIC SPEAKERS SIGNED UP TO SPEAK ON THIS ITEM.

Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember Chang, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -7; Absent - Brooks-1

1) Adopt a Resolution accepting and confirming reports of the Interim City Manager 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

Attachments: [78263 CMS.pdf](#),
[Item 14.1.pdf](#)

Resolution Number 78263 C.M.S.

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

ORA\Councilmember Absent: Councilmember Brooks

1 -

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Councilmember Chang

8 -

2) Adopt a Resolution overruling protests and objections, and accepting and confirming reports of the Interim City Manager on the costs 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

Not Adopted

3) Adopt a Resolution continuing hearing on reports of the Interim City Manager on the 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 Alameda County Tax Collector for collection

Attachments:

[Item 14.1.pdf](#)

Not Adopted

14.2

Subject: Delinquent Mandatory Garbage Fees - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct a Public Hearing regarding Delinquent Mandatory

Garbage Fees for July - September 2003, quarterly accounts and April - June

2003 monthly accounts and upon conclusion adopt one of the following

Resolutions:

Upon the reading of Item 14.2 by the City Clerk, the Public Hearing was opened at 7:33

p.m.

The following individual spoke against this item:

- John Grace

Agency/Councilmember Chang 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, Wan and

President of the Council De La Fuente -8

1) Adopt a Resolution accepting and confirming reports of the Interim City Manager 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

Attachments:

[78264 CMS.pdf](#),

[Item 14.2.pdf](#)

Resolution Number 78264 C.M.S.

A motion was made by Councilmember Chang, seconded by Councilmember

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

ORA\Councilmember Ayes:

9 -

Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

2) Adopt a Resolution overruling protests and objections, and accepting and confirming reports of the Interim City Manager 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

Not Adopted

3) Adopt a Resolution continuing hearing on reports of the Interim City Manager on the 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 Alameda County Tax Collector for collection

Attachments:

[Item 14.2.pdf](#)

Not Adopted

14.3

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:

Upon the reading of Item 14.3 by the City Clerk, the Public Hearing was opened at 7:35 p.m.

NO PUBLIC SPEAKERS SIGNED UP TO SPEAK ON THIS ITEM.

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, Wan and President of the Council De La Fuente -8

1) Adopt a Resolution accepting and confirming reports of the Interim City Manager 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

Attachments: [78265 CMS.pdf](#),
[Item 14.3.pdf](#)

Resolution Number 78265 C.M.S.

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

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Councilmember Chang

9 -

2) Adopt a Resolution overruling protests and accepting and confirming reports of the Interim City Manager 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

Not Adopted

3) Adopt a Resolution continuing hearing on reports of the Interim City Manager 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

Attachments: [Item 14.3.pdf](#)

Not Adopted

Subject: Check Cashing Facilities - Public Hearing

From: President De La Fuente

Recommendation: Conduct a Public Hearing and upon conclusion adopt an Emergency Ordinance pursuant to Charter Section 213, establishing Interim Controls for check cashiers and/or check cashing businesses within all zoning districts where consultative and financial services are either allowed by right or conditionally permitted (which includes Commercial Zones C-5, C-10, C-20, C-25, C-27, C-30, C-31, C-40, C-45, C-51, C-55, and C-60, all Industrial Zones, Special Zones S-1, S-2, S-3, S-16, and S-19), and suspending conflicting provisions, to take effect immediately upon introduction and adoption

Attachments: [12565 CMS.pdf](#),
[Item 14.4.pdf](#)

Upon the reading of Item 14.4 by the City Clerk, the Public Hearing was opened at 7:36 p.m.

NO PUBLIC SPEAKERS SIGNED UP TO SPEAK ON THIS ITEM.

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Chang, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -7; Abstain: Brooks-1

PURSUANT TO CITY CHARTER SECTION 213 (EMERGENCY ORDINANCE), THIS ITEM MAY BE INTRODUCED AND ADOPTED AT THE SAME MEETING, REQUIRING 6 VOTES, UPON PASSAGE ORDINANCE WILL BE DEEMED APPROVED.

A motion was made by Councilmember Quan, seconded by Councilmember Nadel, that this matter be Approved for Final Passage. The motion carried by the following vote:

ORA\Councilmember Abstained: Councilmember Brooks
1 -

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Councilmember Chang
8 -

14.5

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 allocating an estimated award of \$10,106,000 of Community Development Block Grant Funds for Fiscal Year 2004-2005 between the categories of Housing, Economic Development, Neighborhood Programs and Administration; allocating an estimated \$1,800,000 in program income to Housing and Economic Development Activities (TITLE CHANGE)

Attachments:
[14.5 suppl.pdf](#),
[78266 CMS.pdf](#),
[Item 14.5 12-16-03.pdf](#),
[Item 7 12-9-03.pdf](#),
[Scheduling.pdf](#)

Upon the reading of Item 14.5 by the City Clerk, the Public Hearing was opened at 7:41 p.m.

NO PUBLIC SPEAKERS SIGNED UP TO SPEAK ON THIS ITEM.

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Brunner, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

Vice Mayor Nadel made a motion, seconded by Agency/Councilmember Reid, to adopt the Resolution as amended to exclude setting aside \$300,000, with staff to return with recommendations on how to spend the \$300,000 towards violence prevention and keeping with other categories of housing, and economic development as the Committee defined.

Agency/Councilmember Brunner made a substitute motion, seconded by Agency/Councilmember Chang, to adopt the Resolution to include recommendations from the Committee along with the inclusion of the following five additional programs added to this year's evaluation:

CEDA's Neighborhood Commercial Revitalization Program
CEDA's HMIP Rehabilitation Loan Program
CEDA's Vacant Housing Program
CEDA's Lead Hazard Control Paint Program
CEDA's Business Development Program

Upon the call of the roll, the substitute motion failed by Ayes: Brunner, Chang, Wan, and President De La Fuente-4, Noes: Brooks, Nadel, and Reid -3, Abstain: Quan -1

SUBSTITUTE MOTION FAILED DUE TO LACK OF AYES.

Due to the failure of the substitute motion, the Council returned to the main motion, to adopt the Resolution as amended to exclude setting aside \$300,000, with staff to return with recommendations on how to spend the \$300,000 towards violence prevention and keeping with other categories of housing, and economic development as the Committee defined. Upon the call of the roll, the main motion failed by Ayes: Brooks, Nadel and Reid-3; Noes: Brunner, Chang, Wan and De La Fuente-4; Abstain: Quan-1

MAIN MOTION TO ADOPT THE RESOLUTION AS AMENDED FAILED DUE TO A LACK OF AYES.

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Wan, to have the 24 programs evaluated in the next year with CDBG funds to be used towards violence prevention, including parolee programs. Upon call of the roll, the Resolution was adopted as amended by Ayes: Agency/Councilmember: Brunner, Chang, Quan, Wan and President of the Council De La Fuente -5; Noes: Brooks, Nadel-2, Abstain: Reid-1

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

ORA\Councilmember Abstained:	1 -	Councilmember Reid
ORA\Councilmember Nos:	3 -	Councilmember Nadel, Vice Mayor Nadel and Councilmember Brooks
ORA\Councilmember Ayes:	5 -	Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente and Councilmember Chang

ACTION ON NON-CONSENT ITEMS:

Subject: Lakeshore/Lake Park Business Improvement Management District
 From: Community and Economic Development Agency
 Recommendation: Adopt a Resolution approving and confirming the annual report of the Lakeshore/Lake Park Business Improvement Management District Advisory Board and the continuing annual assessment for the Lakeshore/Lake Park Business Improvement Management District for Fiscal Years 2003-2004

Attachments: [0212.pdf](#),
[10.25CC 11-4-03.pdf](#),
[78267 CMS.pdf](#),
[Item 15.pdf](#)

Resolution Number 78267 C.M.S

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

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

Enactment No: 78267

Subject: Off-Site Real Time Closed Captioning Stenography Services
 From: Office of the City Clerk
 Recommendation: Adopt a Resolution authorizing the City Manager to execute a professional services contract with Rapidtext for off-site real time closed captioning stenography services for the Concurrent Redevelopment Agency/ Oakland City Council and Committee meetings in an amount not to exceed ninety thousand dollars (\$90,000) per year for the period from January 1, 2004 through June 30, 2005 and authorizing the City Manager to execute a two year extension of the contract for an additional amount not to exceed ninety thousand dollars (\$90,000) per year

Attachments: [15.1 12-16-03.pdf](#),
[78268 CMS.pdf](#),
[Item 3 10-14-03.pdf](#),
[Item 3 12-9-03.pdf](#),
[Item 3 SUP12-9-03.pdf](#)

Resolution Number 78268 C.M.S

The following individual spoke against this item:

- Jane James

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

- Sanjiv Handa

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

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

Enactment No: 78268

Councilmember Reid was noted as excused at 8:45 p.m.

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: [78269 CMS.pdf](#),
[Item 16.pdf](#),
[Item 18 12-2-03](#),
[Item 6 10-28-03.pdf](#)

The following individuals spoke in favor of this item:

- Sal Gomez
- Anne Bell
- Henry M. Linzir
- Carol A Balfe
- Alen Ruznic
- Jas Leverette
- Katheryn Leverette
- Marilyn Mare Stephney
- Brittany Marie Kuljis
- Kevn Anthony Willis, Jr.
- Maliaka Fisher
- Kyla Marte Sinegal
- David Laub
- Harvey Smith
- Jay Leohardy
- Gonzalez Nestor
- Gistard Williams
- Miri L. Malmquist
- Karen Ijichi Perkins
- Sandra E. Backer
- Lonnie Gordon
- Rachel B. Townsend

The following individual spoke against this item:

- Ondrietta Johnson

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

- Donald R. Binggelli
- Susan Burnett
- Merrilee Mitchell
- Leila Moncharsh
- Richard J. Elliott

Agency/Councilmember Chang made a motion, seconded by Agency/Councilmember Quan, to approve the Committee recommendations to extend the contract to June 30, 2004, increase boarding fees and additionally look at converting \$10,000 in maintenance funds to stable operations use, instruct staff to move forward with capital improvements to facilities, and look at evaluating the program after the extension period.

Agency/Councilmember Brooks made a substitute motion, seconded by Vice Mayor Nadel to amend the Resolution to include a 6 month extension and submittal of a business plan and program evaluation. Upon call of the roll the substitute motion failed by Ayes: Brooks, Nadel -2; Noes: Brunner, Chang, Quan, Wan, De La Fuente-5; Excused: Reid-1

SUBSTITUTE MOTION FAILED DUE TO LACK OF AYES

Due to the failure of the substitute motion, the Agency/Council returned to the main motion to approve the Committee recommendations to extend the contract to June 30, 2004, increase boarding fees and additionally look at converting \$10,000 in maintenance fund to stable operations use, instruct staff to move forward with capital improvements to facilities, and look at evaluating the program after the extension period.

Upon call of the roll, the Main motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Quan, Wan and President of the Council De La Fuente -5; Noes: Brooks, Nadel-2; Excused: Reid-1

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: Councilmember Reid

1 -

ORA\Councilmember Nos: 3 - Councilmember Nadel, Vice Mayor Nadel and Councilmember Brooks

ORA\Councilmember Ayes: 5 - Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente and Councilmember Chang

Agency/Councilmember Brooks was noted absent at 10:13 p.m.

Subject: Interim Controls for Signs
From: Office of the City Attorney
Recommendation: Adopt an Emergency Ordinance, pursuant to Charter Section 213, establishing interim controls for conditional use permits and variance and related findings for signs and suspending conflicting provisions, to take effect immediately upon Introduction and Adoption

Attachments: [03-0316.pdf](#),
[12566 CMS.pdf](#),
[Item 17.pdf](#)

Ordinance Number 12566 C.M.S.

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

- Sanjiv Handa

PURSUANT TO CITY CHARTER SECTION 213 (EMERGENCY ORDINANCE), THIS ITEM MAY BE INTRODUCED AND ADOPTED AT THE SAME MEETING, REQUIRING 6 VOTES, UPON PASSAGE ORDINANCE WILL BE DEEMED APPROVED.

A motion was made by Councilmember Brunner, seconded by Councilmember Wan, that this matter be Approved for Final Passage. The motion carried by the following vote:

ORA\Councilmember Excused: Councilmember Reid
1 -

ORA\Councilmember Absent: Councilmember Brooks
1 -

ORA\Councilmember Ayes: 7 - Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente and Councilmember Chang

Agency/Councilmember Brooks was noted present at 10:18 p.m.

Subject: Temporary Youth Homeless Shelter - 925 Brockhurst St.
From: Vice Mayor Nadel
Recommendation: Adopt an Emergency Ordinance pursuant to Charter Section 213, declaring a shelter crisis and suspending planning, zoning and other permit requirements for the temporary establishment of a youth shelter for the homeless at 925 Brockhurst Street to take effect immediately upon introduction and adoption

Attachments: [03-0324.pdf](#),
[12567 CMS.pdf](#),
[Item 18.pdf](#)

Ordinance Number 12567 C.M.S

The following individuals spoke in favor of this item:

- Tan Rean Davis
- Ebony Attas
- Brieze Johnson

PURSUANT TO CITY CHARTER SECTION 213 (EMERGENCY ORDINANCE), THIS ITEM MAY BE INTRODUCED AND ADOPTED AT THE SAME MEETING, REQUIRING 6 VOTES, UPON PASSAGE ORDINANCE WILL BE DEEMED APPROVED.

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Approved for Final Passage. The motion carried by the following vote:

ORA\Councilmember Excused: Councilmember Reid
1 -

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember
8 - Nadel, Vice Mayor Nadel, Councilmember Quan, President of the
Council De La Fuente, Councilmember Brooks and Councilmember
Chang

AT 10:26 P.M. PRESIDENT OF THE CITY COUNCIL, DE LA FUENTE,
RELINQUISHED THE CHAIR AND AGENCY/COUNCILMEMBER BRUNNER
PRESIDED AS PRESIDENT PRO TEMPORE.

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

Subject: Discrimination Based on Sexual Orientation
From: Vice Mayor Nadel; Councilmembers Wan and Quan
Recommendation: Approve the Introduction (First Reading) of an Ordinance
updating language in the City of Oakland's Municipal Code Chapter 9.44
discrimination based on sexual orientation and amending Section 9.44.010
definitions to include discrimination based on gender identity or expression (
TITLE CHANGE)

Attachments: [03-0045.pdf resched,](#)
[10.16CC.pdf,](#)
[19 11-4-03.pdf,](#)
[Item 19 12-16-03.pdf,](#)
[Item 7 10-14-03.pdf](#)

The following individuals spoke in favor of this item:

- Jeff Vessels
- Crystal H. Weston
- Rebecca Ann Campbell
- Patricia Kevena Fili
- Vicky Kolakowski
- Jamison Green
- Johnathan Winters
- Kathryn Bader
- Chris Daley
- Crystal Weston
- Clyde W. Poole
- Charles Bradford
- Jill Y. King
- Hazel Wesson

**A motion was made by Councilmember Wan, seconded by Councilmember Nadel,
that this matter be Approved on Introduction for Final Passage to the Concurrent
Meeting of the Oakland Redevelopment Agency / City Council, due back on
January 6, 2004. The motion carried by the following vote:**

ORA\Councilmember Excused: Councilmember Reid
1 -

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

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

PRESIDENT OF THE COUNCIL DE LA FUENTE WAS NOTED PRESENT AT 10:32 P.
M. AND RESUMED PRESIDING AS CHAIRPERSON

Subject: Removal / Installation of Parking Meters
From: Public Works Agency
Recommendation: Approve the Introduction (First Reading) of an Ordinance
approving the removal and installation of parking meters in the Jack London
District on portions of: Clay Street, Webster Street, Washington Street, Martin
Luther King, Jr. Way, Third Street, and Fourth Street

Attachments: [0362.pdf,](#)
[10.17CC.pdf,](#)
[Item 20 12-16-03.pdf](#)

The following individual spoke against this item:
- John Grace

A motion was made by Councilmember Nadel, seconded by Councilmember Quan, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on January 6, 2004. The motion carried by the following vote:

ORA\Councilmember Excused: Councilmember Reid
1 -

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Chang
8 -

Subject: Oakland School for Arts
From: Financial Services Agency
Recommendation: Adopt a Resolution approving the issuance and sale of Certificates of Participation to finance a qualified Zone Academy Program and approving related documents and actions for the Oakland School of the Arts.

Attachments: [78270 CMS.pdf](#),
[Item 21 12-16-03.pdf](#)

Resolution Number 78270 C.M.S.

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

Agency/Councilmember Wan made a motion, seconded by Vice Mayor Nadel, to adopt the Resolution on Item 21 and place on record the following statement from the City Attorney's office: "The City has no financial obligations or responsibilities with respect to the COPs. All payment obligations with respect to the COPs are the sole responsibility of the School for the Arts. The City's only obligation is to provide notice to the purchaser of the COPs if there is non payment by the School for the Arts - and, in reality, that obligation will fall upon the bank that receives payment from the School for the Arts because it will now before the City does and will notify the purchaser." and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Quan, Wan and President of the Council De La Fuente -7 Absent: Reid-1

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

ORA\Councilmember Excused: Councilmember Reid
1 -

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Chang
8 -

Subject: Planning Commission Appeal - 160 14th Street
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution denying the appeal of the Planning Commission approval application for Affordable Housing Associates to build an eight story building to contain ground floor commercial space, a "Service Enriched" housing facility, and 76 affordable housing units located at 160 14th Street, Council District 3; Appellant: Islamic Cultural Center; Planning Commission Vote: 7 Ayes, 0 Noes

Attachments: [78271 CMS.pdf](#),
[Item 14.4 Attach A.pdf](#),
[Item 14.4. 11-18-03.pdf](#),
[Item 22.pdf](#),
[S-22.pdf](#)

The following individuals spoke in favor of this item:

- Anna Naruta
- Nahid Farazian
- Cynthia L. Shartzer
- Alan Templeton
- Orna Sasson
- Anne Wellington
- Kazem K. Jabbari
- Monir Memarpuri

A motion was made by Councilmember Nadel, seconded by Councilmember

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

ORA\Councilmember Excused:

Councilmember Reid

1 -

ORA\Councilmember Ayes:

Councilmember Brunner, Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Chang

8 -

Subject: Ronald H. Cowan Parkway and Oakland Foreign Trade Zone

From: Councilmember Reid

Recommendation: Adopt a Resolution authorizing the City of Oakland to obtain signs for Ronald H. Cowan Parkway and Oakland Foreign Trade Zone, to be installed along the Interstate 880 freeway

Attachments:

[03-0328.pdf](#),

[Item 4 12-9-03.pdf](#),

[S-23.pdf](#)

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

Subject: Salary Plan Recommendations

From: Office of the City Manager

Recommendation: A continued discussion of a report and recommendations regarding the preliminary salary plan recommendations for executive, management and unrepresented classifications

[Item 4 12-9-03.pdf](#),

[Item 5 10-14-03.pdf](#),

[Item 5 SUP 10-14-03.pdf](#),

[Item 7 - 01.13.04.pdf](#),

[Item 8 10-28-03.pdf](#),

[S- 20.pdf](#),

[S-24 Supplemental.pdf](#),

[S-24.pdf](#)

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

- John Grace
- Sanjiv Handa

Agency/Councilmember Brunner made a motion, seconded by Agency/Councilmember Nadel, to refer Item S-24 to the Finance and Management Committee; to approve the implementation of a 3% general increase to U31 and UK1 classifications; approve a 3% employee retirement contribution in Fiscal Year 2004-2005; and approve future general and merit increases for U31 comparable to increases for Local 21, 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 -7 Excused : Reid-1

A motion was made by Councilmember Brunner, seconded by Councilmember

Nadel, that this matter be Continued to the *Finance & Management Committee.

The motion carried by the following vote:

ORA\Councilmember Excused:

Councilmember Reid

1 -

23

24

ORA\Councilmember Ayes: Councilmember Brunner, Councilmember Wan, Councilmember
8 - Nadel, Vice Mayor Nadel, Councilmember Quan, President of the
Council De La Fuente, Councilmember Brooks and Councilmember
Chang

Agency/Councilmember Brunner noted as excused at 11:40 p.m.

Subject: Oakland Small Business Growth Center
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution amending Resolution Number 77823 C.
M.S. to increase the amount of the contract with the Oakland Small Business
Growth Center by \$60,000 from the Neighborhood Commercial Revitalization
Project Development Third Party Grant Fund for a total contract amount of \$
175,000 during Fiscal Year 2003-2004 to cover operational costs through the
remainder of the 2003-2004 Fiscal Year

Attachments: [03-0305.pdf](#),
[78272 CMS.pdf](#),
[Item 8 12-9-03.pdf](#),
[S-25.pdf](#)

Resolution Number 78272 C.M.S.
Contract Number 03-1670

The following individual spoke in favor of this item:
- Napoleon Britt

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

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

ORA\Councilmember Excused: Councilmember Brunner and Councilmember Reid
2 -

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

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

Subject: Oakland Army Base Temporary Winter Shelter
From: Department of Human Services
Recommendation: Adopt a Resolution authorizing the reprogramming of \$64,
286 of available balances from Fiscal Year 2002-2003 Emergency Housing,
Community Promotions Program for Service Organizations, and Winter Relief
Program Funds to (1) the Alameda County-Wide Continuum of Care Council (\$
18,000); (2) the City Of Oakland Continuum of Care (\$27,286), and (3)
Operation Dignity (\$19,000) for the 2003-2004 Oakland Army Base Temporary
Winter Shelter

Attachments: [0275.pdf](#),
[78273 C.M.S..pdf](#),
[Item 4 12-9-03.pdf](#),
[S-26.pdf](#)

Resolution Number 78273 C.M.S.
Contract Number 03-1671

Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember
Chang, to adopt the Resolution on Item 26.

Agency/Councilmember Quan made a substitute motion, seconded by Agency/
Councilmember Brooks, to adopt the Resolution with the exception of the Alameda
County-Wide Continuum of Care Council for \$18,000 and to continue the discussion on
the Alameda County-Wide Continuum of Care Council to the January 6, 2004 Council
meeting. The motion passed by Ayes: Agency/Councilmember: Brooks, Chang, Nadel,
Quan, Wan and President of the Council De La Fuente -6, Excused, Brunner, Reid -2

MAIN MOTION FAILED DUE TO ADOPTION OF THE SUBSTITUTE MOTION.

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

ORA\Councilmember Excused: Councilmember Brunner and Councilmember Reid
2 -

ORA\Councilmember Ayes: 7 - Councilmember Wan, Councilmember Nadel, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Chang

Enactment No: 78273

27

Subject: Inclusionary Zoning Study
From: Community and Economic Development Agency
Recommendation: A Report and Recommendations from the CEDA
Committee on the Inclusionary Zoning Programs in California Jurisdictions (TITLE CHANGE)

Attachments: [18.pdf](#),
[Item 8 12-9-03.pdf](#),
[S-27.pdf](#)

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

This item was rescheduled with direction that it return as a report and recommendations for Council action on January 6, 2004.
***Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council**

Continuation of Open Forum

The following individuals spoke on this item:
- Gene Hazzard
- Carlton Wade
- Wayman Knowles
- Lynae Washington
- Crystal Weston
- Jeree Brown
- Charles Bradford
- Cynthia L. Schartzer
- Orna Sasson
- Sanjiv Handa

ADJOURNMENT OF COUNCIL SESSION

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

There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of David Sloan, DeShaun Holloway, Father Bill O'Donnell, Maria Natividad Vargus, Damien Poe and Josie Gray at 12:20 a.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.

NOTE:

Office of the City Clerk
Phone: (510) 238-7370
Fax: (510) 238-6699
Recorded Agenda (510) 238-2386
Telecommunications Display Device: (510) 839-6451