

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, January 20, 2004

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 6:18 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: Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks, Councilmember Reid and Vice Mayor Chang

The Roll Call was modified at 6:27 p.m. to note Councilmember Brooks present.

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

The following individuals spoke under Open Forum:

- Orna Sasson
- Monica Corona
- Gene Parshall
- Sanjiv Handa

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

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 Meeting of the Oakland Redevelopment Agency/City Council held on January 6, 2004

A motion was made by Councilmember Nadel to *Approve the Minutes. The motion carried by the following vote:

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: Fifth Annual Oakland/San Leandro Job Fair
From: Councilmember Reid
Recommendation: A Presentation of Certificate of Appreciation to the employers that participated in the Fifth Annual Oakland/San Leandro Job Fair
Attachments: [0026.pdf](#)

At the January 15, 2004 Rules and Legislation Committee meeting, this item was withdrawn and rescheduled to the February 3, 2004 City Council meeting.

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in the memory of Robert McNear and Lena Young.

Councilmember Brunner took a point of personal privilege and requested that the meeting be adjourned in the memory of Jeannette Sherwin.

Councilmember Nadel took a point of personal privilege and requested that the meeting be adjourned in the memory of Polly Brown and Jeannette Sherwin.

Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in the memory of Jeannette Sherwin.

10. CONSENT CALENDAR (CC) ITEMS:

10.1CC

Subject: Declaration of a Local Emergency due to AIDS epidemic
From: Office of the City Attorney
Recommendation: Adopt a Resolution renewing and continuing the City Council's Declaration of a Local Emergency due to the existence of a critical public health crisis with regard to the AIDS epidemic
Attachments: [10.1CC.pdf](#),
[78287 C.M.S..pdf](#)

Resolution Number 78287 C.M.S.

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

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

Enactment No: 78287

10.2CC

Subject: Medical Cannabis health emergency
From: Office of the City Attorney
Recommendation: Adopt a Resolution renewing the City Council's Declaration of a local public health emergency with respect to safe, affordable access to Medical Cannabis in the City of Oakland
Attachments: [10.2CC.pdf](#),
[78288 C.M.S..pdf](#)

Resolution Number 78288 C.M.S.

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

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

Enactment No: 78288

10.3CC

Subject: Benjamin Fay - Budget Advisory Committee
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Benjamin Fay as a member
and Chairperson of the Budget Advisory Committee

Attachments: [10.3CC.pdf](#),
[78289 C.M.S..pdf](#)

Resolution Number 78289 C.M.S.

The following individual spoke on Item 10.3 and did not indicate a position:
- Sanjiv Handa

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

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

Enactment No: 78289

10.4CC

Subject: Thomas H. Doctor - Budget Advisory Committee
From: Vice Mayor Chang
Recommendation: Adopt a Resolution appointing Thomas H. Doctor as a
member of the Budget Advisory Committee

Attachments: [10.4CC.pdf](#),
[78290 C.M.S..pdf](#)

Resolution Number 78290 C.M.S.

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

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

Enactment No: 78290

10.5CC

Subject: Robert A. Brown - Oakland-Alameda County Coliseum Authority
Board
From: President De La Fuente
Recommendation: Adopt a Resolution reappointing Robert A. Brown as a
member of the Oakland-Alameda County Coliseum Authority Board of
Commissioners

Attachments: [10.5CC.pdf](#),
[78291.pdf](#)

Resolution Number 78291 C.M.S.

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

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

Enactment No: 78291

10.6CC

Subject: Floyd Armbrester - 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 Floyd Armbrester, et al v. City of
Oakland, et al., United States District Court Case No. C 02 2102 JSW, our file
number 21977, in the amount of \$13,500.00. This case involves use of
excessive force (Oakland Police Department-Alleged Civil Rights Violation)

Attachments: [10.6CC.pdf](#),
[78292 C.M.S..pdf](#)

Resolution Number 78292 C.M.S.

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

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

Enactment No: 78292

10.7CC

Subject: Jamalia Brown - 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 Jamalia Brown v. City of Oakland, et al., United States District Court Case No. C 03 0526 JL, our file number X01748, in the amount of \$45,000.00. This case involves a claim of false arrest (Oakland Police Department-Alleged Civil Rights Violation)

Attachments: [10.7CC.pdf](#),
[78293 C.M.S..pdf](#)

Resolution Number 78293 C.M.S.

The following individual spoke on Item 10.7 and did not indicate a position:
- Sanjiv Handa

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

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

Enactment No: 78293

10.8CC

Subject: BRASS Budgeting Software
From: Office of the City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend, extend, and execute a contract with American Management Systems, Inc. for the 2004 calendar year for an amount not to exceed \$50,000 to perform maintenance services and consultation related to the City's BRASS Budgeting Software

Attachments: [0366.pdf](#),
[10.8CC.pdf](#),
[78294 C.M.S..pdf](#),
[9.pdf](#)

Resolution Number 78294 C.M.S.

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

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

Enactment No: 78294

10.9CC

Subject: Urban Area Security Initiative Implementation
From: Office of the City Manager
Recommendation: Adopt a Resolution to grant the Interim City Manager the authority for funding acceptance, appropriation and spending, and to award contracts for the Fiscal Year 2003-2004 Urban Area Security Initiative Program

Attachments: [03-0379.pdf](#),
[10.9CC.pdf](#),
[10.pdf](#),
[78295 C.M.S..pdf](#)

Resolution Number 78295 C.M.S.

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

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

Enactment No: 78295

10.10
CC

Subject: Oakland Private Industry Council
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution amending Resolution Number 77297 C.
M.S. to authorize the deferral for one year of a competitive bidding process for
the Oakland Workforce Investment Board's One Stop Systems Administrator
and One Stop Career Center Operator, and authorize the City Manager to
renegotiate and extend the contract with the Oakland Private Industry Council
through Fiscal Year 2004-2005

Attachments: [10.10CC.pdf](#),
[78296 C.M.S..pdf](#),
[Item 3.pdf](#),
[Item 4 12-9-03.pdf](#),
[Sched 0178.pdf](#)

Resolution Number 78296 C.M.S.
Contract Number 04-1648

The following individual spoke on Item 10.10 and did not indicate a position:
- Sanjiv Handa

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

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

Enactment No: 78296

10.11
CC

Subject: Johanna Favrot Fund Historic Preservation Grant
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution requesting approval to apply for, accept
if awarded, and appropriate the Johanna Favrot Fund for Historic Preservation
Matching Fund Grant through the National Trust for Historic Preservation for an
award of between \$2,500 and \$10,000

Attachments: [10.11CC.pdf](#),
[78297 C.M.S..pdf](#),
[Item 7.pdf](#)

Resolution Number 78297 C.M.S.

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

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

Enactment No: 78297

10.12
CC

Subject: Woodminster Amphitheater
From: Office of Parks and Recreation
Recommendation: Adopt a Resolution authorizing the City Manager to execute
an agreement with Producers Associates, Inc. to provide musical theater at
Woodminster Amphitheater for a 5-year term beginning January 1, 2004 and
ending December 31, 2008

Attachments: [03-0331.pdf](#),
[10.12CC.pdf](#),
[78298 C.M.S..pdf](#),
[Item 3 SUPP.pdf](#),
[Item 3.pdf](#),
[Item 6 12-9-03.pdf](#)

Resolution Number 78298 C.M.S.
Contract Number 04-1649

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

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

Enactment No: 78298

10.13
CC

Subject: California Library Literacy and English Acquisition Services Program
From: Oakland Public Library
Recommendation: Adopt a Resolution authorizing the City Manager, on behalf
of the City of Oakland, to apply for, accept, and appropriate a grant in the
amount of \$90,201 from the California Library Literacy and English Language
Acquisition Services Program for Fiscal Year 2003-2004

Attachments: [03-0326.pdf](#),
[10.13CC.pdf](#),
[78299 C.M.S..pdf](#),
[Item 4.pdf](#)

Resolution Number 78299 C.M.S.

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

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

Enactment No: 78299

10.14
CC

Subject: Public Art Annual Plan
From: Cultural Arts and Marketing Department
Recommendation: Adopt a Resolution to adopt the Public Art Annual Plan for
Calendar Year 2004

Attachments: [0363.pdf](#),
[10.14CC.pdf](#),
[78300 C.M.S..pdf](#),
[Item 5.pdf](#)

Resolution Number 78300 C.M.S.

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

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

Enactment No: 78300

10.15
CC

Subject: Ernest Jolly, Rick Moss, and Cherie Newell - Public Art Advisory
Committee
From: Cultural Arts and Marketing Department
Recommendation: Adopt a Resolution approving the appointment of Ernest
Jolly, Rick Moss, and Cherie Newell to the Cultural Affairs Commission's Public
Art Advisory Committee

Attachments: [0364.pdf](#),
[10.15CC.pdf](#),
[78301 C.M.S..pdf](#),
[Item 6.pdf](#)

Resolution Number 78301 C.M.S.

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

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

Enactment No: 78301

10.16
CC

Subject: Parental Stress Service
From: Department of Human Services
Recommendation: Adopt a Resolution authorizing the City Manager, on behalf of the City of Oakland, to negotiate and execute a one-year professional service contract in an amount not to exceed \$40,000 between the City and Parental Stress Services, Inc. to provide mental health services to the Oakland Head Start Program and authorizing the City Manager to execute a one-year extension for an additional amount not to exceed \$40,000

Attachments: [0365.pdf](#),
[10.16CC.pdf](#),
[78302 C.M.S..pdf](#),
[Item 7.pdf](#)

Resolution Number 78302 C.M.S.
Contract Number 04-1650

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

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

Enactment No: 78302

10.17
CC

Subject: Emergency Preparedness Audio/Visual Communication Equipment
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate nineteen thousand two hundred seventeen dollars and ninety-four cents (\$19,217.94) from the Port of Oakland to the Police Department for the purchase of emergency audio/visual communications equipment, hardware, and related computer support

Attachments: [10.17CC.pdf](#),
[78303 C.M.S..pdf](#),
[Item 4.pdf](#)

Resolution Number 78303 C.M.S.

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

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

Enactment No: 78303

COMMENCING AT 7:00 P.M. OR AS SOON AS REASONABLY PRACTICAL THEREAFTER:

11

Mayoral Address to the City Council regarding the "State of the City"

The following individuals spoke on Item 11 and did not indicate a position:

- Sanjiv Handa
- Donald Lacy

The following individual spoke on Item 11 and indicated a neutral position:

- Hugh Bassette

Councilmember Brooks was noted excused at 7:20 p.m.

12

An oral report from the Agency Counsel / City Attorney of final decisions made during Closed Session

The following individual spoke on Item 12 and did not indicate a position:

- Sanjiv Handa

There was one final decision made in Closed Session.

Item 2E: Harriett Waterfield v. City of Oakland

The Council authorized settlement in the amount of \$40,000. Plaintiff alleged that she tripped and fell due to a defective City sidewalk. Plaintiff suffered torn ligaments in her left knee and a bone contusion. She also underwent knee surgery and 8 months of physical therapy.

Motion made by Councilmember Brunner, seconded by Councilmember Reid, to authorize settlement, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Quan, Reid, Wan and President of the Council De La Fuente - 8

Agency/Councilmember Brunner made a motion, seconded by Agency/Councilmember Reid, 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: Brunner, Chang, Nadel, Quan, Reid, Wan and President of the Council De La Fuente - 7; Excused: Brooks -1

A motion was made by Councilmember Brunner, seconded by Councilmember Reid, to *Approve as Submitted. The motion carried by the following vote:

ORA\Councilmember Excused: Councilmember Brooks
1 -

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

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

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember 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: Brooks, Brunner, Chang, Nadel, Quan, Reid, Wan and President of the Council De La Fuente -8

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: Underground Utility District No. 234: 48th Street - Public Hearing
From: Public Works Agency
Recommendation: Conduct a Public Hearing and upon conclusion adopt a Resolution establishing Underground Utility District No. 234: 48th Street, between Telegraph and Shattuck Avenues, to be funded under California Public Utilities Commission (CPUC) Rule 20B and pursuant to Ordinance number 7769 C.M.S.

Attachments: [14.1.pdf](#),
[78304 C.M.S..pdf](#)

Resolution Number 78304 C.M.S.

Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was opened at 7:31 p.m.

The following individuals spoke in favor of Item14.1:

- Roy Alper
- Patrick Zimski

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

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

ORA\Councilmember Excused: Councilmember Brooks
1 -

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

Enactment No: 78304

14.2

Subject: Tree Removal Appeal - 300 Elysian Fields Drive - Public Hearing
From: Office of Parks and Recreation
Recommendation: Conduct a continued Public Hearing and upon conclusion adopt a Resolution denying the appeal filed by Stephanie Y. Gandolfi against the decision of the Director of the Office of Parks and Recreation approving the issuance of tree removal permit number DR03-123 at 300 Elysian Fields Drive; District 7

Attachments: [04-0036.pdf](#)
[14.2.pdf](#)

Upon the reading of Item 14.2 by the City Clerk, the Public Hearing was opened at 7:35 p.m.

The following individuals spoke in favor of Item 14.2:

- Rodger Shepherd
- Rene Gandolfi
- Stefanie Gandolfi
- Pamela Molsick
- Stephen Roberts
- Edward Patmont

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

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Brunner, to uphold the appeal. Upon further discussion, Councilmember Reid withdrew his motion.

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Brunner, to continue this item to the February 3, 2004 Council meeting in order to allow time for staff, the neighbors, and the developer to meet and attempt to resolve the outstanding issues, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -7; Excused: Brooks -1

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

14.3

Subject: Creation of Special Assessment Districts - Public Hearing
From: Oakland Fire Department
Recommendation: Conduct a continued Public Hearing and upon conclusion adopt a Resolution establishing the Oakland Wildfire Prevention Assessment District; accepting and granting final approval of the engineer's report and assessment district boundary map and description; making a determination with regard to the majority protest procedure for approval of the assessments; creating the district advisory board; and approving, adopting and levying the annual assessment for the district (TITLE CHANGE)

Attachments: [14.1 1-6-04](#),
[14.3 SUPP.pdf](#),
[14.3.pdf](#),
[78305 C.M.S..pdf](#)

Upon the reading of Item 14.3 by the City Clerk, the Public Hearing was opened at 8:15 p.m.

The following individual spoke in favor of Item 14.3:

- Barry Pilger

The following individual spoke on Item 14.3 and did not indicate a position:

- David Mix

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

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Brunner, to adopt the Resolution on Item 14.3, including the following staff recommendations that the Council:

1) Accept and grant the final approval of the Engineer's Report and the Assessment District Boundary Map, Assessment Roll, and Description;

2) Find that there has not been a majority protest and that all protests and objections, both written and oral, are overruled and denied;

3) Adopt the findings stated in the Resolution;

4) Approve, adopt, and levy the annual assessment for the District as specified in the Engineer's Report for 2004-2005 Assessment Year;

and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -7; Excused: Brooks -1

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 Excused:		Councilmember Brooks
	1 -	
ORA\Councilmember Ayes:	7 -	Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

Enactment No: 78305

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

Attachments: [14.4.pdf](#)
[78306 C.M.S..pdf](#)

Upon the reading of Item 14.4 by the City Clerk, the Public Hearing was opened at 8:28 p.m.

The following individual spoke on Item 14.4 and did not indicate a position:

- Luis Adona

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

Agency/Councilmember Wan made a motion, seconded by Agency/Councilmember Reid, to adopt the Resolution accepting and confirming the reports of the Interim City Manager regarding delinquent business taxes, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -7; Excused: Brooks -1

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

Attachments:

[14.4.pdf](#)

Resolution Number 78306 C.M.S.

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

ORA\Councilmember Excused: Councilmember Brooks
1 -

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

Enactment No: 78306

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

Attachments:

[14.4.pdf](#)

Not Adopted

3) Adopt a Resolution continuing hearing on reports of the Interim City Manager on the delinquent business taxes, and confirming the recordation of liens, administrative charges and assessment charges, as necessary, pursuant to Title 5, Chapter 5.04 of the Oakland Municipal Code

Attachments:

[04-0022.pdf](#),

[14.4.pdf](#)

Not Adopted

ACTION ON NON-CONSENT ITEMS:

Subject: City Owned Surplus Property
From: Community & Economic Development Agency
Recommendation: Approve the Introduction (First Reading) of an Ordinance authorizing the City Manager to enter into purchase and sale agreements for the sale of City owned surplus property from the negotiated sale to the following highest bidders: (APN 045-5304-057-02, 056 for \$150,000) 98th and RJ Investments, LLC; and (APN 048d-7303-067 for \$50,000 & APN 048d-7303-068 for \$50,000) Wayne Huey

Attachments: [03-0380.pdf](#),
[10.11CC.pdf](#),
[12575.pdf](#),
[15.pdf](#)

Staff advised that the Ordinance title would be revised to reflect the legal name of the purchasing entity as R.J. Limited, LLC.

A motion was made by Councilmember Reid, seconded by Councilmember Wan, 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 February 3, 2004. The motion carried by the following vote:

ORA\Councilmember Excused: Councilmember Brooks
1 -

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

15.1

Subject: City Owned Surplus Property - Impartial Financial Analysis
From: Office of the City Auditor

Attachments: [15.1.pdf](#)

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

ORA\Councilmember Excused: Councilmember Brooks
1 -

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

16

Subject: City Council Rules and Procedures
From: City Council Legislative Analyst and Office of the City Attorney
Recommendation: Approve Recommendations regarding modifications to the City Council's meeting schedule and Rules of Procedure; and adopt a Resolution (1) repealing Resolution numbers 75563 and 76561 C.M.S., ("Repealed Resolutions") which established and amended the City Council's Rules of Procedure for the conduct of Council Meetings and code of ethics, and (2) establishing new rules of procedure for the conduct of City Council meetings, including but not limited to changes to (i) the order of business of Council meetings, (ii) committee and council procedures, (iii) powers of the Rules Committee, (iv) dates, times and frequency of regular Council and Committee meetings, and (v) procedures and time limits for public speakers, that were provided under the repealed resolutions.

Attachments: [16.pdf](#),
[78307 C.M.S..pdf](#),
[Item 9 12-9-03.pdf](#),
[Item 9 SUP 12-11-03.pdf](#)

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

-Hugh Bassette

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Reid, to adopt the resolution on Item 16 noting the following modifications to the Council's meeting schedule and Rules of Procedure:

1) New regularly scheduled meeting time for Public Works Committee will be 12:30 p.m. to 2:00 p.m.;

2) New regularly scheduled meeting time for Finance and Management Committee will be 2:00 p.m. to 4:00 p.m.;

3) Chairs for each Committee to work with appropriate staff to make any necessary changes for meetings cancelled due to holidays and/or cancellations;

4) Do not cancel meetings for pre-approved holidays, e.g. for the July 4th holiday, do not cancel meetings on July 6th.

5) Use the 5th Tuesday of the month for City Council workshop dates which are to be scheduled for 1 1/2 to 2 hours and should be devoted only to specific action items;

6) Revise speaker card deadline to 8:00 p.m.;

7) Move the City Attorney's Oral Report from Closed Session from the non-consent to the consent portion of the agenda;

8) Modify the existing Rules of Procedure to allow for reconsideration of votes in accordance with Roberts Rules of Order (at the same meeting the initial votes were cast).

Councilmember Brunner offered a friendly amendment, which was accepted, to provide the following direction:

1) That the 5th Tuesday of the month be considered for scheduling Committee meetings in order to address "left over" Committee items;

2) That staff develop an agenda packet procedure that more clearly identifies new or revised information being forwarded to Council from Committee; the actual Committee motion, if amended; and items that have never been before a Committee;

and upon a call of the roll, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Reid, Quan, Wan and President of the Council De La Fuente -6; Noes: Nadel -1; Excused: Brooks -1

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

ORA\Councilmember Excused: Councilmember Brooks
1 -

ORA\Councilmember Nos: Councilmember Nadel
1 -

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

Enactment No: 78307

Subject: Central City East Redevelopment Project Area Committee
 From: Community and Economic Development Agency
 Recommendation: Adopt a Resolution amending the formation procedures for the Central City East Redevelopment Project Area Committee to increase the number of community organization representatives from 12 to 16 organizations, and to designate the Central East Oakland Community Development District Board, the Elmhurst Community Development District Board, the Eastlake/San Antonio/Chinatown Community Development District Board, and the Melrose High Hopes Neighborhood Crime Prevention Council as additional community organizations

Attachments: [002178-2.pdf](#),
[17.pdf](#),
[78308 C.M.S..pdf](#)

Resolution Number 78308 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 Excused: Councilmember Brooks
 1 -

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

Enactment No: 78308

Subject: Bertha Port Park
 From: Finance and Management Agency
 Recommendation: Adopt a Resolution authorizing the City Manager to enter into an agreement with Trust for Public Land to accept a gift-in-place of design and construction services and equipment and materials valued at \$350,000 for improvements to Bertha Port Park

Attachments: [04-0044.pdf](#),
[18.pdf](#),
[78309 CMS.pdf](#),
[S-18.pdf](#)

Resolution Number 78309 C.M.S.

The following individuals spoke in favor of Item 18:

- Bill Steele
- Jennie Gerard
- Melissa Kellogg
- Marilyn Reynolds

Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember Reid, to adopt the resolution as amended to reflect that Councilmember Nadel and President De La Fuente would each contribute \$5,000 from their PAGO funds to cover the \$10,000 development and construction charges, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -7, Excused: Brooks-1

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

ORA\Councilmember Excused: Councilmember Brooks
 1 -

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

Enactment No: 78309

Subject: Permit, Enforcement, and Records Tracking System (PERTS)
From: Community and Economic Development Agency
Recommendation: Adopt the following legislation regarding the purchase and installation of computer hardware and software and professional services for an integrated Permit, Enforcement, and Records Tracking System (PERTS) for a total amount not to exceed four million dollars (\$4,000,000):

(1) Adopt a Resolution authorizing the City Manager to negotiate and execute a contract with Municipal Software Corporation for professional services to provide, install, and license computer software for an integrated Permit, Enforcement, and Records Tracking System (PERTS) in an amount not to exceed seven hundred eighty thousand dollars (\$780,000)

Attachments:
[78310 C.M.S..pdf](#),
[Item 12 12-9-03.pdf](#),
[Item 5 - 01.13.04.pdf](#),
[S -19.pdf](#)

Resolution Number 78310 C.M.S.
Contract Number 04-1654

The following individual spoke on Item 19 and did not indicate a position:
- Sanjiv Handa

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Wan, to adopt the resolution as amended to include the following language approved by the January 13, 2004 Finance and Managment Committee: Payment will not be made at 5th month, if the interface module fails.", and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -7; Excused, Brooks-1

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

ORA\Councilmember Excused: Councilmember Brooks
1 -

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

Enactment No: 78310

(2) Adopt a Resolution authorizing the City Manager to negotiate and execute a contract with Xerox Global Services Corporation for professional services to provide, install, and license computer software and hardware for an integrated Permit, Enforcement, and Records Tracking System (PERTS) in an amount not to exceed two million eight hundred twenty thousand dollars (\$2,820,000)

Attachments:
[78311 C.M.S..pdf](#),
[Item 12 12-9-03.pdf](#),
[Item 5 - 01.13.04.pdf](#),
[S -19.pdf](#)

Resolution Number 78311 C.M.S.
Contract Number 04-1655

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Wan, to adopt the resolution as amended to include the following language approved by the January 13, 2004 Finance and Managment Committee: Payment will not be made at 5th month, if the interface module fails.", and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -7; Excused, Brooks-1

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

ORA\Councilmember Excused: Councilmember Brooks
1 -

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

Enactment No: 78311

(3) Adopt a Resolution authorizing the City Manager to amend the professional services agreements with Municipal Software Corporation and Xerox Global Services Corporation for changes in scope-of-work not to exceed a combined aggregate contract amount of three million six hundred thousand dollars (\$3,600,000)

Attachments: [78312 C.M.S..pdf](#),
[Item 12 12-9-03.pdf](#),
[Item 5 - 01.13.04.pdf](#),
[S -19.pdf](#)

Resolution Number 78312 C.M.S.
Contract Number 04-1651
Contract Number 04-1652

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Wan, to adopt the Resolution as amended to include the following language approved by the January 13, 2004 Finance and Management Committee: Payment will not be made at 5th month, if the interface module fails.", and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -7; Excused, Brooks-1

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

ORA\Councilmember Excused: Councilmember Brooks
1 -

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

Enactment No: 78312

(4) Adopt a Resolution authorizing the City Manager to appropriate annual expected revenue of nine hundred ten thousand dollars (\$910,000) to a new CEDA project from a new Technology Service Fee and from the increase in the collection of an existing Records Management Service Fee assessed by the Community and Economic Development Agency, and to increase the Fiscal Year 2003-2005 Expenditure Budget of the Building Services Division for the Permit, Enforcement, and Records Tracking System (PERTS)

Attachments: [78313 C.M.S..pdf](#),
[Item 12 12-9-03.pdf](#),
[Item 5 - 01.13.04.pdf](#),
[S -19.pdf](#)

Resolution Number 78313 C.M.S.

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

ORA\Councilmember Excused: Councilmember Brooks
1 -

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

Enactment No: 78313

(5) Adopt a Resolution authorizing the City Manager to appropriate three hundred thousand dollars (\$300,000) to upgrade the Sun/Unix Server, and to establish a Service Level Agreement between the Information Technology Division (IT) of the Finance and Management Agency and the Community and Economic Development Agency to support the integrated Permit, Enforcement, and Records Tracking System (PERTS)

Attachments: [78314 C.M.S..pdf](#),
[Item 12 12-9-03.pdf](#),
[Item 5 - 01.13.04.pdf](#),
[S -19.pdf](#)

Resolution Number 78314 C.M.S.

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

ORA\Councilmember Excused: Councilmember Brooks
1 -

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

Enactment No: 78314

Approve the Introduction (First Reading) of an Ordinance amending Ordinance Number 12504 C.M.S. (Master Fee Schedule), as amended, to establish a new Technology Service Fee assessed by the Building Services Division of the Community and Economic Development Agency

Attachments: [10.12CC.pdf](#),
[12576.pdf](#),
[Item 12 12-9-03.pdf](#),
[Item 5 - 01.13.04.pdf](#),
[S -19.pdf](#)

A motion was made by Councilmember Reid, seconded by Councilmember Wan, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on February 3, 2004. The motion carried by the following vote:

ORA\Councilmember Excused: Councilmember Brooks
1 -

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

(7) Adopt a Resolution authorizing the City Manager to reallocate two million six hundred ninety thousand dollars (\$2,690,000) of prior year unspent technology project appropriations, as approved as part of the Fiscal Year 2001-2003 Capital Improvement Program Budget within the Community and Economic Development Agency, for the integrated Permit, Enforcement, and Records Tracking System (PERTS)

Attachments: [78315 C.M.S..pdf](#),
[Item 12 12-9-03.pdf](#),
[Item 5 - 01.13.04.pdf](#),
[S -19.pdf](#)

Resolution Number 78315 C.M.S.

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

ORA\Councilmember Excused: Councilmember Brooks
1 -

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

Enactment No: 78315

(8) Adopt a Resolution authorizing the City Manager to negotiate and execute an agreement with Xerox Global Services Corporation to provide private financing for an integrated Permit, Enforcement, and Records Tracking System (PERTS) for an amount not to exceed two million six hundred ninety thousand dollars (\$2,690,000) of principal and six hundred thousand dollars (\$600,000) of interest

Attachments:

[78316 C.M.S..pdf](#)

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

[Item 5 - 01.13.04.pdf](#)

[S -19.pdf](#)

Resolution Number 78316 C.M.S.

Contract 04-1653

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

Enactment No: 78316

Subject: Salary Plan Recommendations

From: Office of the City Manager

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

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

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

Attachments:

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

[Item 7 - 01.13.04.pdf](#)

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

[S- 20.pdf](#)

[S-24 Supplemental.pdf](#)

[S-24.pdf](#)

The following individual spoke on Item 20 and did not indicate a position;

- Sanjiv Handa

Agency/Councilmember Brunner made a motion, seconded by Agency/Councilmember Wan to approve recommendations as amended to replace the Finance and Management Committee recommendation for Item Number 1 with the following language: "Expand the salary ranges to 50%, and require that the top of the salary range for management class employees shall not be more than 20% higher than the top of the salary range for the class' immediate subordinate class, provided that any exceptions to the policy must be approved by the City Council.", and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Quan, Wan and President of the Council De La Fuente -7; Excused: Brooks - 1

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

ORA\Councilmember Excused:

Councilmember Brooks

1 -

ORA\Councilmember Ayes:

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

Subject: Audit Services - Macias, Gini & Company
 From: Office of the City Manager
 Recommendation: Adopt a Resolution authorizing the City Manager to amend a contract with Macias, Gini & Company, LLP for audit services for the Fiscal Years ending June 30, 2003 and 2004 to provide additional fees of \$75,000 (for a revised total not to exceed \$603,065) for the audit of the Fiscal Year ending June 30, 2003 and \$65,000 (for a revised total not to exceed \$619,470) for the audit of the Fiscal Year ending June 30, 2004

Attachments: [03-0383.pdf](#),
[78317 C.M.S..pdf](#),
[8.pdf](#),
[S-21.pdf](#)

Resolution Number 78317 C.M.S.
 Contract Number 04-1656

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

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

Enactment No: 78317

Subject: Recycled Tires - Assembly Bill 338
 From: Community and Economic Development Agency
 Recommendation: Adopt a Resolution supporting Assembly Bill 338 requiring the California Department of Transportation (CAL TRANS) to use rubberized asphalt concrete which contains recycled scrap tires in at least 15% of all State highway asphalt construction or repair projects.

Attachments: [0069.pdf](#),
[78318 C.M.S..pdf](#),
[S-22.pdf](#)

Resolution Number 78318 C.M.S.

The City Clerk advised the Council that at the Rules and Legislation Committee of January 13, 2004 an urgency finding was made to place this item on the agenda.

Agency/Councilmember Nadel made a motion seconded by Agency/Councilmember Reid to approve an urgency finding pursuant to Sunshine Ordinance Section 2.20.070 E (2) regarding Item 22:

(A) there is a need to take immediate action which relates to federal or state legislation; and

(B) that the need for such action came to the attention of the body after the posting of the 10-day agenda.

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

ORA\Councilmember Excused:	Councilmember Brooks 1 -
ORA\Councilmember Ayes:	7 - Councilmember Nadel, Councilmember Brunner, Councilmember Wan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Vice Mayor Chang

Continuation of Open Forum

There were no additional Open Forum speakers.

ADJOURNMENT OF COUNCIL SESSION

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

There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting at 10:18 p.m. in the memory of Robert McNear, Lena Young, Polly Brown, and Jeannette Sherwin.

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

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