

# Meeting Minutes City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California 94612

Ceda Floyd, City Clerk

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

### **Agency/City Council**

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

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

**Tuesday, July 06, 2004**

**6:00 PM**

**Oakland City Hall, 3rd Floor**

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

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

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

1  
Pledge of Allegiance  
2

Roll Call / ORA & Council

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

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

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

ORA\Councilmember Present: 8 - Councilmember Nadel, Councilmember

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

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

Chang

3

Open Forum / Citizens Comments

(Time Available: 15 minutes)

*The following individuals spoke under Open Forum:*

*- Steve Bristow*

- *Karen Lind*

- *Owen Tucker*

- *Anthony Tanlin*

- *Tom Gordon*

- *Sanjiv Handa*

- *Howard Neal*

- *Helen R. Nicholas*

- *Karen Heather*

- *Geoffrey Reid Pete*

4

Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an

item from the Consent Calendar, shall be scheduled for the next-succeeding City Council

meeting as a non-consent item.

5

Motion for 'Members' Requests for Reconsideration' of an Action taken at the preceding

Council Meeting, shall be scheduled for the next-succeeding City Council meeting as a

non-consent item. (Motion Maker must have voted on prevailing side)

*No action was necessary for this item.*

6

Requests from Councilmember(s) to schedule an Action Item considered by Committee but

not forwarded to Council, shall be scheduled for the next-succeeding City Council meeting

as a non-consent item.

*No action was necessary for this item.*

7

Approval of the Draft Minutes from the Special Meeting of June 10, 2004 and Concurrent

Meeting of the Oakland Redevelopment Agency/City Council held on June 15, 2004

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

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

**vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Brooks

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

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

8.1

Subject: Harry Schrauth - Retirement

From: Councilmember Reid

Recommendation: Adopt a Resolution honoring Harry Schrauth upon his retirement from the

City of Oakland after 42 years of service (04-0505)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78643 C.M.S.*

[Scheduling Request.pdf,](#)

[Item 8.1 07-06-04.pdf,](#)

[78643.pdf](#)

8.2

Subject: Tay Yoshitani - Retirement

From: Councilmember Reid

Recommendation: Adopt a Resolution commending Tay Yoshitani, on his retirement as the

Director for the Port of Oakland (04-0464)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78644 C.M.S.*

[Scheduling Request.pdf,](#)

[Item 8.2 07-06-04.pdf,](#)

[78644.pdf](#)

8.3

Subject: National Park and Recreation Month

From: Office of Parks and Recreation

Recommendation: Adopt a Resolution proclaiming July Recreation and Parks Month in the

City of Oakland. (04-0546)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78645 C.M.S.*

[Scheduling Request.pdf,](#)

[Item 8.3 07-06-04.pdf,](#)

[78645.pdf](#)

**9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS**

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

10.1CC



Subject: Declaration of a Local Emergency due to AIDS epidemic

From: Office of the City Attorney

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

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

AIDS epidemic (04-0570)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78646 C.M.S.*

[Item 10.1CC 07-06-04.pdf,](#)

[78646.pdf](#)

10.2CC

Subject: Medical Cannabis Health Emergency

From: Office of the City Attorney

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

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

of Oakland (04-0571)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78647 C.M.S.*

[Item 10.2CC 07-06-04.pdf](#),

[78647.pdf](#)

10.3CC

Subject: Janet Greene - 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 Janet Greene v. City of Oakland, et al., Alameda County

Superior Court case no. RG03-088098 our file no. 22781, in the amount of \$18,000.00. (Public

Works Agency) (04-0566)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78648 C.M.S.*

[Item 10.3CC 07-06-04.pdf,](#)

[78648.pdf](#)

10.4CC

Subject: Cynthia Henderson - 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 Cynthia Henderson in the amount of \$6,000.00 as a result

of injuries sustained when she tripped and fell in an open City tree well. (Life Enrichment

Agency) (04-0567)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78649 C.M.S.*

[Item 10.4CC 07-06-04.pdf,](#)

[78649.pdf](#)

10.5CC

Subject: Samuel Joseph Yepez - 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 Samuel Joseph Yepez v. City of Oakland, et al., Alameda

County Superior Court Case no. 836215-7, our file no. 20679, in the amount of \$35,000.00.

This case involves claims of violations of Civil Rights against an Oakland Police Officer.

(Oakland Police Department - Police Conduct) (04-0568)

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

**Quan, that this matter be Adopted Resolution Number 78650 C.M.S. The**

**motion carried by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

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

- *Sanjiv Handa*

[Item 10.5CC 07-06-04.pdf](#),

[78650.pdf](#)

10.6CC

Subject: Central City East Redevelopment Plan - Settlement Agreement

From: Office of the City Attorney

Recommendation: Adopt the following legislation:

1) A Resolution authorizing and directing the City Attorney to compromise and settle the cases

of J.W. and Barbara Silveira v. City of Oakland and Oakland Redevelopment Agency, and

Charles and Pamela Weber v. City of Oakland and Oakland Redevelopment Agency, Alameda

County Superior Court Case nos. RG03118525, RG03114104 and RG03115787, which

challenged the City's adoption of the Central City East Redevelopment Plan; and (04-0569)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78651 C.M.S.*

[Item 10.6CC 07-06-04.pdf](#),

[78651.pdf](#)

2) An Agency Resolution authorizing and directing Agency Counsel to compromise and settle

the cases of J.W. and Barbara Silveira v. City of Oakland and Oakland Redevelopment Agency,



and Charles and Pamela Weber v. City of Oakland and Oakland Redevelopment Agency,

Alameda County Superior Court Case Nos. RG 03118525, RG03114104, and RG 03115787,

which challenged the City's adoption of the Central City East Redevelopment Plan (Community

and Economic Development Agency) (04-0569-1)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*ORA Resolution Number 2004-34 C.M.S.*

[Item 10.6CC 07-06-04.pdf,](#)

[2004-34.pdf](#)

10.7CC

Subject: Connie Braver - 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 Connie Braver v. City of Oakland, et al., Alameda County

Superior Court Case No. RG03-120964, our file no. 23318, in the amount of \$9,500.00. This

case involves a trip and fall accident occurring on a raised portion of sidewalk. (Public Works

Agency) (04-0598)

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

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

**vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Brunner

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

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

Brooks, Councilmember Reid and Vice Mayor Chang

*Resolution Number 78652 C.M.S.*

[Item 10.7CC 07-06-04.pdf,](#)

[78652.pdf](#)

10.8CC

Subject: Robert McEwan - 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 Robert McEwan in the amount of \$7,991.00 for property

damage sustained as a result of flooding caused by poor drainage from a City Street (Public

Works Agency) (04-0597)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78653 C.M.S.*

[Item 10.8CC 07-06-04.pdf,](#)

[78653.pdf](#)

10.9CC

Subject: Riparian Vegetation Replacement Requirements - Modified Judgement

From: Office of the City Attorney

Recommendation: Adopt a Resolution authorizing and directing the City Attorney to

compromise and settle the case of State of California v. City of Oakland, Alameda County

Superior Court case number 719712-5, by entering into a modified judgement releasing the

City from further riparian vegetation replacement requirements in exchange for a payment of

twenty thousand dollars (\$20,000.00) to the Butters Land Trust (04-0600)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78654 C.M.S.*

[Item 10.9CC 07-06-04.pdf,](#)

[78654.pdf](#)

10.10CC

Subject: Jack London Square District

From: Community and Economic Development Agency

Recommendation: Approve the Final Passage (Second Reading) of an Ordinance of the City of

Oakland adjusting the zoning district boundary line for the Jack London Square District so that

C-45 (Community Shopping Commercial) is designated for the area bounded by Harrison

Street to the west, 2nd Street to the north, Alice Street to the east and the estuary to the south;

and (04-0426h)

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

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Ordinance Number 12612 C.M.S.*

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

*- Steve Lowe*

[Rezoning Ordinance Att.5 6-15-04.pdf,](#)

[Item 10.10-1CC 07-06-04.pdf,](#)

[12612.pdf](#)

2) Approve the Final Passage (Second Reading) of an Ordinance of the City of Oakland

approving a Development Agreement between the City of Oakland and Jack London Square

Partners LLC, and CEP-JLS I LLC, and authorizing the City Administrator to execute the

Development Agreement on behalf of the City (04-0426i)

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

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

**by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Ordinance Number 12613 C.M.S.*

[Development Agreement Ordinance Att. 6 6-15-04.pdf](#),



[Draft Development Agreement Att. 7 6-15-04.pdf,](#)

[Item 10.10-1CC 07-06-04.pdf,](#)

[Item 10.10-2CC Ordinance & Development Agreement 0....pdf,](#)

[Attachment A - 14.3.pdf,](#)

[12613.pdf](#)

10.11CC

Subject: Federal Legislative Representative

From: Office of the City Administrator

Recommendation: Adopt a Resolution authorizing the City Administrator to enter into an

agreement with Platinum Advisors to serve as the City's federal legislative representative for

the period July 1, 2004 through June 30, 2005 in an amount not to exceed \$125,000 annually

(04-0513)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78655 C.M.S.*

*Contract Number 1765*

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

- *Sanjiv Handa*

[Item 7 6-17-04.pdf,](#)

[Item 10.11CC 07-06-04.pdf,](#)

[78655.pdf](#)

10.12CC

Subject: California Mental Health Services Act

From: Councilmember Nadel

Recommendation: Adopt a Resolution endorsing the California Mental Health Services Act

Initiative for the November 2004 Statewide Ballot (04-0504)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78656 C.M.S.*

[Item 6 6-17-04.pdf,](#)

[Item 10.12CC 07-06-04.pdf,](#)

[78656.pdf](#)

10.13CC

Subject: Pedestrian Safety Project

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to award a

construction contract in an amount not to exceed \$335,000 to the lowest, responsible and

responsive bidder for the Pedestrian Safety Project (City Project No. G232110, CALTRANS

Project No. PSPL-5012 (067)), and reject bids and negotiate if necessary(PURSUANT TO

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

COUNCIL - 6 AFFIRMATIVE VOTES) (04-0515)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78657 C.M.S.*

*Contract Number 1766*

[Scheduling Request,](#)

[Item 3 6-22-04.pdf,](#)

[Item 10.13CC 07-06-04.pdf,](#)

[78657.pdf](#)

10.14CC

Subject: Standard Specifications for Public Works Construction

From: Public Works Agency

Recommendation: Approve the Introduction (First Reading) of an Ordinance adopting the

"Standard Specifications for Public Works Construction, 2003 Edition" and repealing

Ordinance No. 12321 C.M.S. and all resolutions related thereto (04-0516)

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

**Quan, that this matter be Approved on Introduction for Final Passage to**

**the Concurrent Meeting of the Oakland Redevelopment Agency / City**

**Council. The motion carried by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

[Scheduling Request,](#)

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

[Item 10.14CC 07-06-04.pdf,](#)

[12614 CMS.pdf](#)

10.15CC

Subject: Children's Fairyland - Contract Amendment

From: Office of the City Attorney

Recommendation: Adopt a Resolution authorizing an amendment to the agreement between

Children's Fairyland, Inc. ("Non-Profit") and the City of Oakland to designate the non-profit as

City's Representative for the purpose of design and construction of improvements to require

compliance with the City's current contracting programs and to add indemnification language

(TITLE CHANGE) (04-0548)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember



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

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

Chang

*Resolution Number 78658 C.M.S.*

*Contract Number 1767*

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

*- Sanjiv Handa*

[Item 5 6-22-04.pdf,](#)

[Item 10.15CC 07-06-04.pdf,](#)

[78658.pdf](#)

10.16CC

Subject: Sale of City-Owned Property - 3615 and 3619 35th Avenue

From: Community and Economic Development Agency

Recommendation: Approve the Introduction (First Reading) of an Ordinance authorizing the

negotiation and execution of a purchase and sale agreement for the sale of City-owned property

at 3615 and 3619 35th Avenue at fair market value (\$279,000) to Collins/PBA for the

development of a mixed-use project (04-0489)

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

**Quan, 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 July 20, 2004. The motion carried by the**

**following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

[Scheduling Request.pdf,](#)

[Item 3 6-22-04.pdf,](#)

[Item 10.13CC 07-06-04.pdf,](#)

[12615 CMS.pdf](#)

10.17CC

Subject: Sun Server System

From: Finance and Management Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to execute a

professional services agreement with Goldstone Technologies LTD to move six of the City of

Oakland's application programs from the IBM AS/400 computer to a Sun Server System for an

amount not to exceed two hundred ninety four thousand dollars (\$294,000) with a contingency

amount of six thousand dollars (\$6,000) for a total amount not to exceed three hundred

thousand dollars (\$300,000) (04-0106-1)

**A motion was made, seconded by Councilmember Quan, that this matter**

**be Adopted. The motion carried by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78659 C.M.S.*

*Contract Number 1768*

[Scheduling Request.pdf,](#)

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

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

[Item 10.17CC 07-06-04.pdf,](#)

[78659.pdf](#)

10.18CC

Subject: Fiscal Year 2004-2005 Debt Management Policy

From: Finance and Management Agency

Recommendation: Adopt the following legislation regarding the Debt Management Policy:

1) A Resolution adopting the City of Oakland's Fiscal Year 2004-2005 Debt Management

Policy; and (04-0512)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78660 C.M.S.*

[Scheduling Request.pdf](#),

[Item 5 6-22-04.pdf,](#)

[Item 5-1 6-22-04.pdf,](#)

[Item 10.18-1CC 07-06-04.pdf,](#)

[78660.pdf](#)

2) An Agency Resolution adopting the Oakland Redevelopment Agency's Fiscal Year  
2004-2005 Debt Management Policy (04-0512-2)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*ORA Resolution Number 2004-35 C.M.S.*

[Item 5 6-22-04.pdf,](#)

[Item 5-2 6-22-04.pdf,](#)

[Item 10.18-2CC 07-06-04.pdf,](#)

[2004-35.pdf](#)

10.19CC

Subject: Regional Planning for San Pablo Avenue

From: Councilmembers Nadel and Brunner

Recommendation: Adopt a Resolution supporting Oakland's participation in regional planning

for San Pablo Avenue (04-0429)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78661 C.M.S.*



[Scheduling Request.pdf](#),

[Item 3 6-22-04.pdf](#),

[Item 10.19CC 07-06-04.pdf](#),

[78661.pdf](#)

10.20CC

Subject: Oakland Workforce Investment Board - Ultimate Staffing

From: Community and Economic Development Agency

Recommendation: Adopt the following legislation regarding the Workforce Investment Board's

Business Services Plan:

1) A Resolution authorizing the appropriation of all revenues generated through the

implementation of the Oakland Workforce Investment Board's Business Services Plan to

business service activities; and (04-0399)

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

**Quan, that this matter be Withdrawn and Rescheduled to the Concurrent**

**Meeting of the Oakland Redevelopment Agency / City Council, to be heard**

**at the July 20, 2004 meeting. The motion carried by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

[04-0399.pdf](#),

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

[Item 10.20-1CC 07-06-04.pdf](#),

[Item 22. 07-20-04 pdf](#),

[78741 CMS.pdf](#)

2) A Resolution authorizing a contract for professional services with Ultimate Staffing to provide business services on behalf of the Oakland Workforce Investment Board from July 1, 2004 through June 30, 2005, in an amount not to exceed \$350,000 (04-0399a)

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

**Quan, that this matter be Withdrawn and Rescheduled to the Concurrent**

**Meeting of the Oakland Redevelopment Agency / City Council, to be heard**

**at the July 20, 2004 meeting. The motion carried by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

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

[Item 10.20-2CC 07-06-04.pdf,](#)

[Item 22. 07-20-04 pdf,](#)

[78742 CMS.pdf](#)

10.21CC

Subject: Urban Renewal and Redevelopment Planning

From: Community and Economic Development Agency

Recommendation: Approve the Final Passage (Second Reading) of the following Ordinances

regarding the Acorn, Central District, Oak Center and Stanford/Adeline project areas:

1) Approve the Final Passage (Second Reading) of an Ordinance amending the Acorn Urban

Renewal Plan to extend the time limits on plan effectiveness and receipt of tax increment

revenue by one year; and (04-0427)

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

**Quan, that this matter be Approved on Introduction for Final Passage to**

**the Concurrent Meeting of the Oakland Redevelopment Agency / City**

**Council, due back on July 20, 2004. The motion carried by the following**

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

[Scheduling Request.pdf,](#)

[Item 5 6-22-04.pdf,](#)

[Item 10.21-1CC 07-06-04.pdf,](#)

[Item 10.14-1-4CC.pdf](#),

[12616 CMS.pdf](#)

2) Approve the Introduction (First Reading) of an Ordinance amending the Central District

Urban Renewal Plan to extend the time limits on plan effectiveness and receipt of tax

increment revenue by one year; and (04-0427a)

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

**Quan, that this matter be Approved on Introduction for Final Passage to**

**the Concurrent Meeting of the Oakland Redevelopment Agency / City**

**Council, due back on July 20, 2004. The motion carried by the following**

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

[Item 5 6-22-04.pdf,](#)

[Item 10.21-2CC 07-06-04.pdf,](#)

[Item 10.14-1-4CC.pdf,](#)

[12617 CMS.pdf](#)

3) Approve the Introduction (First Reading) of an Ordinance amending the Oak Center Urban

Renewal Plan to extend the time limits on plan effectiveness and receipt of tax increment

revenue by one year; and (04-0427b)

**A motion was made by Vice Mayor Chang 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 July 20,**

**2004. The motion carried by the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember



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

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

Chang

[Item 5 6-22-04.pdf](#),

[Item 10.21-3CC 07-06-04.pdf](#),

[Item 10.14-1-4CC.pdf](#),

[12618 CMS.pdf](#)

4) Approve the Introduction (First Reading) of an Ordinance amending the Stanford/Adeline

Redevelopment Plan to extend the time limits on plan effectiveness and receipt of tax

increment revenue (04-0427c)

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

**Quan, 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 July 20, 2004. The motion carried by the

**following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

[Item 5 6-22-04.pdf](#),

[Item 10.21-4CC 07-06-04.pdf](#),

[Item 10.14-1-4CC.pdf](#),

[12619 CMS.pdf](#)

10.22CC

Subject: Multipurpose Senior Services Program (MSSP)

From: Department of Human Services

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

and appropriate a grant in the amount of \$1,352,467 from the State Department of Aging for

the Multipurpose Senior Services Program (MSSP) for Fiscal Year 2004-2005 and authorizing

the City Administrator to contract with nine agencies for an estimated amount of \$297,543

annually to provide in-home services to the frail seniors of MSSP (04-0247)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78662 C.M.S.*

*Contract Number 1769*

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

*- Sanjiv Handa*

[Scheduling Request.pdf,](#)

[Item 3 6-22-04.pdf,](#)

[Item 10.22CC 07-06-04.pdf,](#)

[Item 10.22CC SUPP.pdf,](#)

[78662.pdf](#)

10.23CC

Subject: Senior AIDES Program

From: Department of Human Services

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

and appropriate funds in the estimated amount of \$1,043,593 from Senior Service America,

Inc., for the City of Oakland Senior AIDES Program for the Fiscal Year 2004-2005 (04-0266)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78663 C.M.S.*

[Scheduling Request.pdf](#),

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

[Item 10.23CC 07-06-04.pdf](#),

[78663.pdf](#)

10.24CC

Subject: Linkages Program Fiscal Year 2004-2005

From: Department of Human Services

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

appropriation of \$228,979 in grant funds from Alameda County for the purpose of funding the

Linkages Program in the amount of \$220,034 for the Linkages Program and \$8,945 for the

Respite Program and a Targeted Case Management claim in the amount of \$270,222 and

authorizing the appropriation of a balance of \$55,474 in Linkages Handipark Funds for the

Linkages Program in Fiscal Year 2004-2005 (04-0271)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78644 C.M.S.*

[Scheduling Request.pdf](#),

[Item 5 6-22-04.pdf](#),

[Item 10.24CC 07-06-04.pdf](#),

[78664.pdf](#)

10.25CC

Subject: Acquisition of Bloodhounds

From: Oakland Police Department



Recommendation: Adopt a Resolution authorizing the City Administrator or her designee to

accept and appropriate a donation in the minimum amount of two thousand seventy-five dollars

(\$2,075) to the Oakland Police Department for the acquisition of two bloodhounds, valued at

approximately four hundred dollars (\$400) each, for a total cost of approximately eight hundred

dollars (\$800), for use by the Police Department Special Victims Section, with any remaining

funds to be used to offset handler training costs and the purchase of supplemental supplies

and/or services (04-0514)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78665 C.M.S.*

[04-0514.pdf](#),

[Item 3 6-22-04.pdf](#),

[Item 10.25CC 07-06-04.pdf](#),

[78665.pdf](#)

Closed Session

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

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

- *Sanjiv Handa*

*There were two final decisions made during closed session.*

*Item 2c: Hansen v. City of Oakland*

*Council authorized a settlement of \$60,000 for allegations of disability*

*discrimination.*

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

*Agency/Councilmember Quan, to adopt the resolution on Item 2c, and hearing*



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

*Nadel, Reid, Quan, and Wan -5, Abstain: Brooks, Brunner - 2; No-1: De La*

*Fuente*

*Item 2d: Zazaboi v. City of Oakland*

*Council authorized a settlement of 9,900 for allegations of civil rights*

*violations.*

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

*Agency/Councilmember Brooks, to adopt the resolution on Item 2d, and hearing*

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

*Brunner, Chang, Nadel, Reid, Quan, and Wan; No -1- President of the Council*

*De La Fuente*

*Please refer to the attachment Marked Closed Session*



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 Reid confirming that there were no discussions*

*pursuant to Section 15 of the Sunshine Ordinance, and hearing no objections,*

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

*Nadel, Reid, Quan, Wan and President of the Council De La Fuente -8*

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

**THEREAFTER:**

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: Delinquent Transient Occupancy Taxes - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct a Public Hearing regarding the assessment of liens for Delinquent

Transient Occupancy Taxes and upon conclusion adopt one of the following Resolutions:

- 1) A Resolution accepting and confirming reports of the City Administrator on the costs

incurred by the City of Oakland for Delinquent Transient Occupancy Taxes and confirming the

recordation of liens, administrative charges, and assessment charges as necessary pursuant to

Title 4, Chapter 4.24 of the Oakland Municipal Code, and directing the notice of lien and

assessment charges to be turned over to the County for collection; or (04-0572)

**Adopted**

*Resolution Number 78666 C.M.S.*

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

*opened at 7:09 p.m.*

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

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

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

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

*Fuente -8*

[Item 14.1 07-06-04.pdf,](#)

[78666.pdf](#)

2) A Resolution overruling protests and accepting and confirming reports of the City

Administrator on the Delinquent Transient Occupancy Taxes and confirming the recordation of

liens, administrative charges and assessment charges as necessary pursuant to Title 4, Chapter

4.24 of the Oakland Municipal Code, and directing the notice of lien and assessment charges to

be turned over to the County Tax Collector for collection (04-0572a)

**Not Adopted**

[Item 14.1 07-06-04.pdf](#)

3) A Resolution continuing hearing on reports of the City Administrator on the Delinquent

Transient Occupancy Taxes and confirming the recordation of liens, administrative charges and

assessment charges as necessary pursuant to Title 4, Chapter 4.24 of the Oakland Municipal

Code (04-0572b)

**Not Adopted**

[Item 14.1 07-06-04.pdf](#)

14.2

Subject: Joint Exercise Powers Agreement & Issuance of Revenue Bonds

Public Hearing

From: Finance and Management Agency

Recommendation: Adopt the following legislation regarding a Joint Exercise Powers

Agreement (Vice-Mayor Chang, Citywide):

1) A Resolution approving, authorizing and directing execution of a Joint Exercise of Powers

Agreement relating to the California Municipal Finance Authority; and (04-0547)

**Adopted as Amended**

*Resolution Number 78667 C.M.S.*

*Contract Number 1770*

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

*opened 7:12 p.m.*



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

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

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

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

*Fuente -8*

[Scheduling Request.pdf](#),

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

[Item 14.2 07-06-04.pdf](#),

[78667.pdf](#)

2) A Resolution of the City Council of the City of Oakland approving the issuance of not to

exceed \$10,000,000 aggregate principal amount of revenue bonds to be issued by the California

Municipal Finance Authority to finance an equipment lease for Waste Management California,

Inc.(TITLE CHANGE) (04-0547a)

*Resolution Number 78668 C.M.S.*

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

[Item 14.2 07-06-04.pdf](#),

[78668.pdf](#)

14.3

Subject: Rotunda Garage, LP - Public Hearing

From: Community and Economic Development Agency

Recommendation: Adopt the following City and Agency Resolutions regarding a Disposition

and Development Agreement with Rotunda Garage, LP (Councilmember Nadel, District 3):

1) A Resolution approving the sale of three parcels of real property for \$99 each and leasing a

fourth parcel for \$1.00 per year all located at 16th Street, 17th Street and San Pablo Avenue to

Rotunda Garage, LP, for the 17th Street project and upon such other terms as set out in a

Disposition and Development Agreement for the garage project; and (04-0416)

**Adopted as Amended**

*Resolution Number 78669 C.M.S.*



*Upon the reading of Item 14.3 by the City Clerk, the Public Hearing was*

*opened at 7:14 p.m.*





*The following individuals spoke in favor of item 14.3:*

- *Robert P. An*



*The following individuals spoke against item 14.3:*

- *Dezie Woods Jones*

- *Greg Hodge*

- *Hugh Bassette*





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

- *Sanjiv Handa*



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

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

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

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



*Fuente -8*



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

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

*14.3, to include a Friendly Amendment by Councilmember Nadel, accepted by*

*Agency/Councilmember Wan to add a provision to the development and*

*disposition agreement that provides the Adcock Joyner building owners, the*

*same provisions for the right of first refusal to buy the 524-528 16th Street lot*



*,as in the original resolution 77542, but restarting the clock to run until*

*September of 2008.*



*and hearing no objections, the motion passed by Ayes:*

*Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan, Wan and*

*President of the Council De La Fuente -8*

[Item 7 6-8-04.pdf,](#)

[Item 7 SUPP 6-08-04.pdf,](#)

[Item 14.3 07-06-04.pdf,](#)

[78669.pdf](#)

2) An Agency Resolution authorizing the sale of three parcels of real property for \$99 each and

leasing a fourth parcel for \$1.00 all located at 16th Street, 17th Street and San Pablo Avenue to

Rotunda Garage, LP, for the 17th Street project and upon such other terms as set out in a

Disposition and Development Agreement for the garage project, and authorizing the

Redevelopment Agency to transfer one third of the \$12 million note from the Rotunda Building

and rebate the net tax increment from the garage for 10 years (04-0416a)

Adopted

[Item 7 6-8-04.pdf,](#)

[Item 14.3 07-06-04.pdf,](#)

[2004-36.pdf](#)

14.4

Subject: Uptown Activity Area - Public Hearing

From: Community and Economic Development Agency

Recommendation: Adopt the following City and Agency Resolutions regarding redevelopment

activities in the Uptown Activity Area of the Central District Redevelopment Project Area

(Councilmember Nadel, District 3):



(1) A Resolution authorizing approval and execution of a Lease Disposition and Development

Agreement, Ground Leases, and related documents between the Redevelopment Agency and

Uptown Partners, LLC., a California Limited Liability Company, for the development of a

mixed use residential rental and retail development project in the Uptown Activity Area of the

Central District Redevelopment Project Area; (04-0430)

**Continued to Concurrent Meeting of the Oakland Redevelopment**

**Agency/City Council on 7/20/2004**

*Upon the reading of Item 14.4 by the City Clerk, the Public Hearing was*

*opened at 8:28 p.m.*



*The following individuals spoke in favor of Item 14.4:*

- *Allison Brooks*

- *Evelyn Stivers*

- *Betsy York*



- *Nancy Taylor*

- *Deepak Pateriya*

- *Kirsten Cross*

- *Jennifer Lin*

- *Barry Luboviski*

- *Andrew Slivka*

- *Joyce Cutler*

- *Jess Wendover*



- *Sean Heron*

- *Susan Demowski*

- *Iganacio Dayrit*

- *Stephanie Shakofsky*

- *Elissa Dennis*



*The following individuals spoke against Item 14.4:*

- *Alan Templeton*





*The following individuals spoke and indicated a neutral position on Item 14.4:*

- *Joyce Roy*

- *Hugh Bassette*



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

- *Robert Leste*

- *Anna Naruta*



- *Andy Nelson*

- *Sanjiv Handa*



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

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

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

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

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

*Agency/Councilmember Nadel, to continue this item to the July 20, 2004 City*

*Council agenda and directed staff to continue the negotiations with Forest City,*

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

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

*De La Fuente -8*

[Item 6-1 6-22-04.pdf,](#)

[Legislation Exhibits A-C.pdf,](#)

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

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

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



[Item 14.4-1 07-20-04.pdf,](#)

[Item 14.1 SUPP.pdf,](#)

[78728 CMS.pdf](#)

2) An Agency Resolution authorizing the Agency Administrator to execute a Lease Disposition

and Development Agreement, a Ground Lease, and related documents with Uptown Partners,

LLC, a California Limited Liability Company, for the development of a mixed-use residential

rental and retail development project in the Uptown Activity Area of the Central District

Redevelopment Project Area; (04-0430a)

**Continued to Concurrent Meeting of the Oakland Redevelopment**

**Agency/City Council on 7/20/2004**

[Item 6-2 6-22-04.pdf,](#)

[Item 14.1-2 07-20-04,](#)

[2004-38 CMS.pdf](#)

3) A Resolution authorizing the City Administrator to execute a Cooperation Agreement with

the Redevelopment Agency of the City of Oakland, and the Coalition for Workforce Housing

relating to the development of a one hundred percent (100%) affordable housing project on a

parcel located immediately behind the Fox Theater between 18th and 19th Streets in the

Uptown Activity Area of the Central District Redevelopment Project Area (04-0430b)

**Continued to Concurrent Meeting of the Oakland Redevelopment**

**Agency/City Council on 7/20/2004**

[Item 6-3 6-22-04.pdf,](#)

[Item 14.1-3 07-20-04.pdf,](#)

[78729 CMS.pdf](#)

4) An Agency Resolution authorizing the Agency Administrator to execute a Cooperation

Agreement with the City of Oakland, and the Coalition for Workforce Housing Relating to the

development of a one hundred percent (100%) affordable housing project on a parcel located

immediately behind the Fox Theater between 18th and 19th Streets in the Uptown Activity

Area of the Central District Redevelopment Project Area; and (04-0430c)

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

**Agency/City Council on 7/20/2004**

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

[Item 14.1-4 07-20-04.pdf,](#)

[2004-39 CMS.pdf](#)

5) An Agency Resolution adopting a Replacement Housing Plan for housing units to be

demolished at the Westerner Hotel, 1918-1954 San Pablo Avenue, for the Uptown Project

(04-0430d)

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

**Agency/City Council on 7/20/2004**

[Item 6-5 6-22-04.pdf,](#)

[Item 14.1-5 07-20-04.pdf,](#)

[2004-40 CMS.pdf](#)

Subject: City Center T-10 Residential Project - Public Hearing

From: Community and Economic Development

Recommendation: Adopt the following legislation regarding the City Center T-10 Residential

Project (Councilmember Nadel, District 3):

1) A Resolution approving the sale of real property located between 14th Street, 13th Street

Pedestrian Walk, Jefferson Street and Martin Luther King, Jr. Way to Olson Urban Housing,

LLC, for \$8.7 million, plus profit-sharing for the City Center T-10 Residential Project; and

(04-0439)

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

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

**the following vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Brooks

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

*Resolution Number 78670 C.M.S.*

*Upon the reading of Item 14.5 by the City Clerk, the Public Hearing was*

*opened at 9:38 p.m.*

*The following individual spoke on Item14.5 and did not indicate a position:*

*- Sanjiv Handa*

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

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

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

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



*Fuente -8*

[Scheduling Request.pdf,](#)

[Item 7 6-22-04.pdf,](#)

[Item 14.5 07-06-04.pdf,](#)

[Item 14.5 SUPP.pdf,](#)

[78670.pdf](#)

2) An Agency Resolution authorizing the sale of real property located between 14th Street, 13th

Street Pedestrian Walk, Jefferson Street and Martin Luther King, Jr. Way to Olson Urban

Housing, LLC, for \$8.7 million, plus profit-sharing for the City Center T-10 Residential

Project, authorizing seller financing from the Agency of \$1.7 million, and authorizing a

Disposition and Development Agreement for the project (04-0439a)

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

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

**the following vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Brooks

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

*ORA Resolution Number 2004-37 C.M.S.*

[Item 7 6-22-04.pdf,](#)

[Item 14.5 07-06-04.pdf,](#)

[2004-37.pdf](#)

**ACTION ON NON-CONSENT ITEMS:**

15

Subject: Alice Street Learning Center

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution authorizing the City Administrator on behalf of the City

of Oakland to enter into a two (2) year lease with options with the East Bay Municipal Utility

District (EBMUD) for the Alice Street Learning Center property located at 250 - 17th Street at

an initial rate not to exceed \$1.40 per square foot, plus the cost of utilities and services and other

index adjustments (04-0050-1)

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

**Nadel, that this matter be Adopted as Amended. The motion carried by**

**the following vote:**

**Votes:**

ORA\Councilmember Nos: 2 - Councilmember Brunner and Councilmember

Brooks

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

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

Reid and Vice Mayor Chang

*Resolution Number 78671 C.M.S.*

*The following individuals spoke in favor of Item 15:*

- *Linda Goodwill*

- *Ernestina McClenton*

- *Kim Chik*

- *Anna Chuong*

- *Edwin McClenton*

- *Michelle Chan*



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

*Agency/Councilmember Nadel, to adopt the Resolution on Item 15 as amended*

*to include the contingency that during year 1 of the lease, the center has*

*demonstrated a good faith effort to raise funds on their own before pay-go or*

*emergency contingency funds can be used to support operations and during*

*year 2 of the lease the City Council adopts a budget to include funding for the*

*center or the center has demonstrated a good faith effort to raise funds on its on*

*before pay-go or emergency funds can be used, and hearing no objections, the*

*motion passed by Ayes: Agency/Councilmember: Chang, Nadel, Reid, Quan,*

*Wan and President of the Council De La Fuente -6; Abstain: Brooks and*

*Brunner -2*

*Agency/Councilmember Wan offered a friendly amendment, which was*

*accepted, that the Alice Street Learning Center must show a good faith effort to*

*raise funds, and staff is to present a proposal in the 2005-2007 Policy Budget*



*for the funding of the 2005-2006 Fiscal Year.*

[Scheduling Request.pdf](#),

[Item 15 07-06-04.pdf](#),

[78671.pdf](#)

*Councilmember Brunner made a motion, seconded by Vice Mayor Chang, to  
extend the meeting past 10:30 p.m.*

16

Subject: Children and Youth Services

From: Department of Human Services

Recommendation: Adopt a Resolution appropriating \$204,140 in interest income earned to the

Oakland Fund for Children and Youth, and authorizing the City Administrator to negotiate and

execute professional service contracts between the City of Oakland and various non-profit and

public agencies to provide direct services for children and youth for Fiscal Year 2004-2005 in

an amount not to exceed \$9,003,846 (04-0346)

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

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

**the following vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78672 C.M.S.*

*Contract Number 1771*



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

- *Leslie Nunes*

- *Rodney Ewing*



- *Edward Hanneman*

- *K. Wayne Yang*



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

- *Geri Murray*

- *Alice Lin*

- *Jumoke Hinton*

- *Holly Faust*



- *Amana Harris*

- *Kamilah Crawford*



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

- *Kerry Forbord*

- *Elly Chen*

- *Kong Lai Hung*

- *Stacy Kono*





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

*Agency/Councilmember Wan, to adopt the resolution on Item 16, and directed*

*that the Planning and Oversight Committee review and develop a policy on the*

*fund balance, as soon as possible, and hearing no objections, the motion passed*

*by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Nadel, Reid, Quan,*

*Wan and President of the Council De La Fuente -8*

[04-0346.pdf](#),

[Item 6 6-8-04.pdf](#),

[Item 16 07-06-04.pdf](#),

[Item 16 SUPP.pdf](#),

[78672.pdf](#)

Subject: Lake Merritt Institute

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing extension of the contract with the Lake

Merritt Institute on a month-to-month basis for three months (June, July and August 2004) for

an amount not to exceed \$40,000 for a total contract amount of \$840,155 (TITLE CHANGE)

(04-0436)

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

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

**vote:**

**Votes:**

ORA\Councilmember Absent: 1 - Councilmember Brooks

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

*Resolution Number 78673 C.M.S.*

*Contract Number 1772*

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

*- Richard Bailey*

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

*- Sanjiv Handa*

[04-0436.pdf](#),

[Item 6 6-8-04.pdf](#),

[Item 6 SUPP 6-08-04.pdf](#),

[Item 17 07-06-04.pdf](#),

[78673.pdf](#)

*Councilmember Brooks was noted absent at 11:22 p.m.*  
18

Subject: 150 Frank H. Ogawa Plaza Pilot Project - Enterasys Inc.

From: Finance and Management Agency

Recommendation: Adopt a Resolution authorizing the City Administrator or her designee to

negotiate and execute a purchase order for Enterasys equipment, for an amount not to exceed

\$250,000 for the network equipment associated with a pilot voice over IP project at 150 Frank

H. Ogawa Plaza (TITLE CHANGE) (04-0401a)

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

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

**vote:**

**Votes:**

ORA\Councilmember Absent: 1 - Councilmember Brooks

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

*Resolution Number 78674 C.M.S.*

[Item 4 6-8-04.pdf,](#)

[Item S-10.16-2CC 6-15-04.pdf,](#)

[Item 18 07-06-04.pdf,](#)

[78674.pdf](#)

*Councilmember Brunner was noted absent at 11:24 p.m.*

19

Subject: Swinerton and Walberg Co. v. Amin-Broadway LLC - Settlement Agreement

From: Office of the City Attorney

Recommendation: Adopt an Agency Resolution authorizing and directing Agency Counsel to

compromise and settle the case of Swinerton & Walberg Co. v. Amin-Broadway LLC, et al.,

Superior Court, County of Alameda, Case No. 2002-050928 involving a claim for foreclosure

of a mechanics' lien relating to the construction of the Keystone Hilton Hotel (04-0522)

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

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

**vote:**

**Votes:**

ORA\Councilmember Absent: 2 - Councilmember Brunner and Councilmember

Brooks

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

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

Reid and Vice Mayor Chang

*ORA Resolution Number 2004-30 C.M.S.*

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

- Sanjiv Handa

[Item 10.6CC 6-15-04.pdf](#),

[Item 19 07-06-04.pdf](#)

*Councilmember Brooks was noted present at 11:26 p.m.*

20

Subject: Amendment to View Ordinance

From: Councilmember Quan

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

Oakland Municipal Code Section 15.52 (View Ordinance) to clarify application to properties in

the entire City of Oakland and that the private right to reconciliation and arbitration established

by the View Ordinance is not affected by the provisions of Section 15.52.040, protected view

corridors in the North Oakland Hill Area Specific Plan (04-0573)

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

**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 July 20, 2004. The motion carried by the following**

**vote:**

**Votes:**

ORA\Councilmember Absent: 1 - Councilmember Brunner

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

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

Brooks, Councilmember Reid and Vice Mayor Chang

[Item 20 07-06-04.pdf,](#)

[Item 10.15CC.pdf,](#)

*Councilmember Brunner was noted present at 11:28 p.m.*

21

Subject: Marcia Henry - Children's Fund Planning and Oversight Committee

From: Councilmember Quan

Recommendation: Adopt a Resolution reappointing Marcia Henry as a member of the

Children's Fund Planning and Oversight Committee (04-0523)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78675 C.M.S.*

[Item 21 07-06-04.pdf](#),

[78675.pdf](#)

22



Subject: Sallie A. Kennedy - Housing, Residential Rent and Relocation Board

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Sallie A. Kennedy as Tenant Representative

as a member of the Housing, Residential Rent and Relocation Board (04-0599)

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

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

**vote:**

**Votes:**

ORA\Councilmember Abstained: 1 - Councilmember Quan

ORA\Councilmember Nos: 1 - Councilmember Nadel

ORA\Councilmember Ayes: 6 - Councilmember Brunner, Councilmember

Wan, President of the Council De La Fuente, Councilmember Brooks,

Councilmember Reid and Vice Mayor Chang

*Resolution Number 78676 C.M.S.*

[Item 22 07-06-04.pdf,](#)

[78676.pdf](#)

Subject: Lorraine Rosenblatt and Petrina Alexander

- Commission on Persons with Disabilities

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Lorraine Rosenblatt and Petrina Alexander

as members of the Commission on Persons with Disabilities (04-0602)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78677 C.M.S.*

[Item 23 07-06-04.pdf](#),

Subject: Iris Winograd and O. Fabomi Ojula - Budget Advisory Committee

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Iris Winograd and reappointing O. Fabomi

Ojula as members of the Budget Advisory Committee (04-0601)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78678 C.M.S.*

[Item 24 07-06-04.pdf](#),

Subject: Brad Ricards - Parks and Recreation Advisory Commission

From: Office of the Mayor

Recommendation: Adopt a Resolution appointing Brad Ricards as a member of the Parks and

Recreation Advisory Commission (04-0603)

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

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

**vote:**

**Votes:**

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

*Resolution Number 78679 C.M.S.*

[Item 25 07-06-04.pdf,](#)

[78679.pdf](#)

S-26

Subject: Amendment to Assembly Bill 2523 - Nuisance Evictions

From: Office of the City Administrator

Recommendation: A Discussion and possible action on a report regarding Assembly Bill 2523

that would require the City Attorney to issue nuisance eviction notices, limit recovery of

attorney's fees payable by landlords to the City, and require response to notices in 30 days

(04-0578)

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

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

**vote:**

**Votes:**

*ORA\Councilmember Abstained: 1 - Councilmember Nadel*

*ORA\Councilmember Nos: 1 - Councilmember Wan*

*ORA\Councilmember Ayes: 6 - Councilmember Brunner, Councilmember*

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

*Councilmember Reid and Vice Mayor Chang*

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

*- Sanjiv Handa*

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

*Agency/Councilmember Chang, to approve the alternative recommendation to*

*withdraw the City of Oakland from the Assembly Bill 2523, 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*

[\*Scheduling Request.pdf\*](#),

[\*Item 6 SUPP RLC 07-01-04.pdf\*](#),

[\*Item S-26.pdf\*](#)

**Continuation of Open Forum**

**ADJOURNMENT OF COUNCIL SESSION**

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

**Council)**

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