

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, October 21, 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 6:15 p.m.

1 Pledge of Allegiance

2 Roll Call / ORA & Council
COUNCIL MEMBERS: Jane Brunner, Dist. 1; Danny Wan, Dist. 2; Vice Mayor Nancy Nadel, Dist. 3; Jean Quan, Dist. 4; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; Henry Chang, At-Large, and President Ignacio De La Fuente, Dist. 5

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

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

The following individuals spoke:

Cloteal Swoopes

Lori Nguyen

Carrie Liu

David Liu

Sanjiv Handa

Julia Yu

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

There were no modifications to the Consent Calendar.

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

There was no action necessary on this item.

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

There was no action necessary on this item.

7 Approval of the Draft Minutes from the Concurrent Meetings of the Oakland Redevelopment Agency/City Council held on September 30, 2003 and October 7, 2003

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

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

8 Presentation of Ceremonial Matters

8.1 Subject: Bananas Child Care Referral Agency
From: Councilmember Chang
Recommendation: Adopt a Resolution to honor and commemorate "Bananas"
a Child Care Information and Referral and Parent Support on its 30th
anniversary
Attachments: [0191.pdf](#),
[78141CC.pdf](#),
[8.1.pdf](#)
Resolution Number 78141 C.M.S.
**A motion was made by Councilmember Reid, seconded by Councilmember Quan,
that this matter be Adopted. The motion carried by the following vote:**

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

9 Council Acknowledgements / Announcements

The entire Agency/City Council took a point of personal privilege and requested that the
meeting be adjourned in memory of Faith Fancher.

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

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: [10.1 CC.pdf](#),
[78110.pdf](#)
Resolution Number 78110 C.M.S.
This Matter was Adopted on the Consent Agenda.

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 78111 C.M.S.
This Matter was Adopted on the Consent Agenda.
Enactment No: 78039

10.3 Subject: John McDonald - Oakland Museum of California Foundation
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing John McDonald as a
member of the Oakland Museum of California Foundation Board
Attachments: [10.3CC.pdf](#),
[78112.pdf](#)

Resolution Number 78112 C.M.S.

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

- Sanjiv Handa

This Matter was Adopted on the Consent Agenda.

10.4

Subject: David Kramer - Board of Port Commissioners

From: Office of the Mayor

Recommendation: Adopt a Resolution reappointing David Kramer as a member of the Board of Port Commissioners

Attachments: [10.4CC.pdf](#),
[78113.pdf](#)

Resolution Number 78113 C.M.S.

The following individuals spoke against this item:

- John Grace

This Matter was Adopted on the Consent Agenda.

10.5

Subject: Benjamin Fay - Budget Advisory Committee

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Benjamin Fay as Chair of the Budget Advisory Committee

Attachments: [10.5CC.pdf](#),
[78114.pdf](#)

Resolution Number 78114 C.M.S.

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

- Sanjiv Handa

This Matter was Adopted on the Consent Agenda.

10.6

Subject: Colleen Louise Brown - Community Policing Advisory Board

From: Councilmember Chang

Recommendation: Adopt a Resolution appointing Colleen Louise Brown as a member of the Community Policing Advisory Board

Attachments: [10.6CC.pdf](#),
[78115.pdf](#)

Resolution Number 78115 C.M.S.

This Matter was Adopted on the Consent Agenda.

10.7

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](#)

Resolution Number 78116 C.M.S.

This Matter was Adopted on the Consent Agenda.

10.8

Subject: Tim Twork - 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 Tim Twork v. City of Oakland, et al., Alameda County Superior Court No. 2002-049699, our file no. 21995, in the amount of \$17,500.00 (Public Works Agency - Trip and Fall)

Attachments: [10.8CC.pdf](#),
[78117.pdf](#)

Resolution Number 78117 C.M.S.

This Matter was Adopted on the Consent Agenda.

10.9

Subject: Carlos and Maria Oliva - 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 Carlos and Maria Oliva, in the amount of \$6,405.16, as a result of property damage sustained due to a sewer flood caused by a clogged City sewer main (Public Works Agency)

Attachments: [10.9CC.pdf](#),
[78118.pdf](#)

Resolution Number 78118 C.M.S.

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

- Sanjiv Handa

This Matter was Adopted on the Consent Agenda.

10.10

Subject: Sysomphone Phiakhamta - 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 Sysomphone Phiakhamta in the amount of \$8,815.00, as a result of bodily injury damages sustained in an automobile collision with a City vehicle (Oakland Police Department)

Attachments: [10.10CC.pdf](#),
[78119.pdf](#)

Resolution Number 78119 C.M.S.

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

- Sanjiv Handa

This Matter was Adopted on the Consent Agenda.

10.11

Subject: Business Tax Incentive Program

From: Finance & Management Agency

Recommendations: Approve the Final Passage (Second Reading) of an Ordinance amending Section 5.04.151 of the Oakland Municipal Code to provide that all businesses regardless of location are eligible to participate in the Tax Abatement Program, to codify the definition of the benchmark year for both new and existing businesses, to require the completion of an application for any business that wants to enroll in the program, and to codify the sunset date for enrollment in the Program

Attachments: [10.11CC.pdf](#),
[10.22CC 9-30-03.pdf](#),
[10.22CC Supplemental.pdf](#),
[12541.pdf](#)

Ordinance Number 12541 C.M.S.

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

Enactment No: 12541

10.12

Subject: Development of Infiniti Automobile Dealership

From: Community and Economic Development Agency

Recommendation: Approve the Final Passage (Second Reading) of an Ordinance authorizing sale of .93 acres of City land near Oakport Street and Hassler Way to the Redevelopment Agency for \$40,593.00, for sale to Hendrick Automotive Group for development of an Infiniti dealership

Attachments: [10.12CC.pdf](#),
[10.27-1CC 9-30-03.pdf](#),
[10.27-2CC Supplemental.pdf](#),
[12542.pdf](#)

Ordinance Number 12542 C.M.S.

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

Enactment No: 12542

10.13

Subject: Oakland-Alameda County Coliseum Security

From: Oakland Police Department

Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending Oakland Municipal Code Chapter 8.44, "Security for events at the Oakland-Alameda County Coliseum Complex, Section 8.44.040, "Activities Prohibited within The Oakland-Alameda County Coliseum Complex Parking Facility" and Section 8.44.050, "Penalties" and amending Chapter 1.28, "General Penalty," Section 1.28.020, "Violations as Infraction," Subsection A.1. E.

Attachments: [10.34CC 9-30-03.pdf](#),
[10.34CC Supplemental.pdf](#),
[12543.pdf](#)

Ordinance Number 12543 C.M.S.

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

10.14

Subject: Ettie Street Pump Station Watershed
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Manager to enter into an agreement with the State of California Water Resources Control Board to accept and appropriate \$460,000 in "Coastal Nonpoint Source Program" grant monies for PCB abatement in the Ettie Street Pump Station Watershed, and to use \$69,000 from the City's Clean Water Program budget as required matching funds

Attachments: [10.14 CC 10-21-03.pdf](#),
[78120CC.pdf](#),
[Item 3 10-14-03.pdf](#)

Resolution Number 78120 C.M.S.
Contract Number 03-1609

This Matter was Adopted on the Consent Agenda.

10.15

Subject: Andes Construction Inc. - Rehabilitation of Sanitary Sewers
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing an award of a contract to Andes Construction, Inc., for the rehabilitation of sanitary sewers in Market St., 45th St., and West St. (Part of Subbasin 50-03) (Project No. C65120), for the amount of one million two hundred fifty thousand two hundred twenty-five dollars (\$1,250,225) (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments: [10.15CC 10-21-03.pdf](#),
[78121CC.pdf](#),
[Item 4 10-14-03.pdf](#)

Resolution Number 78121 C.M.S.
Contract Number 03-1610

This Matter was Adopted on the Consent Agenda.

10.16

Subject: Gallagher and Burk, Inc.
From: Public Works Agency
Recommendation: Resolution authorizing award of a construction contract to Gallagher and Burk, Incorporated for rehabilitation of certain streets in the City of Oakland by the overlay method between the dates of September 1, 2003 and August 31, 2004 in the amount of \$1,241,832.40 (Project No. C17180) (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments: [10.16CC 10-21-03.pdf](#),
[78122CC.pdf](#),
[Item 6 10-14-03.pdf](#),
[Item 6 SUP 10-14-03.pdf](#)

Resolution Number 78122 C.M.S.
Contract Number 03-1611

This Matter was Adopted on the Consent Agenda.

10.17

Subject: 7th Street Pump Station
From: Public Works Agency
Recommendation: Resolution authorizing the City Manager to enter into a professional services agreement with URS Corporation for engineering design services for the 7th Street Pump Station project for an amount not to exceed one hundred thousand dollars (\$100,000)

Attachments: [10.17CC 10-21-03.pdf](#),
[78123CC.pdf](#),
[Item 7 10-14-03.pdf](#)

Resolution Number 78123 C.M.S.
Contract Number 03-1612

This Matter was Adopted on the Consent Agenda.

10.18

Subject: Purchase of Real Property - 1414 73rd Avenue
From: Community & Economic Development Agency
Recommendation: Approve the Introduction (First Reading) of an Ordinance authorizing the City Manager to enter into a purchase and sale agreement to purchase a portion of the real property located at 1414 73rd Avenue from Lawrence P. Davenport for a total amount not to exceed \$80,000 including closing costs

Attachments: [10.16CC 11-4-03.pdf](#),
[10.18CC 10-21-03.pdf](#),
[12544.pdf](#),
[Item 8 10-14-03.pdf](#)

This Matter was Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on November 4, 2003 on the Consent Agenda.
Enactment No: 12544

10.19

Subject: Installation of Bicycle Lanes
From: Public Works Agency
Recommendation: A Resolution authorizing the City of Oakland to install bicycle lanes on MacArthur Boulevard between Park Boulevard and Lakeshore Avenue, by reconfiguring the travel lanes

Attachments: [10.19CC 10-21-03.pdf](#),
[78124CC.pdf](#),
[Item 9 10-14-03.pdf](#)

Resolution Number 78124 C.M.S.
This Matter was Adopted on the Consent Agenda.

10.20

Subject: Lafayette Square Park
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing an agreement between the City Of Oakland and Berkeley Builders, Inc. dba BBI Construction (BBI) to reimburse BBI in an amount not to exceed \$95,000 for expenses for the completion of construction of Lafayette Square Park (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments: [10.20CC 10-21-03.pdf](#),
[78125CC.pdf](#),
[Item 10 10-14-03.pdf](#)

Resolution Number 78125 C.M.S.
Contract Number 03-1613
This Matter was Adopted on the Consent Agenda.

10.21

Subject: Linked Banking Service Ordinance
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution certifying banks that have met their 2001 and 2002 fair share goals pursuant to the City's Linked Banking Service Ordinance

Attachments: [10.21CC 10-21-03.pdf](#),
[78126CC.pdf](#),
[Item 3 10-14-03.pdf](#)

Resolution Number 78126 C.M.S.
This Matter was Approved on the Consent Agenda.

10.22

Subject: Jack London Gateway Shopping Center
From: Community and Economic Development Agency
Recommendation: Adopt the following legislation:

1) Adopt a Resolution amending Resolution No. 75142 C.M.S. to replace Community Plaza Developers, LLC, with JLG Associates, LLC, as purchaser and developer of the Jack London Gateway Shopping Center; and

Attachments: [10.22-1CC 10-21-03.pdf](#),
[78127CC.pdf](#),
[Item 5 10-14-03.pdf](#)

Resolution Number 78127 C.M.S.
This Matter was Adopted on the Consent Agenda.

2) Adopt an Agency Resolution amending Resolution No. 99-34 C.M.S to replace Community Plaza Developers, LLC, with JLG Associates, LLC, as purchaser and developer of the Jack London Gateway Shopping Center

Attachments: [10.22-2CC 10-21-03.pdf](#),
[2003-72.pdf](#),
[Item 5 10-14-03.pdf](#)

Agency Resolution Number 2003-72
This Matter was Adopted on the Consent Agenda.

10.23

Subject: Lexus and Infiniti Automobile Dealerships
From: Community and Economic Development Agency
Recommendation: Adopt the following legislation

1) Agency Resolution authorizing the purchase from the City of Oakland for \$419,407.00, for a portion of the former railroad spur (a portion of APN 041-3902-013) located between Hassler Way and Damon Slough which was used for various redevelopment projects known as the Lexus and Infiniti automobile dealerships, and

Attachments: [10.23-1CC 10-21-03.pdf](#),
[2003-73.pdf](#),
[Item 6 10-14-06.pdf](#)

Agency Resolution Number 2003-73

This Matter was Adopted on the Consent Agenda.

2) Approve the Introduction (First Reading) of an Ordinance authorizing the sale from the City Of Oakland to the Redevelopment Agency of the City Of Oakland for \$419,407, for a portion of the former railroad spur (a portion of APN 041-3902-013) located between Hassler Way and Damon Slough which was used for various redevelopment projects known as the Lexus and Infiniti automobile dealerships

Attachments: [10.17CC 11-4-03.pdf](#),
[10.23-2CC 10-21-03.pdf](#),
[12545.pdf](#),
[Item 6 10-14-06.pdf](#)

This Matter was Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on November 4, 2003 on the Consent Agenda.

Enactment No: 12545

10.24

Subject: Burns & Watry, Inc.
From: Community and Economic Development Agency
Recommendation: Adopt an Agency Resolution appropriating up to \$100,000 from Redevelopment Funds and authorizing the Agency Administrator to enter into a contract with Burns & Watry, Inc. for services for Central City East Redevelopment Area and the West Oakland plan adoption process for an amount not to exceed \$97,000 and \$3,000.00 for contract compliance services

Attachments: [10.24CC 10-21-03.pdf](#),
[2003-74.pdf](#),
[Item 7 10-14-03.pdf](#)

Agency Resolution Number 2003-74 C.M.S.

Contract Number 03-019

This Matter was Adopted on the Consent Agenda.

10.25

Subject: Temporary Winter Shelter at the Oakland Army Base
From: Department of Human Services
Recommendation: Adopt a Resolution authorizing the City Manager to enter into an operating agreement with Operation Dignity, Inc., funding agreements with Alameda County and the City of Berkeley, and a lease with the Oakland Base Reuse Authority as necessary to establish a temporary winter shelter at the Oakland Army Base, and allocating funds for shelter operation

Attachments: [10.25CC 10-21-03.pdf](#),
[78128CC.pdf](#),
[Item 3 10-14-03.pdf](#)

Resolution Number 78128 C.M.S.

Contract Number 03-1614

This Matter was Adopted on the Consent Agenda.

10.26

Subject: Oakland Fund for Children and Youth Evaluation Report
From: Department of Human Services
Recommendation: Adopt a Resolution adopting the Oakland Fund for Children and Youth Final Evaluation Report for Fiscal Year 2002-2003

Attachments: [10.26CC 10-21-03.pdf](#),
[78129CC.pdf](#),
[Item 4 10-14-03.pdf](#)

Resolution Number 78129 C.M.S.

This Matter was Adopted on the Consent Agenda.

10.27

Subject: Group 4 Architecture
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing Amendment Number 1 in the amount of \$230,000 to the agreement with Group 4 Architecture Research and Planning, Inc. to complete a Master Facilities Plan and a Proposition 14 Application for a new library for a total contract amount not to exceed \$500,000
Attachments: [10.27CC 10-21-03.pdf](#),
[Item 5 10-14-03.pdf](#)
Resolution Number 78130 C.M.S.
Contract Number 03-1615

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

This Matter was Adopted on the Consent Agenda.

10.28

Subject: Friends of Peralta Hacienda Historical Park
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Manager to accept a contribution of ten thousand dollars (\$10,000) from Friends of Peralta Hacienda Historical Park (Friends) and award a contract in an amount not to exceed \$190,000 to Friends for project management services to oversee the development and implementation of an interpretive exhibit project, valued at \$200,000 for Peralta Hacienda Historical Park
Attachments: [10.28CC 10-21-03.pdf](#),
[78131CC.pdf](#),
[Item 7 10-14-03.pdf](#)
Resolution Number 78131 C.M.S.
Contract Number 03-1616
This Matter was Adopted on the Consent Agenda.

10.29

Subject: Fruitvale Pedestrian Plaza Public Art Project - Daniel Camacho
From: Cultural Arts & Marketing Department
Recommendation: Adopt a Resolution authorizing a Professional Services Agreement between the City of Oakland and Daniel Camacho in an amount not to exceed \$47,000 for the Fruitvale Pedestrian Plaza Public Art Project
Attachments: [10.29CC 10-21-03.pdf](#),
[78133CC.pdf](#),
[Item 8 10-14-03.pdf](#)
Resolution Number 78133 C.M.S.
Contract Number 03-1617
This Matter was Adopted on the Consent Agenda.
Enactment No: 78133

10.30

Subject: Fruitvale Pedestrian Plaza Public Art Project - Vickie Jo Sowell
From: Cultural Arts & Marketing Department
Recommendation: Adopt a Resolution authorizing a professional services agreement between the City of Oakland and Vickie Jo Sowell in an amount not to exceed \$25,000 for the Fruitvale Pedestrian Plaza Public Art Project
Attachments: [10.30CC 10-21-03.pdf](#),
[78132.TIF](#),
[Item 9 10-14-03.pdf](#)
Resolution Number 78132 C.M.S.
Contract Number 03-1618
This Matter was Adopted on the Consent Agenda.
Enactment No: 78132

10.31

Subject: Oakland Museum Renovation
From: Cultural Arts and Marketing Department
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a no-cost agreement with the Oakland Museum of California Foundation to oversee renovation of the Oakland Museum of California building, made possible by Measure G (Zoo, Museum and Science Center Improvement General Obligation Bonds) and additional private fund raising
Attachments: [10.31CC 10-21-03.pdf](#),
[78134CC.pdf](#),
[Item 11 10-14-03.pdf](#)

Resolution Number 78134 C.M.S.

Contract Number 03-1619

This Matter was Adopted on the Consent Agenda.

Subject: Oakland Youth Court Project

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Manager, on behalf of the City of Oakland, to accept and appropriate a grant in the amount not to exceed two hundred and eight thousand and seventy two dollars (\$208,072) from the State of California Office of Criminal Justice Planning (OCJP) Juvenile Accountability Incentive Block Grant (JAIBG) Program and authorizing a funding agreement in an amount not to exceed one hundred and ninety four thousand five hundred and fifty five dollars(\$194,555) with the Donald P. McCullum Youth Court, for the implementation of the Oakland Youth Court Project

Attachments: [10.32CC 10-21-03.pdf](#),
[78135CC.pdf](#),
[Item 4 10-14-03.pdf](#)

Resolution Number 78135 C.M.S.

Contract Number 03-1620

This Matter was Adopted on the Consent Agenda.

Subject: Electronic Crime Task Force

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate a maximum of thirteen thousand dollars (\$13,000) in federal funds from the United States Department of the Treasury, United States Secret Service (USSS) to the Oakland Police Department for the overtime costs of one (1) Police Officer assigned to the Organized Crime Drug Enforcement Task Force (OCDETF) and the Electronic Crime Task Force for the period of October 14, 2003 to September 30, 2004

Attachments: [10.33CC 10-21-03.pdf](#),
[78136CC.pdf](#),
[Item 5 10-14-03.pdf](#)

Resolution Number 78136 C.M.S.

Contract Number 03-1621

This Matter was Adopted on the Consent Agenda.

Subject: California Seat Belt Compliance Campaign

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Manager, on behalf of the City of Oakland, to accept and appropriate a grant in an amount not to exceed forty-nine thousand six hundred and forty-six dollars (\$49,646) from the State of California, Office of Traffic Safety for a four-month California Seat Belt Compliance Campaign within the Police Department

Attachments: [10.34CC 10-21-03.pdf](#),
[78137CC.pdf](#),
[Item 6 10-14-03.pdf](#)

Resolution Number 78137 C.M.S.

Contract Number 03-1622

This Matter was Adopted on the Consent Agenda.

Subject: Language Translation Services

From: Oakland Police Department

Recommendation: Receive a report and adopt the proposed resolution authorizing the City Manager, on behalf of the City of Oakland, to enter into a two-year Professional Services Agreement between the City of Oakland and Language Line Services, LLC, in an amount not to exceed one hundred eighty-seven thousand, four hundred thirty dollars (\$187,430) for the two-year period of July 1, 2003 to June 30, 2005 for language translation services; on the October 14, 2003 Public Safety Committee agenda

Attachments: [10.35CC 10-21-03.pdf](#),
[78138CC.pdf](#),
[Item 7 10-14-03.pdf](#),
[Sched 0173.pdf](#)

Resolution Number 78138 C.M.S.
Contract Number 03-1623

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

- Sanjiv Handa

This Matter was Adopted on the Consent Agenda.

10.36

Subject: Compass Group, USA
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing an agreement between the City of Oakland and Compass Group, USA by and through its Canteen Correctional Services Division in an amount not to exceed three hundred thousand dollars (\$300,000) in Fiscal Year 2003-2004 for the provision of food and food service management for the City of Oakland Jail

Attachments: [78139CC.pdf](#),
[Item 9 10-14-03.pdf](#),
[Sched 0172.pdf](#)

Resolution Number 78139 C.M.S.
Contract Number 03-1624

This Matter was Adopted on the Consent Agenda.

10.37

Subject: Firefighter Protective Footware
From: Oakland Fire Department
Recommendation: Adopt a Resolution awarding two contracts to L.N. Curtis and Bricker Mincolla for firefighter protective footwear in an amount not to exceed two hundred sixty thousand dollars (\$260,000) for both contracts, for the period August 31, 2003 through August 30, 2006 and authorizing City Manager to extend said contracts, one year at a time, until August 31, 2008, for a total annual expenditure for both contracts, thereafter, of eighty six thousand six hundred sixty six dollars (\$86,666)

Attachments: [10.37CC 10-21-03.pdf](#),
[78140CC.pdf](#),
[Item 10 10-14-03.pdf](#),
[Item 10 SUP 10-14-03.pdf](#)

Resolution Number 78140 C.M.S.
Contract Number 03-1625

This Matter was Adopted on the Consent Agenda.

The Council recessed at 6:49 p.m. and reconvened at 7:05 p.m. with a quorum being noted.

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

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

There were three decisions made during Closed Session:

Item 2d, Gertrude Schiffman:

Council authorized settlement in the amount of \$47,450.00.

This action was based on an alleged dangerous condition of a City sidewalk.

Plaintiff suffered a broken elbow and lower arm and hand injuries, which required surgery when she tripped and fell on an allegedly buckled and uneven section of the sidewalk. Documented medical expenses total \$23,724.70.

Motion made by Quan, seconded by Brooks; 8 Ayes.

Item 2e, Yuen:

Council authorized settlement in the amount of \$225,000.00.

Plaintiff alleged that the City's contractor negligently performed an emergency repair to a sewer main that ran to the rear of plaintiffs' property, causing intrusion of 870 gallons of sewage into their home. Plaintiffs claimed that due to the sewage intrusion, the first floor of their home was removed and reconstructed. Motion made by Quan, seconded by Reid; 7 Ayes, 1 Abstained Brunner.

Item 2h, People v. Arcadia Machine and Tool, Inc.

Council unanimously authorized settlement with 5 of the defendants. In this action filed in 1999, City joined several other municipalities, including San Francisco and Los Angeles, in suing various gun dealers, distributors and manufacturers.

City and the other plaintiffs charged that defendants contributed to a public nuisance in violation of the Business & Professions Code section 17200 by selling guns without ensuring safe sales practices to prevent sales by retailers to straw purchasers and gun traffickers.

The five defendants who agreed to settlement include 2 California gun dealers and 3 gun distributors who sold guns into California.

The five defendants agreed to take steps to prevent firearms from being sold into the underground market in California including, but not limited to:

- Not selling firearms at gun shows;
- Implementing an enhanced inventory tracking plan to ensure that firearms are not lost or stolen;
- Annually training all employees how to recognize and block sales to straw purchasers; adopting as the store's policy "to go beyond the law in verifying the identity of the actual purchaser of a firearm; and maintaining electronically all firearm trace requests conducted by the Bureau of Alcohol, Tobacco, Firearms and explosives.

Motion made by Quan, seconded by Reid; 8 Ayes.

Agency/Councilmember Chang made a motion, seconded by Agency/Councilmember Quan, to accept the oral report from the City Attorney on final decisions made during Closed Session, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -5; Absent: Brooks, Brunner, and Reid -3

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

- Sanjiv Handa

- 12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 15 to the Sunshine Ordinance
- Agency/Councilmember Chang made a motion seconded by Agency/Councilmember Quan confirming that there were no discussions pursuant to Section 15 of the Sunshine Ordinance, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Chang, Nadel, Quan, Wan and President of the Council De La Fuente -5; Absent: Brooks, Brunner, and Reid -3
- 13 Reconsideration of Ordinances pursuant to Charter Section 216
- There were no reconsideration of Ordinances to address.
- Councilmembers Brooks, Brunner, and Reid were noted present at 7:09 p.m.
- 14 Consideration of items with statutory Public Hearing Requirements:

14.1

Subject: Tree Removal Appeal - 2848 Longwalk 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 Festus Ogbeide against the decision of the Director of the Office of Parks and Recreation approving the issuance of tree removal permit DR03-053 for the property located at 2848 Longwalk Drive

Attachments: [14.1.pdf](#),
[78142CC.pdf](#)

Resolution Number 78142 C.M.S.

Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was opened at 7:12 p.m.

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Wan, to close the Public Hearing, and upon the call of the roll, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -7; Recused: Chang -1

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Reid, to adopt the resolution on Item 14.1, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -7; Recused: Chang -1

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 Recused: Councilmember Chang
1 -

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

Councilmember Chang was noted present at 7:14 p.m.

14.2

Subject: Service Enriched Permanent Housing Residential Activity - Public Hearing
From: Community and Economic and 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 denying the application for a Major Conditional Use Permit to establish a Service Enriched Permanent Housing Residential Activity within an existing structure located at 2375 Fruitvale Avenue

Attachments: [14.2.pdf](#),
[78143CC.pdf](#),
[Scheduling.pdf](#)

Upon the reading of Item 14.2 by the City Clerk, the Public Hearing was opened at 7:14 p.m.

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Wan, to close the Public Hearing, and upon the call of the roll, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Change, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

The following individuals spoke in favor of this item:

Ken Lupoff
Teresa Orozzo
Debra Ramirez
Patricia Ruelas
Abraham Ruelas

The following individuals spoke against this item:

Alfonso Cerbo
Michael Bell
Albert Hunting

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

- Sanjiv Handa
-Ricard Maia
-Gracy Mangrobay
-Rajina A. Scott

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Brunner, to adopt the resolution on Item 14.2, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

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

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

Subject: Joint Living and Working Quarters - Public Hearing
From: Community and Economic Development Agency
Recommendation: Approve the Introduction (First Reading) of an Ordinance amending the Oakland Planning Code to allow the conversion of existing non-residential buildings to residentially-oriented joint living and working quarters in the downtown area bounded by Highway 980/Brush Street, the estuary shoreline, the Lake Merritt/Estuary Channel, the western shore of Lake Merritt, and 27th Street

Attachments: [10.18CC 11-4-03.pdf](#),
[12546.pdf](#),
[14.3.pdf](#)

Upon the reading of Item 14.3 by the City Clerk, the Public Hearing was opened at 7:51 p.m.

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

Agency/Councilmember Chang made a motion, seconded by Agency/Councilmember Brunner, to introduce the ordinance as amended on Item 14.3 to remove the standard that the total floor area of the project does not exceed 100,000 square feet and to include that changes to the exterior of a building that is greater than 100,000 square feet are subject to design review, and upon the call of the roll, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Reid, Quan, Wan and President of the Council De La Fuente -7; Abstained: Nadel

A motion was made by Councilmember Chang, seconded by Councilmember Brunner, 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 November 4, 2003. The motion carried by the following vote:

ORA\Councilmember Abstained: Vice Mayor Nadel
1 -

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

14.4

Subject: Large-Scale Combined Retail and Grocery Sales - Public Hearing
From: Community and Economic Development Agency
Recommendation: Approve the Introduction (First Reading) of an Ordinance amending the Oakland Planning Code to define "Large-Scale Combined Retail and Grocery Sales Commercial Activities"; and to prohibit this activity type in all zones (TITLE CHANGE)

Attachments: [10.19CC 11-4-03.pdf](#),
[12547.pdf](#),
[14.4.pdf](#)

Upon the reading of Item 14.4 by the City Clerk, the Public Hearing was opened at 8:10 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, Change, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

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

- Sanjiv Handa
- Richard Benson
- Daniel Beagle
- Amaha Kassa
- Byron Williams
- Richard Benson
- Dominic Chiovare

The following individual spoke in favor:

- Julia Arno

The following individual spoke against:

- Jerry Huff

Agency/Councilmember Nadel made a motion, seconded by President De La Fuente, to introduce the ordinance on Item 14.4, and upon the call of the roll, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente; No: Brooks -1

A motion was made by Vice Mayor Nadel, seconded by President of the Council De La Fuente, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on November 4, 2003. The motion carried by the following vote:

ORA\Councilmember Nos: Councilmember Reid
1 -

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

ACTION ON NON-CONSENT ITEMS:

Subject: Family Violence Prevention Services
 From: Oakland Police Department
 Recommendation: Adopt a Resolution authorizing the acceptance and appropriation of one hundred fifteen thousand dollars (\$115,000.00) in U.S. Department of Justice, Governor's Office of Criminal Justice Planning Law Enforcement Specialized Units Program grant funds to the Police Department and authorizing the City Manager to enter into a professional services agreement with the Family Violence Law Center in the amount not to exceed four hundred forty seven thousand five hundred dollars (\$447,500.00) for Family Violence Prevention Services

Attachments:

[78144.pdf](#)

Resolution Number 78144 C.M.S.
 Contract Number 03-1626

Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember Quan, to adopt the resolution as amended to revise the fifth paragraph to read:

"WHEREAS, the Police Department requests authorization to negotiate a Professional Services Agreement with the Family violence Law Center in an amount not to exceed four hundred forty seven thousand five hundred dollars (\$447,500) for family violence prevention, case management, legal advocacy and crisis intervention;"

and revise the fifteenth paragraph to read:

"FURTHER RESOLVED: That the City Manager is authorized to enter into an agreement with the Family violence Law Center for family violence prevention, case management, legal advocacy and crisis intervention associated with the Domestic Violence Program..."

and directed staff to continue to negotiate with the Family Violence Law Center for a contract to provide case management services for the remaining funding, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

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

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

Enactment No: 78144

Subject: Family Violence Prevention Services - Impartial Financial Analysis
 From: Office of the City Auditor

Attachments:

[15-1.pdf](#)

The following individual spoke in favor of this item:

- Michael Colbruno

The following individuals spoke against this item:

- Karen Huff

- Sanjiv Handa

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

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

Subject: Clear Channel Billboard Relocation Agreement
 From: Community and Economic Development Agency
 Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Billboard Relocation Agreement with Clear Channel Outdoor Inc. to waive its rights to compensation, including all real property and personal property interests for twelve billboards located at 2024, 2564, and 6518 San Pablo Ave. (total of seven billboards), 6115 and 7326 International Blvd., 743 High Street, 2715 Foothill Blvd., and 1028 98th Ave. in exchange for the reconstruction of an existing billboard at 743 High Street, a new billboard at 3425 Ettie Street, and the commitment of Clear Channel Outdoor, Inc. to retain its office and operational facilities in the City of Oakland for a minimum period of ten years

Attachments: [16.pdf](#),
[25 9-30-03.pdf](#)

Agency/Councilmember Wan made a motion, seconded by Agency/Councilmember Reid, directing staff to draft the agreement as outlined below, and include in the staff report the value of the agreement, and the size and location of the billboards to be removed in each Council District, and return to the November 4, 2003, City Council meeting.

The Agreement is to include the following:

1. A one-time payment by Clear Channel of \$100,000 to the City's General Fund,
2. Clear Channel to retain its office and operational facilities in Oakland for a minimum of ten years,
3. Reduce the size of the 2 new freeway billboards to 672 square feet; one to be located in East Oakland, one to be located in West Oakland, and
4. The number of billboards to be removed is increased by twenty, for a total of 32 (net gain of 30 billboards to be removed),

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

The following individual spoke against this item:
 -Jerry Huff

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

Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council

Subject: Endymion Systems, Inc.
 From: Finance and Management Agency
 Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute a professional services contract with Endymion Systems, Inc., for a telecommunications inventory in an amount not-to-exceed eighty one thousand dollars (\$81,000)

Attachments: [17.pdf](#),
[26 9-30-03.pdf](#),
[26 Supplemental.pdf](#)

The following individual spoke against this item:
 -Raul Pena

***Withdrawn with No New Date**

Subject: Salary Ordinance Amendment
 From: Finance and Management Agency
 Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending the salary schedule of Ordinance No. 12298 C.M.S. (The Salary Ordinance) to add the classifications of Animal Care Attendant, PT, Animal Care Attendant, PPT, Animal Care Attendant, Assistant Budget Analyst, Curator of Special Projects, Curator of Special Projects, PPT, Financial Analyst, PPT, Marine and Aquatics Supervisor and Sports Official, PT, and to amend the classifications of Assistant to the City Auditor, Complaint Investigator II, Jailer III, Legal Secretary II, Legal Secretary, Supervising, Payroll Control Specialist, Program and Performance Auditor, Senior Aide, PT and Special Needs Coordinator

Attachments: [10.20CC 11-4-03.pdf](#),
[12548.pdf](#),
[18.pdf](#),
[22 9-30-03.pdf](#)

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Brooks, to approve the introduction of the ordinance, with the caveat that this agreement is consistent with other agreements that have been made, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

A motion was made by Councilmember Quan, seconded by Councilmember 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 November 4, 2003. The motion carried by the following vote:

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

19

Subject: Safety Element of the General Plan
From: Community and Economic Development Agency
Recommendation: A Continued Discussion to Receive an Informational Report regarding the update to the Safety Element of the City of Oakland's General Plan

Attachments: [14.2.pdf](#),
[16 9-30-03.pdf](#),
[19.pdf](#)

At the October 16, 2003 Rules and Legislation Committee this item was withdrawn and rescheduled to the December 16, 2003 City Council meeting.

AT 9:20 P.M. PRESIDENT OF THE CITY COUNCIL, DE LA FUENTE, RELINQUISHED THE CHAIR TO AGENCY/COUNCILMEMBER CHANG AND RESUMED THE CHAIR
AT 9:41 P.M.

20

Subject: Draft Housing Element
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution authorizing the City Manager to submit the Draft Housing Element to the California Department of Housing and Community Development

Attachments: [20.pdf](#),
[78145CC.pdf](#)

Resolution Number 78145 C.M.S.

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

- Svea Dienel

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

ORA\Councilmember Nos: Councilmember Brooks
1 -

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

21

Subject: Proposition 40 Projects
From: Public Works Agency
Recommendation: Approve Recommendations regarding allocating Proposition 40 (California Clean Water, Clean Air, Safe Parks, and Coastal Protection Act of 2002) Per Capita Program Funds (\$1,798,000.00) and Roberti-Z'Berg-Harris Program (\$1,804,043.00) Block Grants, applying for Proposition 40 Murray-Hayden and Frommer Urban Parks Act Competitive Grant Program Funds, and reallocating \$350,000.00 in Proposition 12 (2000 State Park Bond) Per Capita Program Funds

Attachments: [21.pdf](#),
[Item 3 9-23-03.pdf](#)

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Wan, to adopt the resolution on Item 21, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

The following individuals spoke in favor of this item:

-Harry Greer
-Gwen Marshall Jackson
-Beatrice Wong
-Carl Chan
-Jenny Lam
-Becky Wong
-Carolyn Yee
-Holly Lucinda Alonso
-Rosario Flores
-Claudia Albano
-Thomas McCoy
-Fredrick D. Pugh
-Kathryn Raymond
-Edwin Samraii
-Georgia Davenport
-Christina Mei Cheung
-Gwen Jackson
-Wilhelm K. Lam
-Jon Sarriugarte

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

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

1. Adopt a Resolution authorizing the application, acceptance and appropriation of grant funds for the Per Capita Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 in the amount of one million seven hundred ninety-eight thousand dollars (\$1,798,000.00), for the following projects: Lawn Bowling Roof Repair in the amount of one hundred fifty thousand dollars (\$150,000.00); Estuary Park in the amount of two hundred thousand dollars (\$200,000.00); Live Oak Pool Deck Repair in the amount of five hundred fifty thousand dollars (\$550,000.00); Dimond Recreation Center Deck Repair in the amount of five hundred thousand dollars (\$500,000.00); Dunsmuir House Electrical Repair in the amount of seventy thousand dollars (\$70,000.00); Recreation Center Fire Alarm Repairs in the amount of thirty thousand dollars (\$30,000.00) and Lincoln Square Park Tot Lot Repair in the amount of two hundred ninety-eight thousand dollars (\$298,000.00)

Attachments: [21.pdf](#),
 [78150CC.pdf](#)

Resolution Number 78150 C.M.S.
Contract Number 03-1628

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

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

2. Adopt a Resolution approving the application, acceptance and appropriation of Roberti-Z'berg-Harris Block Grant Program Funds from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 in the amount of one million, eight hundred four thousand and forty-three dollars (\$1,804,043.00) for the following projects: Martin Luther King, Jr. Plaza Park in the amount of one hundred thousand dollars (\$100,000.00); Castle Canyon Trust Riparian Habitat Preservation Acquisition in the amount of three hundred thousand dollars (\$300,000.00); Greenman Field in the amount of five hundred thousand dollars (\$500,000.00); Clinton Park Tot Lot Improvements in the amount of two hundred fifty thousand dollars (\$250,000.00); Lake Merritt Improvements in the amount of two hundred fifty-four thousand and forty-three dollars (\$254,043); and Arroyo Viejo Creek at The Oakland Zoo in the amount of four hundred thousand dollars (\$400,000.00)

Attachments: [21.pdf](#),
[78151CC.pdf](#)

Resolution Number 78151 C.M.S.

Contract Number 03-1629

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

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

Subject: Proposition 40 Projects

From: Public Works Agency

Recommendations: A Continued discussion to Approve the following legislation:

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

Attachments: [21.pdf](#)

Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council

4. Adopt a Resolution authorizing the application, acceptance and appropriation of grant funds for the Urban Park Act of 2001 Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 for the following projects: East Oakland Sports Complex in the amount of three million dollars (\$3,000,000.00); and The Cryer Site Conversion to a Community Center in the amount of six hundred fifty thousand dollars (\$650,000.00)

Attachments: [21.pdf](#)

Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council

5. Adopt a Resolution amending Resolution No. 76723 C.M.S. authorizing the application, allocation and appropriation of grant funds for the Per Capita Grant Program from the State Of California Department of Parks and Recreation under the Safe Neighborhood Parks Clean Water, Clean Air, and Coastal Protection Bond Act Of 2000 (Proposition 12) in order to authorize a change in the application, acceptance, allocation and appropriation of funding from Lafayette Square Park in the amount of three hundred fifty thousand dollars (\$350,000.00) to Lincoln Square Tot Lot in the amount of two hundred and two thousand dollars (\$202,000.00) and tot lot surfacing repairs in the amount of one hundred forty eight thousand dollars (\$148,000.00)

Attachments: [21.pdf](#),
[78152CC.pdf](#)

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Wan, to adopt the resolution on Item 21-1, 21-2, 21-5, and include direction that if funds are available for reprogramming from Items 21-2 and 21-5, that they be dedicated for playground safety to include restoration of the 25th Street Mini Park. The motion also included direction on that the reprogrammed funds recommendation come back to the Life Enrichment Committee for discussion, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8

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

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

22

Subject: Conflict of Interest Code
From: Office of the City Attorney
Recommendation: Approve the Introduction (First Reading) of an Ordinance amending Ordinance Number 11562 C.M.S., adopted on March 23, 1993, as amended, Oakland Municipal Code Chapter 3.16, enacting a Conflict of Interest Code for City of Oakland Employees, Members of Boards and Commissions, and Consultant Positions

Attachments: [0190.pdf](#),
[10.21CC 11-4-03.pdf](#),
[12549.pdf](#),
[22.pdf](#)

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

- Sanjiv Handa

A motion was made by Councilmember Brooks, seconded by Councilmember Chang, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on November 4, 2003. The motion carried by the following vote:

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

23

Subject: Statewide Ballot Initiative
From: Councilmember Brooks
Recommendation: Adopt a Resolution supporting a statewide ballot initiative to require voter approval before State government may confiscate local tax funds

Attachments: [23.pdf](#),
[78148CC.pdf](#),
[Sched 0183.pdf](#)

Resolution Number 78148 C.M.S.

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

- Sanjiv Handa

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

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

24

Subject: Montclair Business Improvement District
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution of Intention to levy an annual assessment for Fiscal Year 2004-2005 for the Montclair Business Improvement District, approving the Annual Report of the Montclair Business Improvement District Advisory Board, and scheduling a public hearing for November 4, 2003

Attachments: [24.pdf](#),
[78146CC.pdf](#)

Resoluion Number 78146 C.M.S.

A motion was made by Councilmember Brunner, seconded by Councilmember

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

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

Subject: Rockridge Business Improvement District

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution of Intention to levy an annual
assessment for Fiscal Year 2004-2005 for the Rockridge Business
Improvement District, approving the Annual Report of the Rockridge Business
Improvement District Advisory Board, and scheduling a public hearing for
November 4, 2003

Attachments: [25.pdf](#),
[78147CC.pdf](#)

Resolution Number 78147 C.M.S.

A motion was made by Councilmember Brunner, seconded by Councilmember

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

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

Subject: Andes Construction - On Call Services

From: Public Works Agency

Recommendation: Resolution authorizing award of a contract to Andes
Construction, Inc. for the On Call Sanitary Sewers and Storm Drains
Emergency Projects and authorizing the City Manager to negotiate and extend
the contract for an additional year for sanitary sewers, storm drains and related
work (City Project No. C219530), for the amount of two hundred fifty thousand
dollars (\$250,000) (PURSUANT TO SECTION 902-E OF THE CITY
CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments: [78149CC.pdf](#),
[Item 26.pdf](#),
[Item 5 10-14-03.pdf](#)

Resolution Number 78149 C.M.S.

Contract Number 03-1627

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

Subject: Enforcement of Public Nuisance Actions

From: Councilmember Quan and President De La Fuente

Recommendation: Adopt an Ordinance amending Chapter 1.08 of the "Civil
Penalties", Chapter 1.12 "Administrative Citations", and Chapter 1.16 "
Alternative Administrative Procedures for Abatement of Certain Violations" of
the Oakland Municipal Code for enforcement of public nuisance actions

Attachments: [10.22CC 11-4-03.pdf](#),
[12550.pdf](#),
[Item 12 10-14-03.pdf](#),
[Item 27.pdf](#)

Agency/Councilmember Quan made a motion, seconded by President De La Fuente, to approve the introduction for Final Passage with the amendment to include an additional Whereas clause that the City Council intends that the amendments authorized apply to the fullest extent possible to any and all nuisance properties including, but not limited to, properties owned, operated, regulated or overseen by the Oakland Housing Authority, 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

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

- Graham Carter

- Amy Alschul

A motion was made 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 November 4, 2003. The motion carried by the following vote:

ORA\Councilmember Ayes:

8 -

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

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 Faith Fanche and Robert Bailey at 11:32 p.m.

Americans With Disabilities Act

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NOTES

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