

# Meeting Minutes City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California 94612

Ceda Floyd, City Clerk

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

### **Agency/City Council**

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

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

**Tuesday, May 04, 2004**

**6:00 PM**

**Oakland City Hall, 3rd Floor**

*A meeting of the Joint Oakland Redevelopment Agency and City Council was*

*held on the above date. Opening with the Pledge of Allegiance, the meeting*

*was convened at 6:10 p.m.*

1  
Pledge of Allegiance  
2

Roll Call / ORA & Council

COUNCIL MEMBERS; Jane Brunner, Dist. 1; Danny Wan, Dist. 2; Nancy Nadel, Dist. 3;

Jean Quan, Dist. 4; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; Vice Mayor Henry Chang,

At-Large, and President Ignacio De La Fuente, Dist. 5

ORA\Councilmember Present: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

3

Open Forum / Citizens Comments

(Time Available: 15 minutes)

*The following individuals spoke under open forum:*

- *Sanjiv Handa*

- *Deloris Allen*

- *Hugh Bassette*

- *Anna Lee Allen*

4

Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.

*There was no action necessary for this item.*

5

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

*There was no action necessary for this item.*

6

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

*There was no action necessary for this item.*

7

Approval of the Draft Minutes from the Special Concurrent Meeting held on March 30 and Concurrent Meeting of the Oakland Redevelopment Agency/City Council/Joint Powers Financing Authority held on April 20, 2004

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

**Quan, to \*Approve as Submitted. The motion carried by the following**

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

## **8. PRESENTATION OF CEREMONIAL MATTERS**

8.1

Subject: Municipal Clerks Week

From: President De La Fuente

Recommendation: Adopt a Resolution declaring May 2 through May 8, 2004 as Municipal

Clerks Week (04-0327)

**A motion was made by Councilmember Reid, seconded by President of the**

**Council De La Fuente, that this matter be Adopted. The motion carried by**

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78506 C.M.S.*

[04-0327.pdf](#),

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

[78506 CMS.pdf](#)

8.2

Subject: Youth Recognition Day

From: Councilmember Brooks

Recommendation: Adopt a Resolution declaring May 14, 2004 Youth Recognition Day in the

City of Oakland and Recognizing the many contributions of young people and the Oakland

Youth Commission (04-0364)

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

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

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78507 C.M.S.*

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

*- Craig Gentry*

*- Macheo Payne*

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

[78507 CMS.pdf](#)

Subject: Historic Preservation Week

From: Councilmember Nadel

A Presentation of a Mayoral Proclamation proclaiming May 3 - 7, 2004 as Oakland Historic

Preservation Week in the City of Oakland (04-0345)

*Councilmember Nadel made a Presentation of the Proclamation for Historic*

*Preservation Week.*

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

*- Naomi Schiff*

[04-0345.pdf](#),

[Item 8.3 5-04-04.pdf](#)

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

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

*that the meeting be adjourned in memory of Charles Crayton and Kevin*

*McCormick.*

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

*requested that the meeting be adjourned in memory of Charles Crayton and*

*Kevin McCormick.*

**10. CONSENT CALENDAR (CC) ITEMS:**  
10.1CC

Subject: Declaration of a Local Emergency due to AIDS epidemic

From: Office of the City Attorney



Recommendation: Adopt a Resolution renewing and continuing the City Council's Declaration

of a Local Emergency due to the existence of a critical public health crisis with regard to the

AIDS epidemic (04-0329)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78508 C.M.S.*

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

[78508 CMS.pdf](#)

10.2CC

Subject: Medical Cannabis Health Emergency

From: Office of the City Attorney

Recommendation: Adopt a Resolution renewing the City Council's Declaration of a local

public health emergency with respect to safe, affordable access to Medical Cannabis in the City

of Oakland (04-0328)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78509 C.M.S.*

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

[78509 CMS.pdf](#)

Subject: Emily Ray Trust of 1992

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 sale agreement with Emily Ray Trustee for the

Emily Ray Trust of 1992 for the City's acquisition of real property located at 7318 International

Boulevard, Oakland, California, in the amount of \$391,105, excluding closing costs (04-0302a)

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

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

**carried by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Ordinance Number 12597 C.M.S.*

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

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

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

[12597 CMS.pdf](#)

S-10.4CC

Subject: Laurel Streetscape Improvement

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing award of a construction contract to the

responsible low bidder, Ray's Electric, in an amount of one million five hundred two thousand

eight hundred eighty four dollars and twenty five cents (\$1,502,884.25) for Laurel Streetscape

Improvement on MacArthur Boulevard (between 35th Avenue and High Street) (PURSUANT

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

(04-0309)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78510 C.M.S.*

*Contract Number 04-1727*

[Item 5 4-27-04.pdf,](#)

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

[78510 CMS.pdf](#)

S-10.5CC

Subject: Landscaping and Lighting Assessment District

From: Office of the City Manager

Recommendation: Adopt a Resolution of Intention and accepting the Fiscal Year 2004-2005

Preliminary Engineer's Report for the City of Oakland Landscaping and Lighting Assessment

District and setting the date for a Public Hearing (04-0244)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78511 C.M.S.*

[04-0244.pdf](#),

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

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

[78511 CMS.pdf](#)

S-10.6CC

Subject: Tucker Technologies Inc.,

From: Finance and Management Agency

Recommendation: Adopt a Resolution awarding a contract for miscellaneous cable (low

voltage communications) wiring, installation and repairs to Tucker Technologies, Inc. for a

one-year period not to exceed \$400,000 per year, and to extend the term of the contract for an

additional one-year term without return to Council (04-0299)

**Adopted**

*Resolution Number 78512 C.M.S.*

*Contract Number 04-1728*

[04-0299.pdf](#),

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

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

S-10.7CC

Subject: 901 Franklin Street Parking Garage

From: Community and Economic Development Agency

Recommendation: Adopt an Agency Resolution authorizing an Operation and Management



Agreement with CMA Asset Managers, Inc. to manage and operate an Agency-owned parking

garage located at 901 Franklin Street (04-0243)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*ORA Resolution Number 2004-24*

*Contract Number 04-1729*

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

- *Sanjiv Handa*

[04-0243.pdf](#),

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

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

[2004-24 CMS.pdf](#)

S-10.8CC

Subject: Pedestrian Streetscape Enhancements - Telegraph Avenue

From: Community and Economic Development Agency

Recommendation: Adopt an Agency Resolution authorizing a contract for an amount not to

exceed \$145,000 with Korve Engineering to prepare a planning study and preliminary

construction drawings for pedestrian streetscape enhancements to Telegraph Avenue from 20th

Street to Claremont Avenue (04-0229)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*ORA Resolution Number 2004-25*

*Contract Number 04-1730*

[04-0229.pdf,](#)

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

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

[2004-25 CMS.pdf](#)

S-10.9CC

Subject: Final Map for Tract 7464

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution approving Final Map of Tract 7464, a 100-lot

subdivision located at Mandela Parkway, Oakland, Alameda County, California, and accepting

offers for dedication contained thereon and authorizing the Superintendent of Streets to enter

into an agreement with Ettie Street, LLC 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 (04-0230)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78513 C.M.S*

[04-0230.pdf](#),

[Item 9 4-27-04.pdf](#),

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

[78513 CMS.pdf](#)

S-10.10CC

Subject: 2004 Summer Food Service Program

From: Department of Human Services

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

Oakland, to apply for, accept, and appropriate the Summer Food Service Program Grant from

the California Department of Education Nutrition Services Division in an estimated amount of

\$747,177 and to execute a professional services agreement in an amount not to exceed

\$417,380 between the City and the San Lorenzo Unified School District to provide food

services for the 2004 Summer Food Service Program for Children (04-0231)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78514 C.M.S.*

*Contract Number 04-1731*

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

- *Sanjive Handa*

[04-0231.pdf](#),

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

[78514 CMS.pdf](#)

S-10.11CC

Subject: Alameda County Measure B Funds for 2004-2005 Paratransit Services

From: Department of Human Services

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

appropriate funds in the amount of \$824,705 from Alameda County Transportation

Improvement Authority (ACTIA) Measure B Funds for the Fiscal Year 2004-2005 for



paratransit services (003445-1)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78515 C.M.S.*

[003445-1.pdf,](#)

[Item 5 4-27-04.pdf,](#)

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

[78515 CMS.pdf](#)

S-10.12CC

Subject: Citizens of Oakland Respond to Emergencies (CORE) Program

From: Oakland Fire Department

Recommendation: Adopt a Resolution to accept and appropriate a grant for nine thousand six

hundred eighty-nine dollars and thirty cents (\$9,689.30), for Fiscal Year December 4, 2003 to

December 5, 2004 from the Federal Emergency Management Agency (FEMA) and the State of

California Go Serv Grant for Community Emergency Response Team (CERT) enhancement,

awarded and administered by the Alameda County Sheriff's Department, Operational Area to

the Oakland Fire Department Office of Emergency Services (OES) for the City of Oakland's

Citizens of Oakland Respond to Emergencies (CORE) Program (04-0289)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78516 C.M.S.*

[04-0289.pdf](#),

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

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

[78516 CMS.pdf](#)

S-10.13CC

Subject: Project Safe Neighborhoods/Project Exile

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing a professional services agreement between

the City of Oakland and Habiba Productions, LLC in an amount not to exceed seventy-six

thousand two hundred ninety-nine dollars and forty-one cents (\$76,299.41), for the production

of a thirty-second video public service announcement about Project Safe

Neighborhoods/Project Exile for the period May 1, 2004 through August 15, 2004 (04-0323)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78517 C.M.S.*

*Contract Number 04-1732*

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

- *Sanjiv Handa*

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

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

[78517 CMS.pdf](#)

S-10.14CC

Subject: State Funding for California State Universities

From: President De La Fuente

Recommendation: Adopt a Resolution declaring the City of Oakland's Support for the "Save

the CSU" Coalition's efforts to preserve State funding for California State Universities

(04-0354)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78518 C.M.S.*

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

*- Sanjiv Handa*

[04-0354.pdf](#),

[Item S-7 4-29-04.pdf](#),

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

[78518 CMS.pdf](#)

**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

**\*Approve as Submitted**

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

- Sanjiv Handa

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

12

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

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

**Chang, to \*Approve as Submitted. The motion carried by the following**

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

13

Reconsideration of Ordinances pursuant to Charter Section 216

*No action was necessary for this item.*

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

14.1



Subject: Landmark Designation - Samm/Dalton/Cooper Mansion - Public Hearing

and Cooper Brothers Grocery Store

From: Community and Economic Development Agency

Recommendation: Conduct a Public Hearing and upon conclusion approve the Introduction

(First Reading) of an Ordinance designating the Samm/Dalton/Cooper Mansion and Cooper

Brothers Grocery Store (historic name: Samm (Jacob) /Dalton (Henry) /Cooper (Freddie)

House and Corner Store) at 1454 8th Street (the house) and 1450 8th Street (the store) as a

landmark pursuant to Section 17.102.030 of the Oakland Planning Code (Councilmember

Nadel, District 3) (04-0268)

**A motion was made by Councilmember 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 May 18, 2004. The motion carried by**

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

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

- *Una Marie Gilmartin*

- *Cynthia Shartzer*

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

*opened 7: 12 p.m.*

*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*

[04-0268.pdf](#),

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

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

14.2

Subject: Landmark Designation - Victorian Legal Center - Public Hearing

From: Community and Economic Development Agency

Recommendation: Conduct a Public Hearing and upon conclusion approve the Introduction

(First Reading) of an Ordinance designating the Victorian Legal Center - Law Offices of

Warren B. Wilson (historic name: Mason-Elsey-Wilson House) at 653 11th Street as a

landmark pursuant to Section 17.102.030 of the Oakland Planning Code (Councilmember

Nadel, District 3) (04-0267)

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

**Councilmember Brunner, that this matter be Approved on Introduction**

**for Final Passage to the Concurrent Meeting of the Oakland**

**Redevelopment Agency / City Council, due back on May 18, 2004. The**

**motion carried by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

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

- *Una Marie Gilmartin*

- *Cynthia Shartzer*



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

*opened 7: 20 p.m.*

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

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

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

*Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La*

*Fuente -8*

[04-0267.pdf,](#)

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

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

14.3

Subject: Approval of Tentative Tract Map 7485 - 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

Tentative Tract Map TTM7485, to re-subdivide two existing parcels into five parcels (East Side

of Crestmont Drive at the intersection with Westfield Way, APNs: (37A-3148-040 and

37A-3148-041)(Councilmember Quan, District 4) (04-0239)

**\*Withdrawn with No New Date**

[04-0239.pdf](#),

[Item 14.3 5-04-04.pdf](#)

**ACTION ON NON-CONSENT ITEMS:**

~~15~~

~~Subject: California Waste Solutions Northern Half of the City~~

~~From: Public Works Agency~~

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

~~with California Waste Solutions to provide weekly single stream residential recycling~~

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

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

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

**Redevelopment Agency / City Council on 5/18/2004**

[04-0306.pdf](#),

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

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

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

~~15.1~~

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

~~From: Public Works Agency~~

~~Recommendation: Adopt a Resolution authorizing the Fifth Amendment to the Franchise~~

~~Agreement for solid waste and yard waste collection and disposal services with Waste~~

~~Management of Alameda County and authorizing weekly single stream residential recycling~~

~~collection and processing services in the southern half of the City; weekly yard waste~~

~~collection; and weekly residential food scraps recycling throughout the City from January 1,~~

~~2005 through December 31, 2012 in an initial amount of approximately \$2,957,000 per year~~

~~(04-0300)~~

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

**Redevelopment Agency / City Council on 5/18/2004**

[04-0300.pdf](#),

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

~~15.2~~

~~Subject: Residential Food Scraps Recycling Program~~

~~From: Public Works Agency~~

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

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

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

~~education materials (04-0301)~~

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

**Redevelopment Agency / City Council on 5/18/2004**

[04-0301.pdf](#),

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

~~15.3~~

~~Subject: Solid Waste Collection and Disposal Rates~~

~~From: Public Works Agency~~

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

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

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

~~Management of Alameda County to the City of Oakland (04-0295)~~

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

**Redevelopment Agency / City Council on 5/18/2004**

[04-0295.pdf](#),

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



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

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

16

Subject: Levy Premium FoodService Limited Partnership - Consession Agreement

From: President De La Fuente

Recommendation: Adopt a Resolution approving the Oakland/Alameda County Joint Powers

Authority (JPA) Contract with Levy Premium FoodService Limited Partnership to provide food

services at the Oakland Arena (04-0363)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78519 C.M.S.*

*Contract Number 04-1733*

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

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

[78519 CMS.pdf](#)

17

Subject: Local 790 - Part Time Employees

From: Finance and Management Agency

Recommendation: Adopt a Resolution approving the Memoranda of Understanding between

the City of Oakland and Service Employees International Union, Local 790; representing

employees in Representation Unit SI1 (Part-time Employees) covering the period of July 1,

2002 through June 30, 2008 (04-0343)

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

**Councilmember Quan, that this matter be Adopted. The motion carried by**

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78520 C.M.S.*

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

*- Sanjiv Handa*

[04-0343.pdf](#),

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

Subject: Wildfire Prevention Assessment District Advisory Board

From: Oakland Fire Department

Recommendation: Adopt a Resolution confirming Mayor and Council Appointees: Deputy

Chief Ernest Robinson, Mr. Gordon Piper, Mr. Ben Fay, Ms. Aileen Warren, Mr. Ken Benson,

Ms. Tamia Marg, Dr. Bob Sieben, Ms. Jill Broadhurst, Ms. Sally Kilburg, Ms. Susan Burnett,

and Mr. Carl Hackney, to the Wildfire Prevention Assessment District Advisory Board

(04-0290-1)

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

**Councilmember Quan, that this matter be Adopted. The motion carried by**

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78521 C.M.S.*

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

*- Sanjiv Handa*

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

[78521 CMS.pdf](#)

19

Subject: Arctic National Wildlife Refuge

From: Councilmember Reid

Recommendation: Adopt a Resolution honoring the Arctic National Wildlife Refuge by

refraining from knowingly purchasing goods or services from companies that obtain leases or

develop oil fields in the coastal plain of the Arctic National Wildlife Refuge, should the United

States Congress ever permit drilling there (04-0276)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78522 C.M.S.*

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

*- Moira C. Chapin*

[04-0276.pdf,](#)

[10.8CC.pdf 4-20-04,](#)

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

[78522 CMS.pdf](#)

20

Subject: Oakland's Enterprise Zone - Senate Bill 1179

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution in support of Senate Bill 1179, a proposal to extend the

life of Oakland 's Enterprise Zone and other zones in California for an additional five years

(04-0293)

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

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

**by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78523 C.M.S.*

[04-0293.pdf](#),

[Item 6 4-22-04.pdf](#),

[Item 20 5-04-04.pdf](#),

[78523 CMS.pdf](#)

21

Subject: Appointments to the Parks and Recreation Advisory Board



From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Jeffrey Taylor, Ben Tate, Brad Ricards,

Barbara Schock, and Rosa Linda Armendariz as members of the Parks and Recreation Advisory

Board (04-0315)

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

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

**motion carried by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78524 C.M.S.*

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

- *Sanjiv Handa*

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

*Agency/Councilmember Quan, to adopt the resolution on Item 21 as amended*

*to delete Brad Ricards and Barbara Schock.*

*Agency/Councilmember Reid made a substitute motion to continue Item 21 to*

*the May 18, 2004 City Council agenda.*

*The substitute motion failed due to a lack of a second.*

*The Council returned to the original motion, 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*

[Item 25.pdf 4-20-04,](#)

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

[78524 CMS.pdf](#)

22

Subject: Appointment to the Oakland Housing Authority

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Ramon Terraza as a member of the Oakland

Housing Authority (04-0321)

**\*Withdrawn with No New Date**

[Item 31.pdf 4-20-04,](#)

[Item 31 SUPP 4-20-04.pdf,](#)

[Item 22 5-04-04.pdf](#)

23

Subject: Appointment to the Landmarks Preservation Advisory Board

From: Office of the Mayor

Recommendation: Adopt a Resolution reappointing Barbara Armstrong and Yui Hay Lee, and

appointing Pamela Kershaw, Kelly Kahn, and Neal Parish as members of the Landmarks

Preservation Advisory Board (04-0322)

**Adopted as Amended**



*Resolution Number 78525 C.M.S. and 78526 C.M.S.*

*The following individual spoke against this item:*

*- Cynthia Shartzer*

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

- *Sanjiv Handa*

*BIFURCATED MOTION:*

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

*Agency/Councilmember Quan, to adopt the resolution on Item 23, without*

*Pamela Kershaw, 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 Reid made a motion, seconded by*

*Agency/Councilmember Chang, to adopt a resolution appointing Pamela*

*Kershaw to the Landmarks Preservation Advisory Board on Item 23, and*

*hearing no objections, the motion passed by Ayes: Agency/Councilmember:*

*Brooks, Chang, Reid, Quan, Wan and President of the Council De La Fuente -6,*

*Noes: Nadel - 1, Abstain: Brunner - 1*

[Item 32.pdf 4-20-04,](#)

[Item 32 SUPP 4-20-04.pdf,](#)

[Item 23 5-04-04.pdf,](#)

[Item 23 SUPP 5-04-04.pdf,](#)

[78525 CMS.pdf,](#)

[78526 CMS.pdf](#)

24

Subject: Appointments to the Library Advisory Commission

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Genevieve Katz and Marian Wilson

Sylvestre, and reappointing Deborah Callon-Eudaley and Arthur Noble as members of the

Library Advisory Commission (04-0365)

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

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

**vote:**

**Votes:**

ORA\Councilmember Nos: 2 - Councilmember Nadel and Councilmember

Brunner

ORA\Councilmember Ayes: 6 - Councilmember Wan, Councilmember Quan,

President of the Council De La Fuente, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78527 C.M.S.*

[Item 24 5-04-04.pdf](#),

[78527 CMS.pdf](#)

25

Subject: Elizabeth Rowan - 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 Elizabeth Rowan v. City of Oakland, et al., Alameda County

Superior Court number 2002-040313, our file number 22048, in the amount of \$55,000.00

(Public Works Agency - Trip and Fall) (04-0357)

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

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

**vote:**

**Votes:**

ORA\Councilmember Nos: 1 - Councilmember Brunner

ORA\Councilmember Ayes: 7 - Councilmember Nadel, Councilmember Wan,

Councilmember Quan, President of the Council De La Fuente, Councilmember

Brooks, Councilmember Reid and Vice Mayor Chang

*Resolution Number 78528 C.M.S.*

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

- *Sanjiv Handa*

[Item 25 5-04-04.pdf](#),

[78528 CMS.pdf](#)

26

Subject: Juliet A. Borsah - 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 Juliet A. Borsah v. City of Oakland, et al., Alameda County

Superior Court case number 2002-052027, our file number 22386, in the amount of \$47,500.00.

(Office of Public Works, Sidewalk Trip and Fall) (04-0358)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78529 C.M.S.*

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

*- Sanjiv Handa*

[Item 26 5-04-04.pdf](#),

[78529 CMS.pdf](#)

27

Subject: Lenard Miller - 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 Lenard Miller, City of Oakland, et al., United States District

Court case number C 00 1801 MJJ., our file number 990365, in the amount of \$19,900.00.

This case involves allegations of false arrest and excessive force. (Oakland Police

Department-Alleged Civil Rights Violation) (04-0359)

**A motion was made by Councilmember Reid, seconded by President of the**

**Council De La Fuente, that this matter be Adopted. The motion carried by**

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78530 C.M.S.*

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

*- Hugh Bassette*

[Item 27 5-04-04.pdf](#),

[78530 CMS.pdf](#)

28

Subject: Meisa Jones - 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 Farmers Insurance as subrogee of Meisa Jones in the

amount of \$7,737.90 As a result of a vehicle collision involving a City Vehicle (OPD)

(04-0360)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78531 C.M.S.*

[Item 28 5-04-04.pdf,](#)

[78531 CMS.pdf](#)

Subject: Department of the Navy - Settlement Agreement

From: Office of the City Attorney

Recommendation: Adopt a Resolution 1) authorizing and directing the Agency Counsel to

compromise and settle the case of Oakland Redevelopment Agency, et al., v. United States of

America, et al., Federal District Court number C02-4652MHP, our file number X01619, for a

payment of two million, one hundred thousand dollars (\$2,100,000) by defendant Department

of the Navy to the Oakland Base Reuse Authority ("OBRA") and (2) authorizing the Agency

Administrator to accept said funds from OBRA in satisfaction of the Loan Made by the

Redevelopment Agency to OBRA (04-0361)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78532 C.M.S.*

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

*- Sanjiv Handa*

[Item 29 5-04-04.pdf,](#)

[78532 CMS.pdf](#)

S-30

Subject: Career to Work Program

From: Department of Human Services

Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute

an agreement with the Oakland Unified School District (OUSD) in an amount not to exceed

\$600,000 for Fiscal Years 2003-2005 to provide internship stipends for students participating in

the Career Academies Program (04-0200)

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

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

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78533 C.M.S.*

*Contract Number 04-1734*

[04-0200.pdf](#),

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

[Item 30 SUPP 5-04-04.pdf](#),

[78533 CMS.pdf](#)

Subject: Oakland Waterfront Trail Project

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution authorizing the application for, acceptance, and

appropriation of \$210,000 from the State of California Department of Parks and Recreation

Land and Water Conservation Fund Program for trail and pier access components of the 66th

Avenue Gateway (a Measure DD Oakland Waterfront Trail Project) (04-0248)

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

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

**by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council



De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

*Resolution Number 78534 C.M.S.*

[04-0248.pdf](#),

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

[Item 31 SUPP 5-04-04.pdf](#),

[78534 CMS.pdf](#)

S-32

Subject: Oakland's Liquor Stores

From: Office of the City Attorney

Recommendation: A report and recommendations regarding a Report Card on Oakland's Liquor

Stores: The Good, the Bad, and the Ugly (04-0273)

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

**Brunner, that this matter be Approved. The motion carried by the**

**following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

Brunner, Councilmember Wan, Councilmember Quan, President of the Council

De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor

Chang

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

- *Jacquee Castain*

- *Sharay Pinero - Belvin*

- *Eva Aguillard*

- *Kaila Westerman*

- *Joyce M. E. McGee*

- *Aaron Cohen*



- *Hannah L. James*

- *Colleen Brown*

- *Karin Mac Donald*

- *Kara Andrade*

- *Joan Kiley*

- *Frank Rose*



*The following individuals spoke against this item:*



- *Naji S. Dobashi*

- *Mohamed Saleh Mohamed*

- *Habib Salem*

- *Ronald P. Timpson*



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

- *Hugh Bassette*

- *Mandingo Hayes*



- *Tom Kelem*

- *Ellen Linch*

- *Pam Willow*

- *Hakam Ibrahim*

- *Mark Daly*



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

*Agency/Councilmember Brunner, to approve the recommendations on Item 32*



*and directed staff to return to the June 15, 2004 City Council meeting with*

*recommendations that include zero tolerance criteria to bring any activity to*

*hearing, regulations regarding concentration, hours, and prohibiting the sale of*

*personals, set-ups and individual cups, 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*

[04-0273.pdf](#),

[Item 5 4-27-04.pdf](#),

[Item 32 SUPP 5-04-04.pdf](#)

**Continuation of Open Forum**

**ADJOURNMENT OF COUNCIL SESSION**

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

**Council)**

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

*Agency/Council adjourned the meeting in memory of Charles Crayton, Kevin*

*McCormick and all the fallen Oakland Police Officers at 10:35 p.m.*

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

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

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

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



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