

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>

Tuesday, November 18, 2003

6:00 PM

Oakland City Hall, 3rd Floor

A meeting of the Joint Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 6:12 p.m..

1 Pledge of Allegiance

2 Roll Call / ORA & Council
COUNCIL MEMBERS: Jane Brunner, Dist. 1; Danny Wan, Dist. 2; 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, 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 on this item:

- Deloris Allen
- Frank Brodsky
- Orna Sasson
- Sanjiv Handa

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.

Items 10.5 CC and 10.6 CC were rescheduled as Non-Consent items to the December 2, 2003 City Council agenda.

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

There was no action necessary on this item.

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

There was no action necessary on this item.

7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on November 4, 2003

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

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

8. Presentation of Ceremonial Matters

8.1

Subject: National Diabetes Awareness Month
From: Councilmember Brunner
Recommendation: Adopt a Resolution declaring November, 2003 "National
Diabetes Awareness Month" in the City of Oakland
Attachments: [0293.pdf](#),
[78194 CMS.pdf](#),
[Item 8.1 11-18-03.pdf](#)
Resolution Number 78194 C.M.S

The following individual spoke in favor of this item:

- Roman Stearns

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

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

8.2

Subject: Jamie R. Smith
From: Office of the City Attorney
Recommendation: Adopt a Resolution recognizing the achievements of
Executive Assistant to City Attorney Jamie R. Smith and her dedicated service
to the City of Oakland
Attachments: [0259.pdf](#),
[78195 CMS.pdf](#),
[Item 8.2 11-18-03.pdf](#)
Resolution Number 78195 C.M.S.

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

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

9. Council Acknowledgements / Announcements

Agency/Councilmember Brooks took a point of personal privilege and requested special
recognition to the Girls, Inc. Research Project 2003.

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

10. CONSENT CALENDAR (CC) ITEMS:

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

10.1

Subject: Declaration of a Local Emergency due to AIDS epidemic
From: Office of the City Attorney
Recommendation: Adopt a Resolution renewing and continuing the City
Council's Declaration of a Local Emergency due to the existence of a critical
public health crisis with regard to the AIDS epidemic
Attachments: [10.1CC 11-18-03.pdf](#),
[78196 CMS.pdf](#)
Resolution Number 78196 C.M.S.
This Matter was Adopted on the Consent Agenda.

10.2	<p>Subject: Medical Cannabis health emergency</p> <p>From: Office of the City Attorney</p> <p>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</p> <p><u>Attachments:</u> 10.2CC 11-18-03.pdf, 78197 CMS.pdf</p> <p>Resolution Number 78197 C.M.S.</p> <p>This Matter was Adopted on the Consent Agenda.</p>
10.3	<p>Subject: Leon McDaniels - Settlement Agreement</p> <p>From: Office of the City Attorney</p> <p>Recommendation: Adopt a Resolution authorizing and directing the City Attorney to compromise and settle the case of Leon McDaniels v. City of Oakland, et al., United States District Court Case No. C01-2615 MEJ, our File No. 21135, in the amount of \$14,000.00 as a result of excess force</p> <p><u>Attachments:</u> 10.3CC 11-18-03.pdf, 78198 CMS.pdf</p> <p>Resolution Number 78198 C.M.S.</p> <p>This Matter was Adopted on the Consent Agenda.</p>
10.4	<p>Subject: Eula McClure- Settlement Agreement</p> <p>From: Office of the City Attorney</p> <p>Recommendation: Adopt a Resolution authorizing and directing the City Attorney to compromise and settle the case of Eula McClure v. City of Oakland, Alameda County Superior Court No. 2001-012670, our File No. 20722, a personal injury case in the amount of \$45,000.00; McClure's vehicle was rear-ended by a patrol car while traveling on Interstate 580 East(Oakland Police Department)</p> <p><u>Attachments:</u> 10.4CC 11-18-03.pdf, 78199 CMS.pdf</p> <p>Resolution Number 78199 C.M.S.</p> <p>This Matter was Adopted on the Consent Agenda.</p>
10.5CC	<p>Subject: Jean Rubsamen - Housing, Residential Rent and Relocation Board</p> <p>From: Office of the Mayor</p> <p>Recommendation: Adopt a Resolution appointing Jean Rubsamen as a member of the Housing, Residential Rent and Relocation Board</p> <p><u>Attachments:</u> 78219 CMS.pdf, Item 15.pdf 12-2-03</p> <p>This item was withdrawn and rescheduled to the December 2, 2003 City Council agenda as a Non-Consent item.</p> <p>Withdrawn and Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council</p> <p>Enactment No: 78219</p>
10.6CC	<p>Subject: Hillery Bolt Trippe - Housing, Residential Rent and Relocation Board</p> <p>From: Office of the Mayor</p> <p>Recommendation: Adopt a Resolution appointing Hillery Bolt Trippe as a member of the Housing, Residential Rent and Relocation Board</p> <p><u>Attachments:</u> 78220 CMS.pdf, Item 16 12-2-03</p> <p>This item was withdrawn and rescheduled to the December 2, 2003 City Council agenda as a Non-Consent item.</p> <p>Withdrawn and Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council</p> <p>Enactment No: 78220</p>
10.7	<p>Subject: Jamal Pinkney - Children's Fund Planning and Oversight Committee</p> <p>From: Councilmember Brooks</p> <p>Recommendation: Adopt a Resolution reappointing Jamal Pinkney as a member of the Children's Fund Planning and Oversight Committee</p> <p><u>Attachments:</u> 10.7CC 11-18-03.pdf, 78200 CMS.pdf</p> <p>Resolution Number 78200 C.M.S.</p> <p>This Matter was Adopted on the Consent Agenda.</p>

10.8

Subject: 2004 Oakland Municipal Nominating Election
From: Office of the City Clerk
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance establishing the date of the City of Oakland Municipal Nominating Election as Tuesday, March 2, 2004 to conform with the Statewide Primary Election

Attachments: [10.8CC 11-18-03.pdf](#),
[12560 CMS.pdf](#)

Ordinance Number 12560 C.M.S.

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

10.9

Subject: Business Tax Board Of Review
From: Office of the City Attorney
Recommendation: Approve Final Passage (Second Reading) of an Ordinance amending Chapter 5.04 of the Oakland Municipal Code to remove the City Attorney as a member of the Business Tax Board of Review and provide that the City Manager shall select an employee of the City to serve as a member of the Business Tax Board Of Review

Attachments: [10.9CC 11-18-03.pdf](#),
[12552 CMS.pdf](#)

Ordinance Number 12552 C.M.S.

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

10.10

Subject: Gross Rental Receipts
From: Finance and Management Agency
Recommendation: Approve the Final Passage (Second Reading) an Ordinance rescinding Section 5.04.450 of the Oakland Municipal Code to allow taxpayers to report gross rental receipts separately for the purpose of paying the annual business tax

Attachments: [10.10CC 11-18-03.pdf](#),
[12553 CMS.pdf](#)

Ordinance Number 12553 C.M.S

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

10.11

Subject: Sale of Real Property - 1072 55th Street
From: Community and Economic Development Agency
Recommendation: Approve Final Passage (Second Reading) of an Ordinance authorizing the sale of the property at 1072 55th Street to the Redevelopment Agency for \$415,000.00

Attachments: [10.11CC 11-18-03.pdf](#),
[12554 CMS.pdf](#)

Ordinance Number 12554 C.M.S

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

10.12

Subject: West Oakland Redevelopment Plan
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance approving and adopting the Redevelopment Plan for the West Oakland Redevelopment Project

Attachments: [12559 CMS.pdf](#),
[S-26 11-18-03.pdf](#)

Item 10.12CC has been renoticed as Item S-26 on the non-consent portion of this agenda, please refer to that item for Council action.

10.13

Subject: Secondary Units - Planning Code Amendment
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending the Oakland Planning Code to modify the minimum street pavement width requirements provided by Ordinance 12501 C.M.S. related to standards for Secondary Units

Attachments: [10.13CC 11-18-03.pdf](#),
[12555 CMS.pdf](#)

Ordinance Number 12555 C.M.S.

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

10.14

Subject: Creation of Special Assessment Districts
From: Oakland Fire Department
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance establishing procedures for the creation of special assessment districts to fund services and programs for fire suppression, prevention and preparedness within designated areas of the City Of Oakland
Attachments: [10.14CC 11-18-03.pdf](#),
[12556 CMS.pdf](#)
Ordinance Number 12556 C.M.S.
This Matter was Approved for Final Passage on the Consent Agenda.

10.15

Subject: City owned surplus properties
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance authorizing the City Manager to enter into purchase and sales agreements for the sale of City owned surplus properties from the public auction conducted on October 3, 2003 to the following high bidders: (3-APN 044-4989-006 for \$227,000) Oakland Community Housing, Inc.; (4-APN 048-6854-002-06 and 5-APN 048-6854-003-02 for \$100,000, 7-APN 048-6818-001-01 for \$135,000) Hirst Shafer Construction and Development, Inc.; (6-APN 048-6869-007 for \$240,000) Amelia Lim; (8-APN 048D-7302-059 for \$81,000) Henry Hernandez; and (11-APN 048H-7606-051-04 for \$455,000) Traci Ann McKnight and rejecting the following (1 APN 045-5304-057-02, 056 for \$140,000) Jeff Ku; (9-APN 048D-7303-067 for \$50,000 and 10-APN 048D-7303-068 for \$50,000) Wayne Huey (TITLE CHANGE)
Attachments: [10.15CC 11-18-03.pdf](#),
[12557 CMS.pdf](#)
Ordinance Number 12557 C.M.S.
This Matter was Approved for Final Passage on the Consent Agenda.

10.16

Subject: Shop Oakland Parking Program
From: Community and Economic Development Agency
Recommendation: Approve Recommendation requesting authorization of free three-hour parking at designated meters and free parking at City parking garages during the 2003 holiday season
Attachments: [10.16CC 11-18-03.pdf](#),
[10.35CC supp 11-4-03.pdf](#),
[Item 7 10-28-03.pdf](#)
This Matter was Approved on the Consent Agenda.

10.17

Subject: Shop Oakland Parking Program
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution authorizing free three-hour parking at designated meters and free parking at City parking garages during the 2003 Shop Oakland Holiday Season
Attachments: [0276.pdf](#),
[10.17CC 11-18-03.pdf](#),
[78201 CMS.pdf](#)
Resolution Number 78201 C.M.S.
This Matter was Adopted on the Consent Agenda.

10.18

Subject: Spanish Speaking Unity Council - Union Point Park
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate a contribution of two million seven hundred seventy-five thousand (\$2,775,000) from the Spanish Speaking Unity Council (Unity Council) towards the design and development of the Union Point Park project, and to negotiate and execute a contract with Unity Council in an amount not-to-exceed two million one hundred thousand dollars (\$2,100,000) for project management and design services to implement the design and oversee the development of said Park project with a total project budget of eight million six hundred eighty-four thousand dollars (\$8,684,000)
Attachments: [10.18CC 11-18-03.pdf](#),
[78202 CMS.pdf](#),
[Item 5 10-28-03 supp.pdf](#),
[Item 5.pdf](#)
Resolution Number 78202 C.M.S.
Contract Number 03-1643
This Matter was Adopted on the Consent Agenda.

10.19

Subject: City and County of San Francisco v. COBRA Solutions, Inc.
From: Office of the City Attorney
Recommendation: Adopt a Resolution authorizing the City Of Oakland to file amicus briefs in the appellate proceedings involving City and County of San Francisco v. COBRA Solutions, Inc.

Attachments: [0271.pdf](#),
[10.19CC 11-18-03.pdf](#),
[78203 CMS.pdf](#)

Resolution Number 78203 C.M.S.

This Matter was Adopted on the Consent Agenda.

Agency/Councilmember Brunner made a motion seconded by Agency/Councilmember Quan to approve an urgency finding pursuant to Section 2.20.070 E(2) regarding Item 10.20CC that there is a need to take immediate action to prevent serious injury to the public interest, and that the need for such action came to the attention of the body after the posting of the 10-day agenda.

1020

Subject: Creation of Special Assessment Districts
From: Oakland Fire Department
Recommendation: Adopt a Resolution supplementing the Resolution of Intention to form the Oakland Wildfire Prevention Assessment District passed on November 4, 2003, to provide for the clarification of the responsibilities of the Advisory Committee

Attachments: [78204 CMS.pdf](#),
[S-10.20CC 11-18-03.pdf](#)

Resolution Number 78204 C.M.S.

This Matter was Adopted on the Consent Agenda.

Passed The Consent Agenda

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

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

President De La Fuente recessed the meeting at 6:34 p.m. and reconvened the meeting at 7:10 p.m., with a quorum of the Council being noted.

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 no final decisions made during Closed Session.

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

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

13 Reconsideration of Ordinances pursuant to Charter Section 216

No Action was necessary on this item.

14. Consideration of items with statutory Public Hearing Requirements:

14.1

Subject: Oakland Zoning Code Amendment - Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Public Hearing and upon conclusion Adopt the following legislation regarding an amendment to the Transit Oriented Zone:

1) Approve the Introduction (First Reading) of an Ordinance amending Chapter 17.100 (S-15, Transit Oriented Zone) of the Oakland Zoning Code to conditionally permit auto fee parking, and

Attachments:

[Item 14.1 11-18-03.pdf](#)

Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was opened at 7:15 p.m.

The following individual spoke against this item:

- Hugh Bassette

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

- Sanjiv Handa

Agency/Councilmember Nadel 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

A motion was made by Vice Mayor Nadel, seconded by Councilmember Reid, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on December 2, 2003. The motion carried by the following vote:

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

2) Adopt a Resolution changing the General Plan designation of 1357 5th Street (land bounded by 5th Street, I-880, and Mandela Parkway) from Business Mix to Community Commercial

Attachments:

[78205 CMS.pdf](#),

[Item 14.1 11-18-03.pdf](#),

[Item 7 10-28-03.pdf](#)

Resolution Number 78205 C.M.S.

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

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

14.2

Subject: Planning Commission Appeal - 4690 Tompkins - Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Continued Public Hearing and upon conclusion adopt a Resolution denying the appeal and sustaining the decision of the City Planning Commission in approving the application for a major Conditional Use Permit to convert an existing rest home facility into a twenty-seven unit residential project located at 4690 Tompkins Avenue, Oakland

Attachments:

[13.1 9-30-03.pdf](#),

[Item 14.2 11-18-03.pdf](#)

Upon the reading of Item 14.2 by the City Clerk, the Public Hearing was opened at 7:20p .m.

The following individuals spoke in favor of this item:

- Jeff John Doney

- Wilson Ng

- Walter W. Loo

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

A motion was made by Councilmember Quan, seconded by Councilmember Brooks, that this matter be Not Adopted. Councilmember Quan made a motion, seconded by Councilmember Brooks to refer the plan for 4690 Tompkins Avenue back to the Planning Commission for further consideration and advice, at their next practical meeting. The Planning Commission should address concerns about the size and configuration of the large four bedrooms apartment units and parking adequacy. The Planning Commission should specifically clarify and advise as to why the four bedroom units could not be broken down into smaller 2 bedroom units, and why additional parking should not be required. The motion carried by the following vote:

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

14.3

Subject: Planning Commission Appeal - 1144 12th Street - Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Public Hearing and upon conclusion Adopt a Resolution denying the appeal and affirming the Planning Commission approval of a Major Conditional Use Permit (CMV03-207) for a clean and sober facility located at 1144 12th Street, Oakland

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

Upon the reading of Item 14.3 by the City Clerk, the Public Hearing was opened at 7:37 p.m.

The following individual spoke in favor of this item:

-Aleta Cannon
-Gwendolyn Sheppard
-Veda Rae Davis
-Jacqueline Wooley
-Pam Butler Harris
-Marlon Butler

The following individuals spoke against this item:

-Yvonne Smith
-Ellen Wyrick Parkinson

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

-Johnnie Lewis

The following individual spoke and did not indicate a position:

-Debra Brown

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

A motion was made by Vice Mayor Nadel, seconded by Councilmember Brooks, that this matter be Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council. The motion carried by the following vote:

ORA\Councilmember Abstained: Councilmember Reid 1 -

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

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:

[Item 14.4 Attach A.pdf](#),
[Item 14.4. 11-18-03.pdf](#),
[Item 22.pdf](#)

Upon the reading of Item 14.4 by the City Clerk, the Public Hearing was opened at 8:06 p.m.

The following individuals spoke in favor of this item:

- Ellen J. Gaber
- Ali R. Kashani
- John Warren
- Ronnie M. Turner
- Tom L. Nurdyke
- Diana M. Downton
- Matt Hummel
- Trevor Reid Bausman
- Frances Oman
- Peter Sherman Ajemian
- Christopher Morgan
- Helene T. Fason

The following individuals spoke against this item:

- Orna Sasson
- Kazem Jabbari
- Cynthia L. Shartzter
- Monir Memarpuri
- Anna Naruta
- Nahid F. Farazian
- Anne Wellington

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

Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember Brunner, to deny the appeal and approve the Conditional Use Permit, Variance, and Design Review applications with the revised conditions distributed on the floor (Attachment A).

Agency/Councilmember Brooks made a substitute motion, seconded by Agency/Councilmember Chang to deny the appeal, and approve the Conditional Use Permit, Variance, and Design Review applications, with direction that the developer be required to make a good faith effort to incorporate the changes set forth in the document distributed by Vice Mayor Nadel (Attachment A).

Following further discussion, Councilmember Brooks withdrew her substitute motion.

Agency/Councilmember Quan made a substitute motion, seconded by Agency/Councilmember Reid to deny the appeal, approve the Variance and Conditional Use Permit, and require that staff meet with the developer to address the design concerns and return to the December 16, 2003 Council meeting with recommendations, 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

MAIN MOTION FAILED DUE TO ADOPTION OF SUBSTITUTE MOTION.

Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember Reid that within the next 90 days, City staff shall work with Alameda County to develop a system for use of the County's parking structure (ALCO) for large events at the Islamic Cultural Center, the Alice Arts Center and/or the Scottish rite Temple, 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 Vice Mayor Nadel, seconded by Councilmember Chang, that this matter be Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on December 16, 2003. The motion carried by the following vote:

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

14.5

Subject: Planning Commission Appeal - 436 Oakland Avenue - Public
Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Public Hearing and upon conclusion Adopt a
Resolution denying the appeal and sustaining the decision of the City Planning
Commission in approving the application for a major variance to construct a six
unit residential project located at 436 Oakland Avenue, Oakland

Attachments: [0272.pdf](#),
[78206 CMS.pdf](#),
[Item 14.5 11-18-03.pdf](#)

Resolution Number 78206 C.M.S.

Upon the reading of Item 14.5 by the City Clerk, the Public Hearing was opened at 9:25
p.m.

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

- Neil Kaplan
- Connie De Propriis
- Robert Cohn-Postar
- Lewis Epstein
- Bill Levinston

The following individual spoke against item:

- Marjory F. Gibson

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

**A motion was made by Vice Mayor Nadel, seconded by Councilmember Brunner,
that this matter be Adopted as Amended. Agency/Councilmember Nadel made a
motion, seconded by Agency/Councilmember Brunner to deny the appeal and
sustain the Planning Commission's approval as amended to lower the ceiling by
one foot in the top floor unit, to shorten the stair tower, and in lieu of developing
the roof as outdoor space, contribute those monies to the improvements at
Mosswood Park.**

The motion carried by the following vote:

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

ACTION ON NON-CONSENT ITEMS:

15

Subject: Check Cashing Facilities
From: President De La Fuente
Recommendation: Adopt an urgency measure regarding an interim Ordinance
pursuant to Government Code Section 65858 imposing a moratorium on check
cashier or cashing businesses

Attachments: [0262.pdf](#),
[12558 CMS.pdf](#),
[Item 15 11-18-03.pdf](#)

Ordinance Number 12558 C.M.S.

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

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

16

Subject: Earthquake Retrofit of Bridges
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the appropriation of an additional one hundred twenty-eight thousand eight hundred thirteen dollars (\$128,813) in Federal highway funds and approving submittal of the request to the California Department of Transportation (Caltrans) to re-appropriate a total of two million three hundred twenty-eight thousand four hundred forty-seven dollars (\$2,328,447) in Federal and State funds to extend the budget authority until June 30, 2005 for the earthquake retrofit of Broadway-Patton, Hegenberger, and Hamilton Bridges (Project Number H24010)

Attachments: [0287.pdf](#),
[78207 CMS.pdf](#),
[Item 16 11-18-03.pdf](#)

Resolution Number 78207 C.M.S.

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

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

16.1

Subject: Earthquake Retrofit of Bridges - Impartial Financial Analysis
From: Office of the City Auditor

Attachments: [Item 16.1 11-18-03.pdf](#)

A motion was made by Councilmember Reid, seconded by Councilmember Brunner, that this matter be *Received and Filed. The motion carried by the following vote:

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

17

Subject: Pulte Homes Corporation
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution approving final map of Tract 7419, a 31-Lot subdivision located at 66th Street, Oakland, Alameda County, California, and accepting offers for dedication contained thereon and authorizing the Superintendent of Streets to enter into an agreement with Pulte Homes Corporation for improvements to be constructed in said subdivision; fixing the amount of security to guarantee the faithful performance of such agreement and adopting plans and specifications for such improvements

Attachments: [0285.pdf](#),
[78208 CMS.pdf](#),
[Item 17 11-18-03.pdf](#)

Resolution Number 78208 C.M.S.

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

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

COUNCILMEMBER BRUNNER WAS NOTED ABSENT AT 9:45 P.M.

18

Subject: Infiniti Automobile Dealership
From: Community and Economic Development Agency
Recommendation: Adopt an Agency Resolution rescinding Resolution Number 2003-70, adopted on September 30, 2003, and adopting a mitigated negative declaration and authorizing the sale of approximately 4.35 acres of real property located on Oakport Street near Hassler Way for \$3,318,047 to, and authorizing the negotiation and execution of a Disposition and Development Agreement with Hendrick Automotive Group for the development of an Infiniti automobile dealership

Attachments: [0263.pdf](#),
[2003-81 CMS.pdf](#),
[Item 18 11-18-03.pdf](#)

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 Absent: Councilmember Brunner
1 -

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

Enactment No: 2003-81

18.1

Subject: Infiniti Automobile Dealership - Impartial Financial Analysis

From: Office of the City Auditor

Attachments:

[18.1 11-18-03.pdf](#)

A motion was made by Councilmember Brunner, seconded by Vice Mayor Nadel, that this matter be *Received and Filed. The motion carried by the following vote:

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

COUNCILMEMBER BRUNNER WAS NOTED PRESENT AT 9:49 P.M.

19

Subject: Jack London Redevelopment

From: Community and Economic Development Agency

Recommendation: Receive Informational Report regarding the status on the proposed Jack London Redevelopment Project and provide direction on the preliminary consideration of major deal points for inclusion in the requested development agreement

Attachments:

[19 11-18-03.pdf](#),

[Item 19 Attach B.pdf](#),

[Item 3 10-28-03.pdf](#)

The following individual spoke in favor of this item:

- Sandra Threlfall

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

- Gary Knecht

- Naomi Schiff

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

- Sanjiv Handa

Agency/Councilmember Brunner made a motion, seconded by Agency/Councilmember Reid to receive the Informational Report and directed that staff provide the following information when this item comes to the January 13, 2004 Community and Economic Development Committee (CEDC):

- 1) Provide a response timeline for the questions and concerns that were raised at the October 28, 2003 CEDC meeting;
- 2) Address the concern that 15 years is too long for the Development Agreement;
- 3) Develop a process for public outreach and input with milestones for when decisions will be made;
- 4) Address additional issues raised in Vice Mayor Nadel's handout (Attachment B);
- 5) Discuss the policy regarding public art.

and hearing no objections, the motion carried by Ayes: Agency/Councilmember Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan, and President of the Council De La Fuente -8

Agency/Councilmember Wan suggested that a Special Council Workshop be scheduled at some point regarding the project to identify issues.

A motion was made by Councilmember Brunner, seconded by Councilmember Reid, that this matter be *Received and Filed. The motion carried by the following vote:

ORA\Councilmember Ayes:

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

Agency/Councilmember Chang made a motion, seconded by Agency/Councilmember
Reid, to extend the meeting time past 10:30 p.m., 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
COUNCILMEMBERS BROOKS AND REID WERE NOTED EXCUSED AT 10:48 P.M.

Prior to her departure, Councilmember Brooks requested to register the following votes:

- 1) A "Yes" vote on Item 20-Clear Channel Billboard Relocation Agreement;
- 2) A "Yes" vote on Item 21-Proposition 40 projects;
- 3) A "No" vote on Item 23-Measure X, and commented that this item should be delayed
in order to assess if Measure X has been beneficial to the City, and to consider
establishing 2 youth representatives on the Council.

Upon further review of parliamentary procedures, the City Attorney advised that the
member must be present at the time of the vote, therefore, Councilmember Brooks'
votes on those items will be registered as "Excused."

Subject: Clear Channel Billboard Relocation Agreement
From: Community and Economic Development Agency

Recommendation: A Continued discussion to Adopt a Resolution authorizing
the City Manager to enter into a Billboard Relocation Agreement with Clear
Channel Outdoor Inc. to remove and waive its rights to compensation, including
all real property and personal property interests for a number of billboards at
various locations in exchange for the reconstruction of an existing billboard at
743 High Street, a new billboard at 3425 Ettie Street, and the commitment of
Clear Channel Outdoor, Inc. to retain its office and operational facilities in the
City of Oakland for a minimum period of ten years, and a one time contribution
of \$100,000 to the City's General Fund (TITLE CHANGE)

Attachments: [20 11-18-03.pdf](#),
[20 11-18-03.pdf](#),
[78209 CMS.pdf](#)

Resolution Number 78209 C.M.S.
Contract Number 03-1644

The following individual spoke in favor of this item:
- Sandra Threlfall

The following individual spoke against this item:
- Karen Huff
- Jerry Huff
- Michael Cyrus Abadi
- Ellen Wyrick Parkinson
- Louie Martinez

The following individuals spoke on this item and indicated a neutral position:
- Naomi Schiff
- Gary Knecht

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

Agency Councilmember Quan requested that staff provide a prioritization plan
identifying the neighborhoods and types of billboards scheduled to be removed.

**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:**

ORA\Councilmember Excused:

Councilmember Brooks and Councilmember Reid

ORA\Councilmember Nos: Vice Mayor Nadel
1 -

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

Subject: Proposition 40 Projects
From: Public Works Agency
Recommendations: A Continued discussion to Approve the following
legislation:

1) Adopt a Resolution authorizing the application, acceptance and appropriation of grant funds for the Murray-Hayden Program from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 for the following projects: The Main Library Children's Courtyard in the amount of one hundred forty-six thousand dollars (\$146,000.00); Raimondi Field in the amount of two million five hundred thousand dollars (\$2,500,000.00); and, Peralta Hacienda Historic Park in the amount of eight hundred fifty thousand dollars (\$850,000.00) (TITLE CHANGE), and

Attachments: [21 11-18-03.pdf](#),
[78210 CMS.pdf](#)

Resolution Number 78210 C.M.S
Contract Number 03-0165

The following individual spoke on this item:

- Kathy Raymond
- Tom McCoy
- Ken Kibson
- Oscar Rojas
- Shristana Sullivan
- Gregg Morris
- Tandra Erickson

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

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

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

2) Adopt a Resolution authorizing the application, acceptance and appropriation of grant funds for the Urban Park Act of 2001 Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 for the following projects: East Oakland Sports Complex in the amount of three million dollars (\$3,000,000.00); and The Cryer Site at Union Point in the amount of three million dollars (\$3,000,000.00) (TITLE CHANGE)

Attachments: [21 11-18-03.pdf](#),
[78211 CMS.pdf](#)

Resolution Number 78211 C.M.S
Contract Number 03-1646

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

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

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

Subject: Fox Theater Restoration
 From: Community and Economic Development Agency
 Recommendation: A Continued discussion to Adopt the following legislation:

- 1) Adopt a Resolution authorizing amendment to the repayment agreement with the Redevelopment Agency and increasing City appropriations by \$800,000, and authorizing the City Manager to enter into a contract in an amount not to exceed \$800,000 with California Capital Group for predevelopment work on the Fox Theater and wrap around buildings (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE); and

Attachments:

[Item 22 11-18-03.pdf](#)

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

- 2) Adopt an Agency Resolution authorizing amendment to the repayment agreement with the City of Oakland and increasing City appropriations by \$800,000 for predevelopment work on the Fox Theater and wrap around buildings, and authorizing the Agency Administrator to enter into an exclusive negotiating agreement with the Paramount Theatre for the Arts, Inc., or Fox Theatre I Corporation to redevelop the Fox Theater and wrap around buildings

Attachments:

[Item 22 11-18-03.pdf](#)

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

Subject: Measure X Limited Charter Review Committee Recommendations
 From: Measure X Limited Charter Review Committee
 Recommendation: A Continued discussion to Approve a Report regarding a Resolution for the Council's consideration reflecting Charter amendments prepared by San Francisco City Attorney's Office that reflect the Measure X Limited Charter Review Committee and City Councilmember recommendations regarding (A) Balance of Powers among Branches of Government, (B) the Elected City Attorney, (C) Setting Pay for Elected Officials, (D) Term Limits for Elected Officials, (E) Mayor's Attendance at Council Meetings, (F) Number of Councilmembers and At-Large Representatives, (G) City Council Structure and Procedures; and (H) Role of the City Manager (I) determining whether said Charter amendment shall appear on the March 2, 2004 or November 2, 2004 Ballot (J) need to check report (TITLE CHANGE)

Attachments:

[16 11-4-03.pdf](#)

[16 Attach A 11-04-03.pdf](#)

[16 Attach B 11-04-03.pdf](#)

[23 11-18-03.pdf](#)

The following individuals spoke in favor of this item:

- Judy Cox
- Judy Belcher

The following individual spoke against this time:

- Anne Wellington

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

- Naomi Schiff

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

- Sanjiv Handa
- Judy Bank

The November 18, 2003 City Council directed staff to prepare the appropriate legislation to reflect the following:

- 1) Any portion of recommended increase in compensation that would result in an overall raise in excess of 5% requires voter approval;
- 2) Retain the salary formula for the Mayor and add salary formula to the City Attorney and City Auditor
- 3) Mayor shall advise the Council before removing City Administrator;
- 4) Increase public meetings by the Mayor to four (4);
- 5) Reduce the time for Council action to fill an appointment left vacant by the Mayor from 180 days to 90 days; and
- 6) Place this Measure on the March 2, 2004 ballot.

A motion was made by Councilmember Quan, seconded by Councilmember Brunner, that this matter be Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on December 2, 2003. The motion carried by the following vote:

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

ORA\Councilmember Ayes: 6 - Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente and Councilmember Chang

At 12:40 a.m. President of the City Council, De La Fuente, relinquished the Chair and Agency/Councilmember Brunner presided as President Pro Tempore.

Subject: Library Services Retention and Enhancement Act
From: Councilmembers Quan and Brunner
Recommendation: A continued discussion to approve Recommendations regarding the submission of a Resolution submitting, on Council's own motion, to the electors of the City of Oakland, at the March 2, 2004 election, a proposed Ordinance extending the "Library Services Retention and Enhancement Act of 1994," and amending Section 2 of said Act - "Use of Proceeds" - in order to expand the services funded by the Act; amending Section 4 of the Act - "Imposition of Parcel Tax" - in order to increase the parcel tax levy; amending Section 8 of the Act - "Minimum Library Appropriation Prerequisite at Fiscal Year 1991-1992 Level" - in order to set the minimum general fund appropriation level at the Fiscal Year 2000-2001 level; and amending Section 9 of the Act - "Term of Taxation" - in order to authorize collection of the tax for an additional 15 years; directing the City Clerk to fix the date for submission of arguments and to provide notice and publication in accordance with the law; and consolidating the Election with the Statewide Presidential Primary

Attachments: [0291.pdf](#),
[24 11-18-03.pdf](#),
[24 11-18-03.pdf](#)

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

- Sanjiv Handa
- Frank Brodsky

The Council directed staff to prepare the appropriate legislation for consideration of Options 1, 2, and 3 to include a 5% reserve requirement.

A motion was made by Councilmember Wan, seconded by Councilmember Quan, that this matter be Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on December 2, 2003. The motion carried by the following vote:

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

ORA\Councilmember Ayes: 6 - Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente and Councilmember Chang

Agency/Councilmember Brunner made a motion seconded by Agency/Councilmember Quan to approve an urgency finding pursuant to Section 2.20.070 E(2) regarding Item 25, that there is a need to take immediate action to prevent serious injury to the public interest, and that the need for such action came to the attention of the body after the posting of the 10-day agenda.

Subject: West Oakland Redevelopment Plan
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution adopting findings in response to written objections to the adoption of the West Oakland Redevelopment Plan

Attachments: [003234-1g.pdf](#),
[78212 CMS.pdf](#),
[S-25 11-18-03.pdf](#)

Resolution Number 78212 C.M.S.

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

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

ORA\Councilmember Ayes: 6 - Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente and Councilmember Chang

Subject: West Oakland Redevelopment Plan
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance approving and adopting the Redevelopment Plan for the West Oakland Redevelopment Project

Attachments: [12559 CMS.pdf](#),
[S-26 11-18-03.pdf](#)

Ordinance Number 12559 C.M.S.

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

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

ORA\Councilmember Ayes: 6 - Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel, Councilmember Quan, President of the Council De La Fuente and Councilmember Chang

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/City Council adjourned the meeting at 1:00 a.m. in the memory of Lee Andrew Jones

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