

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, September 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 6:05 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 Excused: President of the Council De La Fuente

ORA/Councilmember Present: Councilmember Brunner, Councilmember Wan, Vice Mayor Nadel, Councilmember Quan, Councilmember Brooks, Councilmember Reid and Councilmember Chang
President Pro Tempore Brunner presided as Chairperson.

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

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.

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")

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.

7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on July 29, 2003

8. Presentation of Ceremonial Matters

8.1 Subject: Viola Gonzales
From: Mayor Brown
Recommendation: Presentation of a Proclamation acknowledging service to the Oakland Unified School District By Mayoral School Board Appointee Viola Gonzales

9. Council Acknowledgements / Announcements

Councilmember Brooks requested that the meeting be adjourned in the memory of Sheila Fajors and Murphy Dice

Councilmember Quan requested that the meeting be adjourned in the memory of Carol Sanchez and John Ogbu

Councilmember Chang requested that the meeting be adjourned in the memory of William Chan.

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 9-30-03.pdf](#),
[78038 CMS.pdf](#),
[78068 CMS.pdf](#)

Resolution Number 78038 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

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

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

Enactment No: 78038

10.2

Subject: Medical Cannabis health emergency

From: Office of the City Attorney

Recommendation: Adopt a Resolution renewing the City Council's Declaration of a local public health emergency with respect to safe, affordable access to Medical Cannabis in the City of Oakland

Attachments: [10.2CC 9-30-03.pdf](#),
[10.2CC.pdf](#),
[78039 CMS.pdf](#),
[78069 CMS.pdf](#),
[78111.pdf](#)

Resolution Number 78039 C.M.S

A motion was made that this matter be Adopted. The motion carried by the following vote:

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

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

Enactment No: 78039

10.3

Subject: Margaret Russell - Oakland Museum of California Foundation

From: Office of the Mayor

Recommendations: Adopt a Resolution appointing Margaret M. Russell as a member of the Oakland Museum of California Foundation

Attachments: [78040 CMS.pdf](#)

The following individual spoke on Item 10.3 CC and did not indicate a position:

- Sanjiv Handa

Resolution Number 78040 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

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

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

Enactment No: 78040

10.4

Subject: Gloria Cox - Health and Human Services Commission

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Gloria Cox Crowell as a member of the Health and Human Services Commission

Attachments:

[78041 CMS.pdf](#)

Resolution Number 78041 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

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

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

Enactment No: 78041

10.5

Subject: Benjamin Scott - Budget Advisory Committee

From: Office of Mayor

Recommendation: Adopt a Resolution appointing Benjamin Scott as a member of the Budget Advisory Committee

Attachments:

[78042 CMS.pdf](#)

The following individual spoke on Item 10.5 CC and did not indicate a position:

- Sanjiv Handa

Resolution Number 78042 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

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

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

Enactment No: 78042

10.6

Subject: Gwen McDonald and Marcus Clark - Civil Service Board

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Gwen McDonald and re-appointing Marcus Clark as members of the Civil Service Board

Attachments:

[78043 CMS.pdf](#)

The following individual spoke on Item 10.6 CC and did not indicate a position:

- Sanjiv Handa

Resolution Number 78043 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

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

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

Enactment No: 78043

10.7

Subject: Hillery Bolt Trippe and Jean Rubsamen - Housing,
Residential Rent and Relocation Board
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Hillery Bolt Trippe and Jean
Rubsamen as members of the Housing, Residential Rent, and Relocation
Board
Attachments:
[20 9-30-03.pdf](#)

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

10.8

Subject: Alex Pedersen
From: Councilmember Wan
Recommendation: Adopt a Resolution appointing Alex Pedersen as
Councilmember Wan's District Two Adult Representative member of the
Children's Fund Planning and Oversight Committee
Attachments:
[78044 CMS.pdf](#)

The following individual spoke on Item 10.8 CC and did not indicate a position:

- Sanjiv Handa

Resolution Number 78044 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

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

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

Enactment No: 78044

10.9

Subject: Benjamin Fay - Budget Advisory Committee
From: Councilmember Chang
Recommendation: Adopt a Resolution appointing Benjamin Fay as At-Large
Representative as a member of the Budget Advisory Committee
Attachments:
[78045 CMS.pdf](#)

The following individual spoke on Item 10.8 CC and did not indicate a position:

- Sanjiv Handa

Resolution Number 78045 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

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

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

Enactment No: 78045

10.10

Subject: Marcia McClean - 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 Marcia McClean v. City of Oakland, et al., Alameda County Superior Court Case No. 2001-023537, our file no. 21563, in the amount of \$7,500.00 (Public Works Agency)

Attachments: [78046 CMS.pdf](#)

Resolution Number 78046 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

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

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

Enactment No: 78046

10.11

Subject: Conco Cement - 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 Conco Cement, in the amount of \$10,610.64, as a result of property damage sustained when the driver of a City of Oakland vehicle rear-ended the vehicle driven by Ashley N. Watson (Oakland Police Department)

Attachments: [78047 CMS.pdf](#)

Resolution Number 78047 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

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

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

Enactment No: 78047

10.12

Subject: Antonous Boykin - 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 Antonous Boykin in the amount of \$5,600.00 as a result of a vehicle collision involving a City vehicle (Oakland Police Department)

Attachments: [78048 CMS.pdf](#)

Resolution Number 78048 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

President of the Council De La Fuente

ORA\Councilmember Excused: 1 -

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

Enactment No: 78048

10.13

Subject: Jermain Jenkins, Jada Powell et. al. - 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 Jermain Jenkins, Jada Powell as the guardian ad litem for Jatasia Jenkins, Jermain Jenkins Jr., Earsey Jenkins, and their attorney of record Craig M. Boeger, Esq. in the amount of twenty thousand seven hundred fifty dollars and no cents (\$20,750.00), as a result of bodily injuries sustained when a City employee driving a City vehicle failed to stop at the red signal light and collided with the vehicle driven by Jermain Jenkins (Public Works Agency)

Attachments:
[78049 CMS.pdf](#)

Resolution Number 78049 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

President of the Council De La Fuente

ORA\Councilmember Excused: 1 -

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

Enactment No: 78049

10.14

CC

Subject: Kereem Thurston - 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 Kereem Thurston v. City of Oakland, et. al., United States District Court Case No. C-01 3839 WDB, our file no. 21395, in the amount of \$15,000.00; This case involves a claim of use of excessive force (Oakland Police Department-Alleged Civil Rights Violation)

Attachments:
[10.7ACC.pdf](#),
[78116.pdf](#)

***Withdrawn with No New Date**

10.15

CC

Subject: Chesarae Fletcher and Jeffrey Fletcher - 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 Chesarae Fletcher and Jeffrey Fletcher v. City of Oakland, Superior Court, County of Alameda, Case No. 2002041360 in the amount of \$8,500.00 (Public Works Agency)

Attachments:
[78050 CMS.pdf](#)

Resolution Number 78050 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

President of the Council De La Fuente

ORA\Councilmember Excused: 1 -

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

Enactment No: 78050

10.16

Subject: Daniel McClosky - 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 Daniel McClosky v. City of Oakland, Superior Court, County of Alameda, Case No. 2002065331 in the amount of \$10,000.00 (Public Works Agency)

Attachments:
[78051 CMS.pdf](#)

Resolution Number 78051 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

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

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

Enactment No: 78051

10.17

Subject: Progressive Insurance - 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 Progressive Insurance as Subrogee of Beatrice Pecot in the amount of \$14,063.06 as a result of a vehicle collision involving a City vehicle (Oakland Police Department)

Attachments:
[78052 CMS.pdf](#)

Resolution Number 78052 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

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

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

Enactment No: 78052

10.18
CC

Subject: Kerry Salisbury - 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 Kerry Salisbury v. City of Oakland, Alameda County Superior Court No. 2002-040857, our file no. 21795, a defamation and breach of contract case in the amount of \$9,000.00; Mr. Salisbury, a former employee, claims that comments made after his departure in June 2001 were defamatory and violated a written agreement with the City (Life Enrichment Agency)

Attachments:
[78053 CMS.pdf](#)

Resolution Number 78053 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

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

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

Enactment No: 78053

Subject: Jackie Stewart - 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 Jackie Stewart v. City of Oakland, Alameda County Superior Court No. 2001-035552. our file no. 21404, a personal injury case in the amount of \$8,500.00; Ms. Stewart tripped and fell in a pothole on Lincoln Way (Public Works Agency)

Attachments:
[78054 CMS.pdf](#)

Resolution Number 78054 C.M.S.

A motion was made that this matter be Adopted. The motion carried by the following vote:

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

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

Enactment No: 78054

Subject: Oakland's Stolen Gun Ordinance
From: Oakland Police Department
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending Sections 9.36.131 and 9.36.141 of the Oakland Municipal Code providing a 60 day reporting period during which the owner or person in possession of a firearm is required to report the theft or loss of a firearm occurring between August 1, 1992 and July 30, 2002

Attachments:
[12529 CMS.pdf](#)

Ordinance Number 12529 C.M.S.

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

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

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

Enactment No: 12529

Subject: Paul Wang Enterprises
From: Community and Economic Development Agency
Recommendation: Approve recommendations for the following legislation:

1) Approve the Final Passage (Second Reading) of an Ordinance rescinding Ordinance 12223 C.M.S., and transferring ownership of six City-owned properties at 2824 82nd Avenue, 8207 Golf Links Road, 8251-8329 Golf Links Road, 8379 Golf Links Road, 8477 Golf Links Road, and 8395 Golf Links Road to the Redevelopment Agency of the City of Oakland; and

Attachments:
[12530 CMS.pdf](#)

Ordinance Number 12530 C.M.S.

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

Councilmember Brooks

ORA\Councilmember Abstained: 1 -

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

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

Enactment No: 12530

2) Approve the Final Passage (Second Reading) of Ordinance rescinding Ordinance 12217 C.M.S. and authorizing the negotiation and execution of a Disposition and Development Agreement with Paul Wang Enterprises, to provide for the sale and development of nine City-owned properties at 938 46th Street, 62nd Street at Marshall Street, 1027 62nd Street, 1311 Campbell Street, 820 Peralta Street, 901 70th Avenue, 1088 71st Avenue, 3214 Courtland Avenue, and 2849 Kitchener Court/4291 Wilshire Boulevard, with six units of affordable housing and six units of market-rate housing

Attachments:

[12531 CMS.pdf](#)

Ordinance Number 12531 C.M.S.

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

Councilmember Brooks

ORA\Councilmember Abstained: 1 -

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

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

Enactment No: 12531

10.22
CC

Subject: Oakland Base Reuse Authority Joint Powers Agreement
From: Community and Economic Development Agency
Recommendation: Approve Final Passage (Second Reading) of an Ordinance altering the Port area boundary to include and exclude various specified parcels at and adjacent to the former Oakland Army Base

Attachments:

[12532 CMS.pdf](#)

The following individual spoke on Item 10.22 CC and did not indicate a position:
- Sanjiv Handa

Ordinance Number 12532 C.M.S.

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

President of the Council De La Fuente

ORA\Councilmember Excused: 1 -

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

Enactment No: 12532

10.23
CC

Subject: Commercial Business Security Devices
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending the Oakland Planning Code to prohibit the use of barbed wire and razor wire in the Commercial and S-1, S-2, S-3, and S-15 Zoning Districts; establish fence height limits in these districts; and relocate fence regulations within the Code

Attachments:
[12533 CMS.pdf](#)

The following individual spoke on Item 10.5 CC and did not indicate a position:
- Sanjiv Handa

Ordinance Number 12533 C.M.S.

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

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

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

Enactment No: 12533

10.24
CC

Subject: 9507 Edes Avenue - Disposition and Development
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance rescinding Ordinance No. 12219 C.M.S., and authorizing the sale of the City-owned property at 9507 Edes Avenue to the Redevelopment Agency at its fair market value; and

Attachments:
[12534 CMS.pdf](#)

Ordinance Number 12534 C.M.S.

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

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

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

Enactment No: 12534

10.25
CC

Subject: Palo Seco Substation Expansion
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 in the amount of six thousand three hundred dollars (\$6,300.00) with Pacific Gas and Electric Company to grant a permanent easement for expansion of Palo Seco Substation to provide emergency back up power to the Oakland Hills over the City owned property located on Monterey Blvd. (APN: 029A 1330 034 00)

Attachments:
[12535 CMS.pdf](#)

Ordinance Number 12535 C.M.S.

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

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

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

Enactment No: 12535

President Pro Tem Brunner recessed the Ceremonial Presentation and Consent
Calendar portion of the meeting at 6:33 p.m. and reconvened the meeting at 7:02 p.m.

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

**A motion was made by Councilmember Brooks, seconded by Councilmember
Reid, to Accepted. The motion carried by the following vote:**

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

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

The Council made a final decision in Closed Session on one item of pending litigation:

NAME OF CASE: Janae Carter v. City of Oakland

This matter is listed as Item 2F on the Closed Session Agenda

The City Council authorized settlement of this matter for \$30,000.00. Plaintiff filed this
action after she slipped and fell on a three-inch ridge on a City street. She contended
that the condition of the street constituted a defect in City property. The fall fractured
Plaintiff's ankle. She underwent two surgeries and has metal screws in her ankle. A
physician has said further surgery is likely.

Motion Made by: Councilmember Brooks
Motion Seconded by: Councilmember Reid

(7) Ayes: Brooks Brunner Chang Nadel Quan Reid Wan De La Fuente =7
Noes: Brooks Brunner Chang Nadel Quan Reid Wan De La Fuente =0
(1) Absent: Brooks Brunner Chang Nadel Quan Reid Wan De La Fuente =
1
Abstentions: Brooks Brunner Chang Nadel Quan Reid Wan President De La
Fuente =0

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

No action was taken on this item.

13 Reconsideration of Ordinances pursuant to Charter Section 216
No action was taken on this item.

Consideration of items with statutory Public Hearing Requirements:

14 Subject: Delinquent Real Property Transfer Taxes - Public Hearing
From: Finance and Management Agency
Recommendation: Conduct a Public Hearing regarding the assessment of liens
for Delinquent Real Property Transfer Taxes and upon conclusion adopt one of
the following Resolutions:

1) 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:

[78055 CMS.pdf](#)

Upon the reading of Item 14 by the City Clerk, the public hearing was opened at 7:08 p. m.

Vice Mayor Nadel made a motion, seconded by Councilmember Wan, to close the public hearing, and upon hearing no objections the motion passed by Ayes: Agency/ Councilmember: Brooks, Brunner, Nadel, Reid, Chang, Quan, and Wan -7; Excused: President De La Fuente-1

Vice Mayor Nadel made a motion, seconded by Councilmember Wan, to adopt the Resolution on Item 14-1, and upon the call of the roll the motion passed by Ayes: Agency/Councilmember Brooks, Brunner, Nadel, Reid, Chang, Quan, and Wan -7; Excused: President De La Fuente-1

Resolution Number 78055 C.M.S.

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

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

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

Enactment No: 78055

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; or

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
There was no action taken on Items 14-2 or 14-3.

No Action Taken

Subject: Delinquent Business Taxes - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct a Public Hearing regarding the assessment of liens for Delinquent Business Tax and upon conclusion adopt one of the following Resolutions:

1) Adopt a Resolution accepting and confirming reports of the Interim City Manager on the costs incurred by the City of Oakland for delinquent business taxes and confirming the recordation of liens, administrative charges and assessment charges as necessary - pursuant to Title 5, Chapter 5.04 of the Oakland Municipal Code, and directing the notice of lien and assessment charges to be turned over to the County for collection; or

-

Attachments:

[78056 CMS.pdf](#)

Upon the reading of Item 15 by the City Clerk, the public hearing was opened at 7:09 p. m.

Vice Mayor Nadel made a motion, seconded by Councilmember Brooks, to close the public hearing, and upon hearing no objections the motion passed by Ayes: Agency/ Councilmember: Brooks, Brunner, Nadel, Reid, Chang, Quan, and Wan -7; Excused: President De La Fuente-1

Vice Mayor Nadel made a motion, seconded by Councilmember Brooks, to adopt the Resolution on Item 15-1, and upon the call of the roll the motion passed by Ayes: Agency/Councilmember Brooks, Brunner, Nadel, Reid, Chang, Quan, and Wan -7; Excused: President De La Fuente-1

Resolution Number 78056 C.M.S.

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

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

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

Enactment No: 78056

2) Adopt a Resolution overruling protests and accepting and confirming reports of the Interim City Manager on the delinquent business taxes, and confirming the recordation of liens, administrative charges, and assessment charges as necessary, pursuant to Title 5, Chapter 5.04 of the Oakland Municipal Code, and directing the notice of lien and assessment charges to be turned over to the County Tax Collector for collection; or

3) Adopt a Resolution continuing hearing on reports of the Interim City Manager on the delinquent business taxes, and confirming the recordation of liens, administrative charges and assessment charges, as necessary, pursuant to Title 5, Chapter 5.04 of the Oakland Municipal Code
There was no action taken on Items 15-2 and 15-3.

No Action Taken

Subject: Delinquent Mandatory Garbage Fees - Public Hearing
From: Finance and Management Agency
Recommendation: Conduct a Public Hearing regarding Delinquent Mandatory Garbage Fees for April - June 2003, quarterly accounts and January - March 2003 monthly accounts and upon conclusion adopt one of the following Resolutions:

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:

[78057 CMS.pdf](#)

Upon the reading of Item 16 by the City Clerk, the public hearing was opened at 7:10 p. m.

Vice Mayor Nadel made a motion, seconded by Councilmember Brooks, to close the public hearing, and upon hearing no objections the motion passed by Ayes: Agency/ Councilmember: Brooks, Brunner, Nadel, Reid, Chang, Quan, and Wan -7; Excused: President De La Fuente-1

Vice Mayor Nadel made a motion, seconded by Councilmember Brooks, to adopt the Resolution on Item 16-1, and upon the call of the roll the motion passed by Ayes: Agency/Councilmember Brooks, Brunner, Nadel, Reid, Chang, Quan, and Wan -7; Excused: President De La Fuente-1

Resolution Number 78057 C.M.S.

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

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

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

Enactment No: 78057

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; or

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
There was no action taken on Items 16-2 and 16-3.

No Action Taken

Subject: Delinquent Transient Occupancy Taxes - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct a Public Hearing regarding the assessment of liens for Delinquent Transient Occupancy Taxes and upon conclusion adopt one of the following Resolutions:

1) 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:

[78058 CMS.pdf](#)

Upon the reading of Item 17 by the City Clerk, the public hearing was opened at 7:11 p. m.

Councilmember Brooks made a motion, seconded by Vice Mayor Nadel, to close the public hearing, and upon hearing no objections the motion passed by Ayes: Agency/ Councilmember: Brooks, Brunner, Nadel, Reid, Chang, Quan, and Wan -7; Excused: President De La Fuente-1

Vice Mayor Nadel made a motion, seconded by Councilmember Brooks, to adopt the Resolution on Item 17-1, and upon the call of the roll the motion passed by Ayes: Agency/Councilmember Brooks, Brunner, Nadel, Reid, Chang, Quan, and Wan -7; Excused: President De La Fuente-1

Resolution Number 78058 C.M.S.

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

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

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

Enactment No: 78058

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; or

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
There was no action taken on Items 17-2 and 17-3.

No Action Taken

Subject: Sewer Service Charge Increase - Public Hearing
From: Public Works Agency

Recommendation: Conduct a Public Hearing and upon conclusion approve the Introduction (First Reading) of an Ordinance amending Chapter 13 of the Oakland Municipal Code (Section 13.04.020) increasing the sewer service charge and providing for annual increases of eleven percent through January 1, 2009 and increases based on the Consumer Price Index thereafter

Attachments: [10.15CC 9-30-03.pdf](#),
[12540 CMS.pdf](#)

Upon the reading of Item 18 by the City Clerk, the public hearing was opened at 7:12 p. m.

The following individuals spoke against Item 18:

- Andrew Vincent
- Alice Atkinson

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

President Pro Tem Brunner announced that final action on this item was postponed until such time as staff concluded the counting of the protest ballots.

At 7:50 p.m., Item 18 was reopened for consideration and a report of the protest ballots was given by the City Clerk:

143 protest ballots were received.

142 protest ballots were deemed to qualify.

105,061 residents were notified of this action, therefore a majority protest was not achieved.

Councilmember Reid made a motion, seconded by Councilmember Quan, to approve for Introduction the Ordinance on Item 18, and upon the call of the roll the motion passed by Ayes: Agency/Councilmember Brooks, Brunner, Nadel, Reid, Chang, Quan, and Wan -7; Excused: President De La Fuente-1

A motion was made by Councilmember Reid, 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 September 30, 2003. The motion carried by the following vote:

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

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

Enactment No: 12540

19

Subject: Tree Removal Appeal - Lot 2006-Moore Drive - Public Hearing
From: Office of Parks and Recreation
Recommendation: Conduct a Public Hearing and upon conclusion adopt a Resolution denying the appeal filed by Ken Paskow and Sheryl Klein against the decision of the Director of the Office of Parks and Recreation approving the issuance of tree removal permit DR03-068 (Lot 2006, Moore Drive)
***Withdrawn with No New Date**

20

Subject: Tree Removal Appeal - 5812 Ayala Avenue - Public Hearing
From: Office of Parks and Recreation
Recommendation: Conduct a Public Hearing and upon conclusion adopt a Resolution denying the appeal filed by John Wagers against the decision of the Director of the Office of Parks and Recreation approving the issuance of tree removal permit DR03-067 (5812 Ayala Avenue)
Items 19 and 20 were withdrawn at the September 11, 2003 Rules and Legislation Committee.
***Withdrawn with No New Date**

ACTION ON NON-CONSENT ITEMS:

21

Subject: Education Partnership Committee Meetings
From: Councilmember Chang
Recommendation: Approve a report recommending to hold in abeyance future meetings of the Education Partnership Committee
The following individual spoke on Item 21 and indicated a neutral position:
- Greg Hodge

***Withdrawn with No New Date**

22

Subject: CDBG District Boundaries Adjustments
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution to amend Resolution No. 76276 C.M.S.
to extend the term of elected Community Development District Board and
Citizens Advisory Committee members to two-years; and to realign Community
Development District boundaries based upon the new low and moderate
income block group determinations from the 2000 Census data and the
redistricting of City Council District boundaries

-

Attachments: [21 9-30-03.pdf](#),
[78102 CMS.pdf](#)

This item was withdrawn at the September 11, 2003, Rules and Legislation Committee
and rescheduled for the September 30, 2003 City Council meeting.

***Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council**
Enactment No: 78102

23 ORA

Subject: Downtown Tenant Improvement Program
From: Community and Economic Development Agency
Recommendation: Adopt an Agency Resolution adopting the Downtown Tenant
Improvement Program participation criteria to provide matching grants to
targeted retail, restaurants, arts and entertainment catalyst projects

Attachments: [2003-69 CMS .pdf](#)

Agency Resolution Number 2003-69

The Council directed staff to return to the Community and Economic Development
Committee with a report to establish certain criteria for the types of businesses
qualifying for this program, including environmental and social equity standards.

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

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

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

Enactment No: 2003-69

24

Subject: Establishing Prohibitions on False Endorsements in Campaign
Literature
From: Public Ethics Commission
Recommendation: Approve the Introduction (First Reading) of an Ordinance
establishing prohibitions on false endorsements in campaign literature

Attachments: [10.16CC 9-30-03.pdf](#),
[12536 CMS.pdf](#)

The following individual spoke on Item 24 and did not indicate a position:

- Sanjiv Handa

**A motion was made by Vice Mayor Nadel, seconded by Councilmember Brooks,
that this matter be Approve as Amended on Introduction for Final Passage to the
Concurrent Meeting of the Oakland Redevelopment Agency/City Council, due
back on September 30, 2003. The motion carried by the following vote:**

ORA\Councilmember Abstained: Councilmember Quan
1 -

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

25

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

Enactment No: 12536

Subject: Fenton's Creamery
From: Office of the City Attorney
Recommendation: Adopt a Resolution denying the appeal of E. Felizardo and upholding the Planning Commission decision to approve the Design Review and variances for the restoration and rehabilitation of Fenton's Creamery at 4226 Piedmont Avenue and further directing the Planning Commission to review all aspects of Fenton's current facility and to make appropriate determinations concerning conformity with the applicable provisions of the Zoning Code pertaining to legal non-conforming uses

Attachments:
[78059 CMS.pdf](#)

The following individual spoke on Item 25 and did not indicate a position:
- Sanjiv Handa

Councilmember Quan made a motion, seconded by Councilmember Reid, to adopt the Resolution on Item 25 as amended to change the operating hours to 9 a.m. to 11 p.m. Sunday through Thursday, and to 9:00 a.m. to 12 a.m. on Friday and Saturday and hearing no objections the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, and Wan - 7; Excused: President De La Fuente -1

Resolution Number 78059 C.M.S.
A motion was made by Councilmember Quan, seconded by Councilmember Reid, that this matter be Adopted as Amended. The motion carried by the following vote
:

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

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

Enactment No: 78059

26

Subject: Opposition to Proposition 54
From: Vice Mayor Nadel and Councilmember Wan
Recommendation: Adopt a Resolution of the Oakland City Council declaring its opposition to Proposition 54, the initiative /constitutional amendment prohibiting the collection and use of information about race, ethnicity, color or national origin by state and local governments, public universities, and school districts.

Attachments:
[78060 CMS.pdf](#)

Resolution Number 78060 C.M.S.
A motion was made, seconded by Councilmember Reid, that this matter be Adopted. The motion carried by the following vote:

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

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

Enactment No: 78060

Subject: Safe Routes to School Second Cycle Project
 From: Public Works Agency
 Recommendation: Adopt a Resolution authorizing the City Manager to award a construction contract in an amount not to exceed \$370,000.00 to the lowest responsive bidder for the Safe Routes to School Second Cycle Project (City Project No. G219210, Federal Project No. STPLHSR-5012(063)), without return to Council"

Attachments:

[78061 CMS.pdf](#)

Resolution Number 78061 C.M.S.
 Contract Number 03-1620

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

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

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

Enactment No: 78061

Subject: Installations of Stop Signs
 From: Public Works Agency
 Recommendation: Adopt a Resolution approving the installation of stop signs on Bancroft and 77th Avenue

Attachments:

[78062 CMS.pdf](#)

The following individuals spoke in favor of Item 28:

- Muriel Sterling
- Sharena Thomas

Resolution Number 78062 C.M.S.

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

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

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

Enactment No: 78062

Subject: Central City East Redevelopment Project Area Committee (PAC)
 From: Community and Economic Development Agency
 Recommendation: Adopt a Resolution amending the procedure of formation for the Central City East Redevelopment Project Area Committee to replace the Melrose High Hopes Neighborhood Crime Prevention Council with the Yorkshire Neighborhood Association
 Resolution Number 78063 C.M.S.

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

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

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

Enactment No: 78063

Subject: Port of Oakland's Conflict of Interest Code
 From: Office of the City Attorney
 Recommendation: Adopt a Resolution approving a Conflict of Interest Code for designated employees of the Port of Oakland

Attachments:

[78064 CMS.pdf](#)

Resolution Number 78064 C.M.S.

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

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

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

Enactment No: 78064

Subject: Advancing California's Emerging Technologies (ACET)
 From: Community and Economic Development Agency
 Recommendation: Adopt an Agency Resolution authorizing an owner participation agreement with Advancing California's Emerging Technologies (ACET) for the development of a high-technology business incubator facility in the Coliseum Project Area, and the contribution of \$1,610,000 in Agency funds to the project

***Withdrawn with No New Date**

Continuation of Open Forum

There were no additional Open Forum speakers.

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 at 8:24 p.m. in the memory of Sheila Fajors, Murphy Dice, Carol Sanchez, John Ogbu, and William Chan.