

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

DRAFT

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

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

Tuesday, June 15, 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 6:12 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:

- Jean Lucido

- *Ronald E. Patterson, Sr.*

- *Brooklyn Williams*

- *Marrika Lopes*

- *Tiffany James*

- *Thornie Ashley*

- *Savannah Love*

- *Michael Collins*

- *Agnes Ramirez-Grace*

- *Deloris Allen*

- *Ed McClenton*

- *Hugh Bassette*

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.

Councilmember Brooks requested that Item 10.16-2CC be rescheduled to the July 6, 2004 City Council agenda 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 no 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.

The was no action necessary for this item.

7

Approval of the Draft Minutes from the Meetings of the Special ORA/City Council Fiscal

Year 2004-2005 Mid-Cycle Budget Worksession and the Concurrent Meeting of the

Oakland Redevelopment Agency/City Council held on June 1, 2004

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

8. PRESENTATION OF CEREMONIAL MATTERS

8.1

Subject: Roy L. Schweyer - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution commending Roy L. Schweyer for more than 31 years of

devoted and dedicated service and congratulating him on his retirement (04-0428)

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

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

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

Resolution Number 78600 C.M.S.

The following individual spoke on Item 8.1:

- *Hugh Bassette*

[Item 8.1 6-15-04.pdf,](#)

[Resolution 78600.pdf](#)

8.2

Subject: Walter Johnson - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution commending Walter Johnson, for more than 32 years of

devoted and dedicated service and congratulating him on his retirement (04-0490)

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 78601 C.M.S.

The following individuals spoke on Item 8.3:

- *Frank Mello*

- *Brenda Knight*

- *Geoffrey Reid Pete*

- *Charles E. Aikens*

- *Paul Cobb*

[Item 8.2 6-15-04.pdf](#)
8.3

Subject: William Patterson - Service Recognition

From: Councilmember Brooks

Recommendation: Adopt a Resolution commending William Patterson for his outstanding

public service in the City of Oakland and the greater Bay Area (04-0467)

A motion was made by Councilmember Brooks, seconded by

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

the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

Resolution Number 78603 C.M.S.

[Item 8.3 6-15-04.pdf](#)

S-8.4

Subject: Juneteenth Day in the City of Oakland - June 19, 2004

From: Councilmember Brooks

Recommendation: Adopt a Resolution declaring June 19, 2004 Juneteenth Day in the City of

Oakland and recognizing the rich history, culture and traditions of the African American

Community (04-0549)

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

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

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

Resolution Number 78603 C.M.S.

[Item S-8.4 6-15-04.pdf](#)

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

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

that the meeting be adjourned in memory of Elder Carl Howard.

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

that the meeting be adjourned in memory of Avon Manning.

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

that the meeting be adjourned in memory of Bruce Sage.

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

that the meeting be adjourned in memory of Georgia Smith.

Agency/Councilmember Quan took a point of personal privilege and requested

that the meeting be adjourned in memory of Georgia Smith.

Agency/Councilmember Brooks took a point of personal privilege and

requested that the meeting be adjourned in memory of Georgia Smith.

Agency/Councilmember Brooks took a point of personal privilege and

requested that the meeting be adjourned in memory of Avon Manning.

Agency/Councilmember Brooks took a point of personal privilege and

requested that the meeting be adjourned in memory of Ora J. Robinson.

Agency/Councilmember Brunner took a point of personal privilege and

requested that the meeting be adjourned in memory of Jean Watson.

Agency/Council President De La Fuente took a point of personal privilege and

requested that the meeting be adjourned in memory of Georgia Smith.

Agency/Council President De La Fuente took a point of personal privilege and

requested that the meeting be adjourned in memory of Bruce Sage.

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 (04-0492)

Adopted

Resolution Number 78604 C.M.S.

[Item 10.1CC 6-15-04.pdf,](#)

[Resolution 78604.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 (04-0493)

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

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

vote:

Votes:

ORA\Councilmember 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 78605 C.M.S.

[Item 10.2 CC 6-15-04.pdf,](#)

[Resolution 78605.pdf](#)

10.3CC

Subject: Donn Trousdale - 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 Donn Trousdale, in the amount of \$9,574.00, for property

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

Works Agency) (04-0494)

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

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

vote:

Votes:

ORA\Councilmember 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 78606 C.M.S.

[Item 10.3CC 6-15-04.pdf,](#)

[Resolution 78606.pdf](#)

10.4CC

Subject: Aurora and Magda Calderon- 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 Aurora Calderon and Magda Calderon in the amount of \$6,

237.00 as a result of a City contractor's failure to re-connect a sewer lateral to the City sewer

main following a City construction project (Public Works Agency) (04-0520)

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

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

vote:

Votes:

ORA\Councilmember 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 78607 C.M.S.

[Item 10.4CC 6-15-04.pdf](#),

[Resolution 78607.pdf](#)

10.5CC

Subject: Lynn Beamon - 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 Lynn Beamon v. City of Oakland, et al., Alameda County

Superior Court Case No. C849854, our file number X00868, in the amount of \$87,500.00. This

case involves claims of racially hostile work environment (Public Works Agency-

Employment Discrimination) (04-0521)

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

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

vote:

Votes:

ORA\Councilmember 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 78608 C.M.S.

The following individuals spoke on Item 10.5CC:

- *John Grace*

- *Sanjiv Handa*

[Item 10.5CC 6-15-04.pdf](#),

[Resolution 78608.pdf](#)

10.6CC

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 Vice Mayor Chang, seconded by Councilmember

Reid, that this matter be Withdrawn and Rescheduled to the Concurrent

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

at the July 6, 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 10.6CC 6-15-04.pdf,](#)

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

10.7CC

Subject: Solid Waste Collection and Disposal Rates

From: Public Works Agency

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

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

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

of Alameda County to the City of Oakland and authorizing the Fifth Amendment to the

Franchise Agreement for solid waste and yard waste collection and disposal services to include

weekly single stream residential recycling and processing services in the southern half of the

City (\$926,000), and City-wide weekly yard waste collection and residential food scraps

recycling in an initial amount of approximately \$2,031,000 per year (04-0295)

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 12604 C.M.S.

The following individuals spoke on Item 10.7CC:

- *John Grace*

- *Sanjiv Handa*

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

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

[Item 10.7CC 6-15-04.pdf](#)

10.8CC

Subject: Fund Borrowing for Fiscal Year 2004-2005

From: Finance and Management Agency

Recommendation: Approve the Final Passage (Second Reading) Ordinance providing for the

borrowing of funds for Fiscal Year 2004-2005 in an amount not to exceed \$70,000,000 and the

issuance and sale of 2004-2005 Tax and Revenue Anticipation Notes therefor; approving the

publication of notices in connection with such sale; authorizing the award of such notes subject

to certain conditions; and certain related matters (04-0434)

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 12605 C.M.S.

[04-0434.pdf](#),

[Item 15 6-01-04.pdf](#),

[Item 10.8CC 6-15-04.pdf,](#)

[Ordinance 12605.pdf](#)

10.9CC

Subject: Controls for Signs in Commercial and Industrial Zones

From: Community and Economic Development Agency

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

controls for business, civic, and residential signs within all Commercial, Industrial, S-1, S-2, S-

3, S-8, and S-15 zones. (S-1, "Medical Center Zone Regulations"; S-2, "Civic Center Zone

Regulations"; S-3 "Research Center Zone Regulations"; S-8, "Urban Street Combining Zone

Regulations"; and S-15, "Transit Oriented Development Zone Regulations")(Vice Mayor

Chang, At- Large - Citywide) (04-0222)

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 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

Ordinance Number 12606 C.M.S.

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

[Item 5 CED 5-11-04.pdf,](#)

[Item 14.2 SUPP 6-1-04.pdf,](#)

[Item 14.2 6-1-04,](#)

[Item 10.9CC 6-15-04.pdf](#)

10.10CC

Subject: Vehicle and Traffic - Oakland Municipal Code

From: Oakland Police Department

Recommendation: Approve the Final Passage (Second Reading) of an Ordinance repealing and/

or modifying certain sections of Title 10 - "Vehicles and Traffic" of the Oakland Municipal

Code (OMC) that could be subject to a challenge of preemption and amending the violation

category of the remaining sections of Title 10 of the Oakland Municipal Code from

misdemeanors to infractions (04-0378)

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 12607 C.M.S.

The following individual spoke on Item 10.10CC:

- *Sanjiv Handa*

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

[Item S-10.30CC 6-1-04,](#)

[Item 10.10CC 6-15-04.pdf,](#)

[Ordinance 12607.pdf](#)

10.11CC

Subject: Oakland International Airport - Marine Security Zone

From: Oakland Police Department

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

Oakland Municipal Code to add Chapter 10.57 establishing a 200-Yard Marine Security Zone

for the waters surrounding the Oakland International Airport (04-0367)

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 12608 C.M.S.

[Item 3 PSC 5-25-04.pdf,](#)

[Item S-10.28CC 6-1-04,](#)

[Item S-10.28CC SUPP 6-1-04.pdf,](#)

[Item 10.11CC 6-15-04.pdf,](#)

[Ordinance 12608.pdf](#)

10.12CC

Subject: Final Map of Tract 7496

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution approving Final Map of Tract 7496, a 6 lot subdivision

located at Gibraltar Road, Oakland, Alameda County, California. (04-0417)

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

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

vote:

Votes:

ORA\Councilmember 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 78609 C.M.S.

[04-0417.pdf](#),

[Item 10.12CC 6-15-04.pdf](#),

[Resolution 78609.pdf](#)

10.13CC

Subject: Boston Community Policing Model

From: Councilmembers Brunner and Quan

Recommendation: Adopt a Resolution authorizing Councilmember Jane Brunner and

Councilmember Jean Quan to travel to Boston, Massachusetts on June 23-25, 2004 to meet

with local officials to learn about their community policing model (04-0503)

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

Reid, that this matter be Adopted as Amended. The motion carried by the

following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

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

Councilmember Nadel, to adopt the resolution as amended on Item 10.13CC to

include Councilmember Nadel and specify that travel expenses will be

supported by the Council office, 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

Resolution Number 78610 C.M.S.

The following individual spoke on Item 10.13CC:

- *Sanjiv Handa*

[04-0503.pdf](#),

[Item 10.13CC 6-15-04.pdf](#)

S-10.14CC

Subject: F.M. Smith Park Mule Display Project

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to accept a private

gift in-place donation from the Smith family for repair services to the F. M. Smith Park Mule

Display project at an estimated value of twenty-five thousand dollars

(\$25,000), and authorizing the City Administrator to execute a contract with Bunker Hill

Construction for an amount not-to-exceed one dollar (\$1) to perform the repair services and

authorize the work on City property, and authorizing waiver of the associated performance

bond (04-0435)

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

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

vote:

Votes:

ORA\Councilmember 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 78611 C.M.S.

Contract Number 04-1758

[04-0435.pdf,](#)

[Item 5 6-8-04.pdf,](#)

[Item S-10.14CC 6-15-04,](#)

[Resolution 78611.pdf](#)

S-10.15CC

Subject: Hazardous Elimination System Grant

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to accept and

appropriate the Hazardous Elimination Safety Grant in the amount of \$360,000 to replace storm

inlet grates on Oakland streets that have slots parallel to the direction of travel with bicycle-

proof drain grates, as recommended in the Caltrans Highway Design Manual, the American

Association of State Highway Transportation Officials (AASHTO) Guide for the Development

of Bicycle Facilities, and the City of Oakland Bicycle Master Plan (04-0438)

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

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

vote:

Votes:

ORA\Councilmember 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 78612 C.M.S.

[04-0438.pdf](#),

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

[Item S-10.15CC 6-15-04](#),

[Resolution 78612.pdf](#)

S-10.16CC

Subject: Shoreline Communications Inc.

From: Finance and Management Agency

Recommendation: Adopt the following legislation regarding a continued discussion of a pilot

voice over Internet Protocol (IP) project:

1) A Resolution authorizing the City Administrator or her designee to negotiate and execute a

seven year contract for the lease of telephone equipment and services with Shoreline

Communications Inc., for an amount not to exceed \$275,000 annually or \$1,650,000 over the

term of the contract, conditioned upon the successful completion and acceptance of a pilot

voice over IP project at 150 Frank H. Ogawa Plaza with telephone equipment furnished to the

City of Oakland at no cost during the pilot project without return to Council (TITLE CHANGE

); and (04-0401)

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

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

vote:

Votes:

ORA\Councilmember 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 78613 C.M.S.

Contract Number 04-1759

[04-0401.pdf](#),

[Item 3 FMC 5-25-04.pdf](#),

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

[Item S-10.16-1CC 6-15-04.pdf](#),

[Resolution 78613.pdf](#)

2) A Resolution authorizing the City Administrator or her designee to negotiate and execute a

purchase order with Enterasys Inc., 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 without

return to Council (04-0401a)

Withdrawn and Rescheduled to Concurrent Meeting of the Oakland

Redevelopment Agency / City Council on 7/6/2004

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

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

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

S-10.17CC

Subject: 2003 Raiders Ticket Revenue

From: Office of the City Manager

Recommendation: Adopt a Resolution decreasing estimated revenue from the 2003 Raiders

ticket surcharge and authorizing a transfer of \$164,740.75 from the non-departmental citywide

activities to the Office of Parks and Recreation to benefit Citywide youth activities (04-0420)

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

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

vote:

Votes:

ORA\Councilmember 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 78614 C.M.S.

The following individual spoke on Item S10.17CC:

- *Sanjiv Handa*

[04-0420.pdf](#),

[Item 5 6-8-04.pdf](#),

[Item S-10.17CC 6-15-04](#),

[Resolution 78614.pdf](#)

S-10.18CC

Subject: Quarterly Revenue and Expenditure Reports

From: Office of the City Administrator

Recommendation: Adopt a Resolution requiring the City Administrator to seek City Council

direction on projected overspending of any City Agency/Department, as reflected in Quarterly

Revenue and Expenditure Reports (04-0472a)

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

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

vote:

Votes:

ORA\Councilmember 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 78615 C.M.S.

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

[Item S-10.18CC 6-15-04](#),

[Resolution 78615.pdf](#)

S-10.19CC

Subject: Fiscal Year 2004-2005 Investment Policy

From: Finance and Management Agency

Recommendation: Adopt the following legislation regarding the City of Oakland and Oakland

Redevelopment Agency Investment Policy for Fiscal Year 2004-2005:

1) A Resolution adopting the City of Oakland Investment Policy for Fiscal Year 2004-2005;

and (04-0465)

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

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

vote:

Votes:

ORA\Councilmember 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 78616 C.M.S.

[04-0465.pdf](#),

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

[Item S-10.19CC 6-15-04.pdf](#),

[Resolution 78616.pdf](#)

2) An Agency Resolution adopting the Oakland Redevelopment Agency's Investment Policy for
Fiscal Year 2004-2005 (04-0465a)

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

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

vote:

Votes:

ORA\Councilmember 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

Agency Resolution Number 2004-31 C.M.S.

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

[ORA Resolution 2004-31.pdf](#)

S-10.20CC

Subject: Oakland Day Labor Program

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to negotiate and

execute a contract for professional services with Volunteers of America Bay Area, Inc. to

operate the Oakland Day Labor Program from July 1, 2004 through June 30, 2005 in an amount

not to exceed \$194,000 (04-0305)

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

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

vote:

Votes:

ORA\Councilmember 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 78617 C.M.S.

Contract Number 04-1760

[04-0305.pdf](#),

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

[Item S-10.20CC 6-15-04](#),

[Resolution 78617.pdf](#)

S-10.21CC

Subject: Phase II Broadway Streetscape Improvements

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution accepting and appropriating \$1,450,000 in Alameda

County Congestion Management Authority Transportation Improvement Program (CMA TIP)

grant funds for Phase II Broadway Streetscape Improvements, and authorizing a funding

agreement for the CMA TIP funds (04-0371)

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

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

vote:

Votes:

ORA\Councilmember 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 78618 C.M.S.

The following individuals spoke on Item 10.21CC:

- *John Grace*

- *Sanjiv Handa*

[04-0371.pdf](#),

[Item 5 6-8-04.pdf](#),

[Item S-10.21CC 6-15-04](#),

[Resolution 78618.pdf](#)

S-10.22CC

Subject: Transportation for Livable Communities (TLC) Grant Applications

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution authorizing the filing of applications to the Metropolitan

Transportation Commission for Community Design Planning and Capital Grants from the

Transportation for Livable Communities (TLC) Program (04-0383)

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

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

vote:

Votes:

ORA\Councilmember 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 78619 C.M.S.

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

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

[Item S-10.22CC 6-15-04,](#)

[Resolution 78619.pdf](#)

S-10.23CC

Subject: Revolving Loan Fund Plan

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution certifying revision of the City's Economic Development

Administration (EDA) Revolving Loan Fund (RLF) Administrative Plan, appropriating EDA

ELF loan repayments, and authorizing appropriation of future loan repayments (04-0387)

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

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

vote:

Votes:

ORA\Councilmember 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 78620 C.M.S.

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

[Item S-10.23CC 6-15-04](#),

[Resolution 78620.pdf](#)

S-10.24CC

Subject: Oakland Workforce Investment Board - ARC Ltd.

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution authorizing a contract for professional services with

ARC Services to support the work of the Oakland Workforce Investment Board from July 1,

2004 through June 30, 2005 in an amount not to exceed \$60,000 and the appropriation of

excess Workforce Investment Act Business Services Program income over budgeted revenues

for this contract (04-0395)

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

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

vote:

Votes:

ORA\Councilmember 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 78621 C.M.S.

Contract Number 04-1761

[04-0395.pdf,](#)

[Item 9 6-8-04.pdf,](#)

[Item S-10.24CC 6-15-04,](#)

[Resolution 78621.pdf](#)

S-10.25CC

Subject: Paratransit Services

From: Department of Human Services

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

with Bay Area Community Services; V. I. P. Transportation dba At Your Service (AYS) V. I. P

.; Friendly Transportation dba Friendly Cab Company; Greyline Cab Company; Metro Yellow

Cab Company; Yellow Cab Company; and Veterans Transportation, Inc. dba Veterans Cab

Company, to provide paratransit services for Fiscal Year 2004-2005 in an amount not to exceed

\$950,000 and to execute any amendments to the contracts for any additional amounts received

under the grant without returning to the City Council (04-0368)

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

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

vote:

Votes:

ORA\Councilmember 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 78622 C.M.S.

Contract Number 04-1762

The following individual spoke on Item 10.25CC:

- Sanjiv Handa

[04-0368.pdf](#),

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

[Item S-10.25CC 6-15-04](#),

[Resolution 78622.pdf](#)

S-10.26CC

Subject: Homeless Services and Emergency Shelter

From: Department of Human Services

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

agreements with homeless services and emergency shelter providers for the 2004-2005 and

2005-2006 Emergency Shelter Grant (\$369,672), Emergency Housing (\$115,000), and Winter

Relief (\$225,000) programs and authorizing match fund allocations from the Community

Promotions Program for services organizations for the 2004-2005 Matilda Cleveland

Transitional Housing Program (\$50,000), the Oakland Continuum of Care Plan (\$2,750) and

matching funds from the Emergency Housing Program allocation for the 2005-2006 Families in

Transition Program (\$133,000) (04-0269)

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

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

vote:

Votes:

ORA\Councilmember 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 78623 C.M.S.

Contract Number 04-1763

[04-0269.pdf,](#)

[Item 5 6-8-04.pdf,](#)

[Item S-10.26CC 6-15-04,](#)

[Item S-10.26CC SUPP 6-15-04.pdf,](#)

[Resolution 78623.pdf](#)

S-10.27CC

Subject: Senior Services "Set-Aside" Funding

From: Department of Human Services

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

between the City and eleven Oakland non-profit agencies (1st Presbyterian Church of Oakland,

Adult Day Services Network of Alameda County, Alameda County Community Food Bank,

Bay Area Community Services, Family Bridges, Legal Assistance for Seniors, Lifelong

Medical Care, Mercy Retirement and Care Center, Seton Senior Center, St. Mary's Center, and

United Seniors of Oakland and Alameda County) to provide services to senior citizens under

the Senior Services "Set-Aside" for Fiscal Year 2004-2005 in an amount not to exceed \$425,

724 (04-0294)

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

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

vote:

Votes:

ORA\Councilmember 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 78624 C.M.S.

Contract Number 04-1764

The following individual spoke on Item 10.27CC:

- *Sanjiv Handa*

[04-0294.pdf](#),

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

[Item S-10.27CC 6-15-04](#),

[Resolution 78624.pdf](#)

S-10.28CC

Subject: Library's Summer Reading Program

From: Oakland Public Library

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

of Oakland, to apply for, accept, and appropriate a grant in the amount of

\$59,050 from the Stocker Foundation for the Library's Summer Reading Program for Fiscal

Year 2004-2005 (04-0400)

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

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

vote:

Votes:

ORA\Councilmember 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 78625 C.M.S.

[04-0400.pdf,](#)

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

[Item S-10.28CC 6-15-04,](#)

[Resolution 78625.pdf](#)

S-10.29CC

Subject: Assembly Bill 2367 - Asthma Reduction in the City of Oakland

From: Council President De La Fuente

Recommendation: Adopt a Resolution proclaiming support for initiatives to prevent, reduce,

and treat Asthma among Oakland's Children, specifically State Assembly Bill 2367 authored by

Assemblywoman Wilma Chan (04-0462)

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

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

vote:

Votes:

ORA\Councilmember 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 78626 C.M.S.

[Item 7 6-10-04.pdf](#),

[Item S-10.29 CC 6-15-04](#),

[Resolution 78626.pdf](#)

S-10.30CC

Subject: AC Transit and BART Funds

From: President De La Fuente and Councilmember Quan

Recommendation: Adopt a Resolution opposing the proposal in the Governor's recent budget

for the Fiscal Year 2004-2005 (The "May Revise") to take funds from both the Alameda-Contra

Costa Transit District (AC Transit) and the Bay Area Rapid Transit District (BART) (04-0483)

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

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

vote:

Votes:

ORA\Councilmember 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 78627 C.M.S.

The following individual spoke on Item 10.30CC:

- *Sanjiv Handa*

[04-0483.pdf](#),

[Item 8 6-10-04.pdf](#),

[Item S-10.30CC 6-15-04.pdf](#),

[Resolution 78627.pdf](#)

S-10.31CC

Subject: Assembly Bill 2815 - Pre-Release Parole Plans

From: Oakland Police Department

Recommendation: Adopt a Resolution declaring the City of Oakland's support of Assembly Bill

2815 which will provide three pilot counties with pre-release parole plans for each parolee

released into those counties ninety (90) days prior to release (04-0485)

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

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

vote:

Votes:

ORA\Councilmember 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 78628 C.M.S.

[04-0485.pdf](#),

[Item 9 6-10-04.pdf](#),

[Item S-10.31CC 6-15-04](#),

[Resolution 78628.pdf](#)

S-10.32CC

Subject: Assembly Bill 2290 - Solid Waste Collection Services

From: Public Works Agency

Recommendation: Adopt a Resolution of the City of Oakland opposing Assembly Bill 2290 (

Chavez) which proposes to eliminate franchise and local agency fees collected from State

agencies for solid waste collection services (04-0501)

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

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

vote:

Votes:

ORA\Councilmember 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 78629 C.M.S.

[Item 10 SUPP 6-10-04.pdf](#),

[Item S-10.32CC 6-15-04](#),

[Resolution 78629.pdf](#)

S-10.33CC

Subject: Proposition 218 - Amendment 10

From: Public Works Agency

Recommendation: Adopt a Resolution of the City of Oakland supporting Assembly

Constitutional Amendment 10 (ACA 10) which exempts fees and charges for storm water and

urban runoff management from requirements of Proposition 218 (04-0517)

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

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

vote:

Votes:

ORA\Councilmember 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 78630 C.M.S.

[Item 11 SUPP 6-10-04.pdf,](#)

[Item S-10.33CC 6-15-04,](#)

[Resolution 78630.pdf](#)

S-10.34CC

Subject: Assembly Bill 2690 - Volunteer Labor

From: Public Works Agency

Recommendation: Adopt a Resolution of the City of Oakland supporting Assembly Bill 2690 -

change existing laws to exempt volunteer labor from prevailing wage requirements for public

works projects (04-0518)

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

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

vote:

Votes:

ORA\Councilmember 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 78631 C.M.S.

[Item 12 SUPP 6-10-04.pdf](#),

[Item S-10.34CC 6-15-04](#),

[Resolution 78631.pdf](#)

11

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

Closed Session

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

Reid, 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

There were four final decisions made during closed session:

1) Agenda Item No. 2C: Doeskins v. City

Council authorized settlement in the amount of \$40,000.

Plaintiffs claims that Oakland police officers violated the 4th Amendment to

the United States Constitution, which prohibits unreasonable searches and

seizures, when they entered and searched their home incident to a search

warrant that mis-identified plaintiffs' home as the site for the search.

Motion Made by: Councilmember Wan

Motion Seconded by: Councilmember Nadel

8 Ayes: *Brooks Brunner Chang Nadel Quan Reid Wan President*

De La Fuente

2) *Agenda Item 2D:: Yepez v. City*

Council authorized settlement in the amount of \$35,000.

Plaintiff was sited and arrested for public intoxication. Plaintiff claimed an

Oakland police officer used excessive force in the course of transporting him to

the City jail. He suffered a laceration to his right eye which required 4 stitches.

Motion Made by: Councilmember Reid

Motion Seconded by: Councilmember Brooks

8 Ayes: *Brooks Brunner Chang Nadel Quan Reid Wan President*

De La Fuente

3) Agenda Item No. 2E: State of California v. City (Chabot Golf Course

Consent Decree)

Council authorized modification of the consent decree which required the City

to restore the San Leandro Creek, plant and maintain riparian vegetation along

the headwaters of the creek and eliminate discharge of pollutants. City has not

been successful in maintaining riparian vegetation.

Modification to the consent decree will end the City's obligations in exchange

for payment of \$20,000 to the Butters Trust for the purchase of real property

along the Peralta Creek and Butters Canyon.

Motion Made by: Councilmember Vice Mayor Chang

Motion Seconded by: Councilmember Brooks

8 Ayes: Brooks Brunner Chang Nadel Quan Reid Wan President

De La Fuente

4) Agenda Item No. 2F: Silveira v. City and Webber v. City

Council authorized settlement of lawsuits challenging the City's adoption of the

Central City East Redevelopment Plan.

The settlement requires that the City remove the Fifth Avenue Point property (

499 Embarcadero or One Fifth Avenue) from the Central City East

Redevelopment Area. City will pay no attorneys' fees or costs to plaintiffs.

Motion Made by: Councilmember Brooks

Motion Seconded by: Councilmember Reid

8 Ayes: Brooks Brunner Chang Nadel Quan Reid Wan President

De La Fuente

12

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

Agency/Councilmember Chang made a motion seconded by Agency/

Councilmember 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

There was no action necessary for this item.

14. Consideration of items with statutory Public Hearing Requirements:

14.1

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 pieces of legislation:

1) Adopt a Resolution accepting and confirming reports of the City Administrator 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 (04-0498)

A motion was made by Councilmember Brooks, seconded by

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

the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

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

opened 8:17 p.m.

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: Brooks, Brunner, Chang,

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

The following individual spoke on Item 14.1:

- Sanjiv Handa

Resolution Number 78632 C.M.S.

[Item 14.1 6-15-04.pdf,](#)

[Resolution 78632.pdf](#)

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

Administrator 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 (04-0498b)

Not Adopted

[Item 14.1 6-15-04.pdf](#)

3) Adopt a Resolution continuing hearing on reports of the City Administrator 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 (04-0498c)

Not Adopted

[Item 14.1 6-15-04.pdf](#)

14.2

Subject: Delinquent Real Property Transfer Taxes - Public Hearing

From: Finance and Management Agency

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

Real Property Transfer Taxes and upon conclusion adopt one of the following Resolutions:

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

incurred by the City of Oakland for delinquent real property transfer taxes, and confirming the

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

Chapter 4.20 of the Oakland Municipal Code, and directing the notice of lien and assessment

charges to be turned over to the County Tax Collector for collection; or (04-0496)

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

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

vote:

Votes:

ORA\Councilmember 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

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

opened 8:18 p.m.

Agency/Councilmember Chang made a motion, seconded by Agency/

Councilmember Wan, to close the Public Hearing, and hearing no objections,

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

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

The following individual spoke on Item 14.2:

- *Sanjiv Handa*

Resolution Number 78633 C.M.S.

[Item 14.2 6-15-04.pdf,](#)

[Resolution 78633.pdf](#)

2) Adopt a Resolution overruling protests and objections, and accepting and confirming

reports of the City Administrator on the costs incurred by the City of Oakland for delinquent

real property transfer taxes, and authorizing the recordation of liens, administrative charges as

necessary - pursuant to Chapter 4.20 of the Oakland Municipal Code, and directing the notice

of lien and assessment charges to be turned over to the County Tax Collector for collection; or (

04-0496b)

Not Adopted

[Item 14.2 6-15-04.pdf](#)

3) Adopt a Resolution continuing hearing on reports of the City Administrator on the

delinquent real property transfer taxes and confirming the recordation of liens, administrative

charges, and assessment charges as necessary pursuant to Chapter 4.20 of the Oakland

Municipal Code, and directing the notice of lien and assessment charges to be turned over to

the Alameda County Tax Collector for collection (04-0496c)

Not Adopted

[Item 14.2 6-15-04.pdf](#)

14.3

Subject: Delinquent Mandatory Garbage Fees - Public Hearing

From: Finance and Management Agency

Recommendation: Conduct a Public Hearing regarding Delinquent Mandatory Garbage Fees

for January - March 2004, quarterly accounts and October - December 2003 monthly accounts

and upon conclusion adopt one of the following Resolutions:

1) Adopt a Resolution accepting and confirming reports of the City Administrator on the costs

incurred by the City of Oakland for delinquent garbage service fees, and confirming the

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

Chapter 8.28 of the Oakland Municipal Code, and directing the notice of lien and assessment

charges to be turned over to the County Tax Collector for collection; or (04-0497)

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

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

vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

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

opened 8:20 p.m.

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

Councilmember Chang, 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

Resolution Number 78635 C.M.S.

The following individuals spoke on Item 14.3:

- *Suzanne Iyer*

- *Sanjiv Handa*

[Item 14.3 6-15-04.pdf,](#)

[Resolution 78634.pdf](#)

2) Adopt a Resolution overruling protests and objections, and accepting and confirming

reports of the City Administrator on the costs incurred by the City of Oakland for delinquent

garbage service fees, and authorizing the recordation of liens, administrative charges, as

necessary, pursuant to Chapter 8.28 of the Oakland Municipal Code, and directing the notice of

lien and assessment charges to be turned over to the County Tax Collector for collection; or (04

-0497b)

Not Adopted

[Item 14.3 6-15-04.pdf](#)

3) Adopt a Resolution continuing hearing on reports of the City Administrator on the

delinquent garbage service fees, and confirming the recordation of liens, administrative

charges, and assessment charges, as necessary, pursuant to Chapter 8.28 of the Oakland

Municipal Code, and directing the notice of lien and assessment charges to be turned over to

the Alameda County Tax Collector for collection (04-0497c)

Not Adopted

[Item 14.3 6-15-04.pdf](#)

14.4

Subject: Jack London Development Project - Public Hearing

From: Community and Economic Development Agency

Recommendation: Conduct a Public Hearing and upon conclusion adopt the following

legislation related to the Jack London Development Project - Nine Sites in Jack London Square

Bounded by Harrison Street to the West, 2nd Street to the North, Alice Street to the East and

the Estuary to the South (Councilmember Nadel, District 3)

1) Adopt a Resolution upholding the appeal of Jack London Square Partners, LLC as to fast

food uses only and partially upholding the appeal of Gary Knecht as to parking mitigation and

design review only, and otherwise sustaining the March 17, 2004 Planning Commission

approval for the Jack London Square revised project, and approving the Jack London Project as

revised (04-0426)

A motion was made by Councilmember Brunner, 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

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

opened 8:25 p.m.

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 Fuente -8

The following individuals spoke on Item 14.4:

- *Deno Gianopoulos*

- *Daniel Borgstrom*

- *Cynthis Shartzer*

- *Simon Waddington*

- *JoAnn (Jack London Mail)*

- *Glynda Hull*

- *Joanna Adler*

- *John Grace*

- *David Kelson*

- *Gary Knecht*

- *Melanie Gould*

- *Stephanie Russell*

- *Orna Sasson*

- *Marianne Dreisbach*

- *Dolores Jaquez*

- *Yui Lee*

- *Michael Le Blanc*

- *Gary Weatherford*

- *Glen Jarvis*

- *Wil Hardee*

- *Gordon Galvan*

- *Lou Rigali*

- *Helen Hutchison*

- *Pat Maginnis*

- *Ben Delancy*

- *Sandra Threlfall*

- *Virginia Browning*

- *Sanjiv Handa*

[Item 14.4 Staff Report 6-15-04.pdf,](#)

[Resolution-Appeals Att. 4 6-15-04.pdf,](#)

[Resolution 78635.pdf](#)

2) Approve the Introduction (First 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)

Approved on Introduction for Final Passage to Concurrent Meeting of the

Oakland Redevelopment Agency / City Council on 7/6/2004

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

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

3) Approve the Introduction (First 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)

Approve as Amended on Introduction for Final Passage to Concurrent

Meeting of the Oakland Redevelopment Agency / City Council on 7/6/2004

Please refer to Attachment A for detailed text regarding the amendments to the proposed Development Agreement.

[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](#)

14.5

Subject: Updated Housing Element - Public Hearing

From: Community and Economic Development Agency

Recommendation: Conduct a Public Hearing and upon conclusion Adopt a Resolution

approving a Mitigated Negative Declaration and adopting the Housing Element, an element of

the General Plan (GP04-069) (Vice Mayor Chang, Citywide) (04-0381)

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

opened 10:25 p.m.

Agency/Councilmember ---- made a motion, seconded by Agency/

Councilmember ---, 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

The following individuals spoke on Item 14.5CC:

- *Jacquee Castain*

- *Cynthis Shartz*

- *Astrid Lacitis*

- *Deb Hanni*

- *Helen Hutchison*

- *James Vann*

- *Eddie Ytuarte*

- *Orna Sasson*

- *Susan Schacher*

- *Arlinda Befort*

- *Sanji Handa*

[04-0381.pdf](#),

[Item 7 CEDC 5-25-04.pdf](#),

[Item 14.5 6-15-04,](#)

[Item 14.5 SUPP 6-15-04.pdf,](#)

[Resolution 78636.pdf](#)

*The City Council moved, seconded and carried a motion to extend the meeting
past 10:30 pm.*

ACTION ON NON-CONSENT ITEMS:
15

Subject: Community Policing and Violence Prevention Program

From: City Administrator's Office

Recommendation: A Discussion and Action on a Report from the City Administrator, City

Attorney and City Clerk regarding community policing and violence prevention program

options and impacts, and other issues related to drafting a November 2004 ballot measure (04-

0389-6a)

Continued to Special Concurrent Meeting of the Oakland Redevelopment

Agency/City Council

Fiscal Year 2004-2005 Mid-Cycle

Budget Review on 6/29/2004

The following individuals spoke on Items 15 and 15.1:

- *Colleen Brown*

- *Amy McGonagle*

- *Mary Forte*

- *Vertis Whitaker*

- *Don Link*

- *Sylvester Grisby*

- *Nancy Warren*

- *Jennifer Mann*

- *Gary Sirbu*

- *Mary Fifeild*

- *Dorsey Nunn*

- *Mark W. Daly*

- *Svea O' Banion*

- *Audrey Grisby*

- *Bill Ashley*

- *Frank Rose*

- *Maria La Place*

- *Amy Chen*

- *Josephine Lee*

- *Charles Porter*

- *Frank Aalbers*

- *Val Eisman*

- *Sanjiv Handa*

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

Councilmember Reid to take the common elements of the three proposals,

analyze and show the cost for each element, chart the differences between the

three proposals, and establish a baseline of 63 new officers

Elements:

Community Policing

Neighborhood Outreach Workers (non law enforcement)

Truancy Services

Parolee Intervention

Domestic Violence

Model Jobs Program

and return to the June 29, 2004 Special City Council Meeting with a proposed

ballot measure for discussion, and upon the call of the roll, the motion passed

by Ayes: Agency/Councilmember: Chang, Reid, Quan, Wan and President of

the Council De La Fuente -3; Noes: Brooks, Brunner and Nadel - 3

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

[Item 15 SUPP 6-15-04.pdf](#)

Subject: Violence Prevention Ballot Measure

From: Office of the City Attorney

Recommendation: A Discussion and Action on a Report regarding multiple funding

mechanisms in a single ballot measure and regarding the use of a special assessment district for

the Violence Prevention Measure (04-0389-6b)

Continued to Special Concurrent Meeting of the Oakland Redevelopment

Agency/City Council

Fiscal Year 2004-2005 Mid-Cycle

Budget Review on 6/29/2004

[Item 15.1 6-15-04.pdf,](#)

[Item 15.1 SUPP 6-15-04.pdf](#)

16

Subject: Supportive Housing Program/Homeless Families Support Network

From: Department of Human Services

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

agreement with Phoenix Programs, Inc. under the Supportive Housing Program /Homeless

Families Support Network in an amount not to exceed \$1,180,161 and with any future

providers in future program years, for provision of transitional housing under HUD's

Supportive Housing Program, without returning to Council (04-0507)

A motion was made by Councilmember Brooks, seconded by

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

by the following vote:

Votes:

ORA\Councilmember Ayes: 8 - Councilmember Nadel, Councilmember

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

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

Chang

Resolution Number 78637 C.M.S.

Contract Number 04-1765

[Item 16 6-15-04.pdf](#),

[Resolution 78637.pdf](#)

17

Subject: National Organic Program

From: Councilmember Brunner

Recommendation: Adopt a Resolution encouraging the United States Department of

Agriculture to work cooperatively with organic producers and consumers in developing

standards for the National Organic Program, which the Federal Government's Department of

Agriculture administers to develop national standards for the marketing of organically produced

products and ensure consistent standards for such products (04-0484)

A motion was made by Councilmember Brunner, 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 78638 C.M.S.

[Item 17 6-15-04.pdf](#),

[Resolution 78638.pdf](#)

S-18

Subject: Grand Avenue Transit/Pedestrian Improvement Project

From: Public Works Agency

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

appropriate \$245,847 in Fiscal Year 2004-2005 Transportation Development Act (TDA) Funds

for the Grand Avenue Transit/Pedestrian Improvement Project (Euclid, Staten, Perkins and 21st

/Harrison intersections) (04-0437)

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 78639 C.M.S.

[04-0437.pdf](#),

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

[Item S-18 SUPP 6-15-04.pdf](#),

[Resolution 78639.pdf](#)

S-19

Subject: Oakland Fine Arts Summer School

From: Office of Parks and Recreation

Recommendation: Adopt a Resolution authorizing the City Administrator to accept and

appropriate an amount of \$70,000 from the Oakland Unified School District for the Oakland

Fine Arts Summer School (04-0550)

***Withdrawn with No New Date**

[Item S-19 6-15-04.pdf](#)

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

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

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

Council adjourned the meeting in memory of Georgia Smith, Elder Carl

Howard, Bruce Sage, and Avon Manning at 1:17 a.m.

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