



# SUPPLEMENTAL

## City of Oakland

### Meeting Agenda

#### Concurrent Meeting of the Oakland Redevelopment Agency/ City Council

Office of the City Clerk  
Oakland City Hall  
1 Frank H. Ogawa Plaza  
Oakland, California 94612  
LaTonda Simmons, City Clerk

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**Tuesday, September 21, 2004**

**6:00 PM**

**Oakland City Hall, 3rd Floor**

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- 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
- 3 Open Forum / Citizens Comments  
(Time Available: 15 minutes)
- 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)
- 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.
- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on July 20, 2004

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

- 8.1 Subject: First Carfree Day  
From: Councilmember Nancy Nadel  
Recommendation: Adopt a Resolution proclaiming Thursday, September 23, 2004, as the City of Oakland's First Carfree Day to encourage transportation alternatives to driving alone  
(04-0679)
- 8.2 Subject: Sandra Marburg - Service Recognition  
From: Councilmember Reid  
Recommendation: A Proclamation honoring Sandra Marburg for her dedicated participation in the Keep Oakland Beautiful Program  
(04-0589)

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency/ City Council

---

Tuesday, September 21, 2004

8.3            Subject:    Honoring Andre Ward for Winning the Gold Medal  
                  From:        Council President De La Fuente and Councilmember Reid  
                  Recommendation: Adopt a Resolution honoring Andre Ward for winning the Gold Medal in the Light Heavyweight Division of the 2004 Olympics in Athens Greece  
                  [\(04-0705\)](#)

S-8.4         Subject:    Marriage Equality Express Day  
                  From:        Councilmember Wan  
                  Recommendation: Adopt a Resolution congratulating the Marriage Equality Express on its Cross-country Educational Expedition and declaring October 4, 2004 Marriage Equality Express Day  
                  [\(04-0729\)](#)

**Pursuant to Section Section 2.20.080(E)2 of the Sunshine Ordinance an urgency finding was made at the September 16, 2004 Rules and Legislation Committee to place this item on the agenda for the following reasons: 1) That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action relates to a purely ceremonial or commendatory action.**

**This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.**

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

# SUPPLEMENTAL

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

**Tuesday, September 21, 2004**

---

## **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  
[\(04-0687\)](#)
- 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  
[\(04-0688\)](#)
- 10.3CC      Subject:      Carrie A. Peters - 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 Geico Insurance as subrogee of Carrie A. Peters in the amount of \$7,630.00 as a result of a vehicle collision involving a City vehicle (OPD)  
[\(04-0683\)](#)
- 10.4CC      Subject:      Eleanor Colbert - 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 Eleanor Colbert v. City of Oakland, et al., Superior Court, County of Alameda, Case No. RG03-099523, in the amount of \$15,000.00 as a result of a trip and fall accident in the vicinity of 9750 Golf Links Road, Oakland, on September 10, 2002 (Public Works Agency)  
[\(04-0681\)](#)
- 10.5CC      Subject:      Caffie Jones - Settlement Agreement  
From:        Office of the City Attorney  
Recommendation: Adopt a Resolution authorizing and directing the City Attorney to compromise and settle the bodily injury claim of Caffie Jones in the amount of \$6,000.00 as a result of a vehicle collision involving a city vehicle (OPD)  
[\(04-0682\)](#)
- 10.6CC      Subject:      Stephanie Brill - 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 Stephanie Brill v. City of Oakland, et al., Alameda County Superior Court Case No. RG03-080168, our file no. 22393, in the amount of \$9,000.00. this case involves a trip and fall accident on a broken portion of sidewalk.  
(Office of Public Works)  
[\(04-0706\)](#)

# SUPPLEMENTAL

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

**Tuesday, September 21, 2004**

---

10.7CC Subject: Tract Map No. 7500  
From: Community and Economic Development Agency  
Recommendation: Adopt a Resolution approving final map of Tract Map No. 7500, a seven lot subdivision located at Bernhardt Drive, Oakland, Alameda County, California  
(04-0680)

10.8CC Subject: Combined Charities Campaign for 2005  
From: Community and Economic Development Agency  
Recommendation: Adopt a Resolution supporting the Combined Charities Campaign for 2005  
(04-0690)

S-10.9CC Subject: Earthquake Retrofit of Designated Bridges  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing the acceptance and appropriation of an additional two hundred seven thousand seven hundred eleven dollars (\$207,711) in Federal Highway Funds for a total project budget of two million seven hundred five thousand eight hundred fifty dollars (\$2,705,850) for the Earthquake Retrofit of Broadway-Patton, Hegenberger, and Hamilton Bridges (Project Number H24010)  
(04-0674)

**The September 14, 2004 Public Works Committee approved  
recommendations; 3 Ayes, 1 Excused - Chang**

S-10.10CC Subject: Overtime Reimbursement Costs  
From: Oakland Police Department  
Recommendation: Adopt a Resolution authorizing the City Administrator to accept and appropriate a maximum of twelve thousand dollars (\$12,000) in Federal Funds from the Department of Justice, United States Drug Enforcement Administration (USDEA), to the Oakland Police Department (OPD) in overtime reimbursement costs for three (3) Police Officers assigned to an Organized Crime Drug Enforcement Task Force (OCDETF) for the period of October 1, 2004 to September 30, 2005  
(04-0667)

**The September 14, 2004 Public Safety Committee approved  
recommendations; 4 Ayes**

S-10.11CC Subject: Certified Academy Recruit Training Officer Course  
From: Oakland Police Department  
Recommendation: Adopt a Resolution authorizing the City Administrator, on behalf of the City of Oakland, to execute an agreement with the California Commission on Peace Officer Standards and Training (POST) for the purpose of permitting the Police Department to present the POST Certified Academy Recruit Training Officer Course up to three times to a maximum cumulative total of seventy-two (72) students, and to receive up to eight thousand four hundred fifty-three dollars and eighty-two cents (\$8,453.82) in reimbursement funds  
(04-0669)

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency/ City Council

Tuesday, September 21, 2004

---

**The September 14, 2004 Public Safety Committee approved  
recommendations; 4 Ayes**

S-10.12CC Subject: POST Certified Emergency Vehicle Operations Course (EVOC)  
From: Oakland Police Department  
Recommendation: Adopt a Resolution authorizing the City Administrator, on behalf of the City of Oakland, to execute an agreement with the California Commission on Peace Officer Standards and Training (POST) for the purpose of permitting the Police Department to present the POST Certified Emergency Vehicle Operations Course (EVOC) to a maximum of eighty (80) police officer trainees and to receive up to thirty-five thousand six hundred dollars (\$35,600) in reimbursement funds, at a rate of four hundred forty-five dollars (\$445) per student  
(04-0670)

**The September 14, 2004 Public Safety Committee approved  
recommendations; 4 Ayes**

S-10.13CC Subject: Global Warming  
From: Councilmember Nadel  
Recommendation: Adopt a Resolution in Support of California's Law to reduce Global Warming pollution from passenger cars and light trucks  
(04-0655)

**The September 16, 2004 Rules and Legislation Committee approved  
recommendations; 4 Ayes**

- 11 An oral report from the Agency Counsel / City Attorney of final decisions made during Closed Session
- 12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 15 to the Sunshine Ordinance

**AGENDA ITEMS ARE CONTINUED ON THE FOLLOWING PAGES**

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency/ City Council

Tuesday, September 21, 2004

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

13 Reconsideration of Ordinances pursuant to Charter Section 216

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

14.1 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

[\(04-0693\)](#)

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

[\(04-0693a\)](#)

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

[\(04-0693b\)](#)

**ADDITIONAL ITEMS ARE CONTINUED ON THE FOLLOWING  
PAGES**

# SUPPLEMENTAL

- 14.2      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, monthly accounts and April - June 2004 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  
[\(04-0694\)](#)
  - 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  
[\(04-0694a\)](#)
  - 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  
[\(04-0694b\)](#)

**ADDITIONAL ITEMS ARE CONTINUED ON THE FOLLOWING  
PAGES**

# SUPPLEMENTAL

- 14.3      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  
      (04-0695)
  - 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  
      (04-0695a)
  - 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  
      (04-0695b)

**ADDITIONAL ITEMS ARE CONTINUED ON THE FOLLOWING  
PAGES**



# SUPPLEMENTAL

14.4      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 [\(04-0696\)](#)
- 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 [\(04-0696a\)](#)
- 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  
[\(04-0696c\)](#)

**ADDITIONAL ITEMS ARE CONTINUED ON THE FOLLOWING  
PAGES**

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency/ City Council

Tuesday, September 21, 2004

14.5 Subject: ~~On Broadway Permit Revocation – Public Hearing~~  
From: ~~Office of the City Administrator~~  
Recommendation: ~~Conduct a Public Hearing and upon conclusion approve the recommendation to revoke the "On Broadway" cabaret permit and deny the appeal of Charles Clewis (Councilmember Nadel, District 3)~~  
(04-0686)

**This item was withdrawn and rescheduled to the November 16, 2004 City Council agenda at the September 16, 2004 Rules and Legislation Committee agenda**

14.6 Subject: Tree Permit Appeal-4437 Mountain View Avenue - Public Hearing  
From: Office of Parks and Recreation  
Recommendation: Conduct a Public Hearing and upon conclusion adopt a Resolution denying the appeal filed by Guy Moore and Shirley Leonard-Moore against the decision of the Director of the Office of Parks and Recreation approving the issuance of a tree removal permit - DR04-021 at 4455 - Mountain View Avenue (Councilmember Brooks - District 6)  
(04-0524)

**This item was continued from the July 20, 2004 City Council agenda**

14.7 Subject: ~~MacArthur Boulevard Utility Undergrounding – Public Hearing~~  
From: ~~Public Works Agency~~  
Recommendation: ~~Conduction a Public Hearing and upon conclusion Adopt a Resolution authorizing award of a construction contract to the responsible low bidder, Underground Construction Company, Inc., in an amount not to exceed \$9,606,878.45 for Undergrounding Utility District No. 233, on MacArthur Boulevard (from 73rd Avenue to the San Leandro City line) using \$1,671,685 in City of Oakland funds out of a budget of \$2,000,000 for the project and payments from PG&E, SBC, and Comcast totaling \$7,935,192 (Councilmember Brooks, District 6)~~  
(04-0648)

**This item was withdrawn at the September 16, 2004 Rules and Legislation and rescheduled to the September 28, 2004 Public Works Committee.**

14.8 Subject: ~~Uptown Partners – Public Hearing~~  
From: ~~Finance and Management Agency~~  
Recommendation: ~~Conduct a Public Hearing and upon conclusion adopt a Resolution declaring the official intent of the City of Oakland regarding certain capital expenditures for Uptown Partners, LLC, to finance the construction of rental housing in the City of Oakland, in an amount not to exceed \$160,000,000 to be reimbursed from the proceeds of a tax exempt obligation (Councilmember Nadel, District 3)~~  
(04-0662)

**This item was withdrawn and rescheduled under the Non-Consent portion of this agenda at the September 16, 2004 Rules and Legislation Committee.**

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency/ City Council

---

Tuesday, September 21, 2004

ADDITIONAL ITEMS ARE CONTINUED ON THE FOLLOWING  
PAGES

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency/ City Council

Tuesday, September 21, 2004

- 14.9      Subject:      ~~Check Cashiers and Check Cashing Businesses – Public Hearing~~  
From:          ~~Community and Economic Development Agency~~  
Recommendation: ~~Conduct a Public Hearing and upon conclusion approve the~~  
~~Introduction (First Reading) of an Ordinance amending the Oakland Planning Code to~~  
~~add a new use classification and amend related code sections to regulate check cashiers~~  
~~and or check cashing businesses and limiting where such activities may be permitted~~  
~~(Vice Mayor Chang, City wide)~~  
[\(04-0650\)](#)

**This item was withdrawn and rescheduled at the September 16, 2004 Rules and Legislation Committee agenda to the October 5, 2004 Council agenda as a Public Hearing.**

## ACTION ON NON-CONSENT ITEMS:

- 15          Subject:      Ratification of the Mayor's Actions During 2004 Recess  
From:          Office of the City Clerk  
Recommendation: Adopt a Resolution ratifying action taken by the Mayor during the  
Oakland City Council 2004 Annual Recess in conformance with Resolution Number  
78307 C.M.S. dated January 20, 2004  
[\(04-0689\)](#)
- 16          Subject:      Interstate-880 North Safety Improvement Project  
From:          Council President De La Fuente  
Recommendation: Adopt a Resolution designating the Alameda County Congestion  
Management Agency (ACCMA) as the lead project sponsor and implementing agency  
for the Interstate-880 North Safety Improvement Project, with Oakland's Community and  
Economic Development Agency as an active partner that ACCMA will consult and  
include in all material discussions.  
[\(04-0691\)](#)
- 17          Subject:      Oakland Chinatown Advisory Committee Appointments  
From:          Councilmember Wan  
Recommendation: Adopt a Resolution appointing Colland Jang and Christopher Tom as  
the City of Oakland representatives and Willie Yee as an alternate representative on the  
Oakland Chinatown Advisory Committee, per the settlement agreement in the matter of  
the City of Oakland v. City of Alameda Point (Alameda County Superior Court case  
number RG-03133599), between the City of Oakland, City of Alameda, Asian Health  
Services and the Oakland Chinatown Chamber of Commerce (Alameda Point General  
Plan Amendment).  
[\(04-0692\)](#)

**ADDITIONAL AGENDA ITEMS ARE CONTINUED ON THE  
FOLLOWING PAGES**

# SUPPLEMENTAL

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

**Tuesday, September 21, 2004**

---

18           Subject:     Cultural Arts Revolving Loan Program  
              From:       Cultural Arts and Marketing Department  
              Recommendation: Adopt a Resolution rescinding Resolution Number 94-43 C.M.S.,  
              which authorized the implementation of the Cultural Arts Revolving Loan Program  
              managed by the Oakland Business Development Corporation, and authorizing the City's  
              participation in the Arts Loan Fund managed by the Northern California Grantmakers  
              (04-0424)

**This item was withdrawn by Councilmember Brooks and rescheduled to  
the September 21, 2004 City Council agenda**

19           Subject:     Nuisance Abatement Liens and Costs  
              From:       Community and Economic Development Agency  
              Recommendation: Approve the Introduction (First Reading) of an Ordinance amending  
              Oakland Municipal Code Sections 15.08.130, 1.08.040, 1.12.040 and 1.16.040 to  
              authorize foreclosure proceedings to collect nuisance abatement liens and costs, and  
              amending Oakland Municipal Code 1.08.060 to increase the maximum annual  
              cumulative civil penalties from \$250,000 to \$365,000.  
              (04-0604)

**This item was withdrawn by Councilmember Brooks and rescheduled to  
the September 21, 2004 City Council agenda**

**Final Passage (Second Reading) has been scheduled for October 5, 2004**

20           Subject:     Street Tree Protection  
              From:       Councilmember Brunner  
              Recommendation: Approve the Final Passage (Second Reading) of an Ordinance  
              amending Oakland Municipal Code Sections 12.36.010 and 12.36.090 and adding a new  
              Section 12.04.400 for the purpose of further protecting Oakland's City-owned street trees  
              (04-0543)

**Introduction (First Reading) was approved July 20, 2004; 8 Ayes**

21           Subject:     Library Advisory Commission Appointments  
              From:       Office of the Mayor  
              Recommendation: Adopt a Resolution appointing Bridget Berrigan as a member of the  
              Library Advisory Commission  
              (04-0697)

22           Subject:     Citizen's Police Review Board  
              From:       Office of the Mayor  
              Recommendation: Adopt a Resolution appointing Angela Cheung as a member of the  
              Citizen's Police Review Board  
              (04-0698)

23           Subject:     Cultural Affairs Commission Appointments  
              From:       Office of the Mayor  
              Recommendation: Adopt a Resolution appointing Lolita Ratchford, Tony Caparelli, and

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency/ City Council

Tuesday, September 21, 2004

Nicole Neditch as a member of the Cultural Affairs Commission  
(04-0699)

24 Subject: Commission on Aging - Appointments  
From: Office of the Mayor  
Recommendation: Adopt a Resolution appointing Ron Timpson, Brenda Crawford,  
James D. Grady and Anne Spanier as members of the Commission on Aging  
(04-0700)

S-25 Subject: Foothill Bikeway  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing the City of Oakland to design and  
construct the Foothill Bikeway from 36th Avenue to 41st Avenue, by reconfiguring the  
travel lanes from four to three with a center turn lane, as part of the Foothill Resurfacing  
Project  
(04-0673)

**The September 14, 2004 Public Works Committee directed staff to prepare  
a Supplemental Report that provides clarification regarding possible  
set-aside funds from Measure B for Public Art; 2 Ayes; 1 Abstain - Quan;  
1 Excused - Chang**

S-26 Subject: Uptown Partners  
From: Finance and Management Agency  
Recommendation: Adopt a Resolution declaring the official intent of the City of Oakland  
regarding certain capital expenditures for Uptown Partners, LLC, to finance the  
construction of rental housing in the City of Oakland, in an amount not to exceed  
\$160,000,000 to be reimbursed from the proceeds of a tax-exempt obligation  
(04-0662)

**The September 14, 2004 Finance and Management Committee approved  
recommendations; 3 Ayes, 1 Excused - Brunner**

S-27 Subject: Purchase of Hotel Westerner  
From: Community and Economic Development Agency  
Recommendation: Adopt an Agency Resolution authorizing the Oakland Redevelopment  
Agency to purchase real properties known as the Hotel Westerner, located at 1920 San  
Pablo Avenue (Assessor's parcel number 008-0643-006), 1954 San Pablo Avenue  
(Assessor's parcel number 008-0644-021), and 610 William Street (Assessor's parcel  
number 008-0644-020) together with the purchase of furniture, fixtures, and equipment  
pertaining to the real property for the total sum of \$1,530,570, plus closing costs not to  
exceed \$69,430, for a total cost not to exceed \$1,600,000.  
(04-0646)

**At the Rules and Legislation Committee meeting of Thursday, September  
16, 2004 an Urgency Finding was made to place this item on the agenda;  
(1) The matter is time sensitive; and (2) that substantial adverse impact  
could result if deferred to a subsequent meeting.**

# SUPPLEMENTAL

**This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.**

S-27.1      Subject:      Purchase of Hotel Westerner  
From:            Office of the City Auditor  
Recommendation: Receive an Informational Report regarding the Agency Resolution authorizing the Oakland Redevelopment Agency to purchase real properties known as the Hotel Westerner, located at 1920 San Pablo Avenue (Assessor's parcel number 008-0643-006), 1954 San Pablo Avenue (Assessor's parcel number 008-0644-021), and 610 William Street (Assessor's parcel number 008-0644-020) together with the purchase of furniture, fixtures, and equipment pertaining to the real property for the total sum of \$1,530,570, plus closing costs not to exceed \$69,430, for a total cost not to exceed \$1,600,000.  
(04-0646ca)

**At the Rules and Legislation Committee meeting of Thursday, September 16, 2004 an Urgency Finding was made to place this item on the agenda; (1) The matter is time sensitive; and (2) that substantial adverse impact could result if deferred to a subsequent meeting.**

**This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.**

S-28            Subject:      Oakland Business Development Corporation (OBDC)  
From:            Community and Economic Development Agency  
Recommendation: Adopt the following pieces of legislation:  
1) A Resolution amending Resolution No. 78588 C.M.S. and authorizing the City Administrator to increase the amount of the agreement with the Oakland Business Development Corporation (OBDC) by \$122,400 for a total amount of \$512,733 during Fiscal Year 2004 - 2005 for expanded services and an increase of OBDC's lending authority to \$249,500 for City commercial loan programs; and  
(04-0078-1)  
2) An Agency Resolution authorizing the Agency Administrator to negotiate and execute an agreement with the Oakland Business Development Corporation for services to include the underwriting and approval of commercial loans in amounts not to exceed \$249,500  
(04-0078-2)

**At the Rules and Legislation Committee meeting of Thursday, September 16, 2004 an Urgency Finding was made to place this item on the agenda; (1) The matter is time sensitive; and (2) that substantial adverse impact could result if deferred to a subsequent meeting.**

**This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.**

# SUPPLEMENTAL

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

**Tuesday, September 21, 2004**

---

S-29            Subject:     2150 Franklin Street - Transfer of Interest Fee  
                 From:        Community and Economic Development Agency  
                 Recommendation: Adopt an Agency Resolution authorizing the Agency Administrator to negotiate and approve transfer of fee interest in 2150 Franklin Street, Oakland (former site of the Bermuda Building) and transfer the existing disposition and development agreement from Oakland Bermuda, LLC to Prentiss Properties Acquisition Partners, LP  
[\(04-0678\)](#)

**At the Rules and Legislation Committee meeting of Thursday, September 16, 2004 an Urgency Finding was made to place this item on the agenda; (1) The matter is time sensitive; and (2) that substantial adverse impact could result if deferred to a subsequent meeting.**

**This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.**

S-30            Subject: Oak Knoll Redevelopment Project Area  
                 From:        Community and Economic Development Agency  
                 Recommendation: Adopt the following legislation:  
                 1) Adopt an Agency Resolution authorizing the Agency Administrator to enter into a contract with Burns & Watry, Inc. for services for the proposed merger of the Central City East and Oak Knoll Redevelopment Areas for an amount not to exceed \$53,500 and \$1,500 for Contract Compliance Services  
[\(04-0677\)](#)

                 2) Adopt an Agency Resolution authorizing the Agency Administrator to enter into a contract with Keyser Martson Associates, Inc. for services for the proposed merger of the Central City East and Oak Knoll Redevelopment Areas for an amount not to exceed \$53,500 and \$1,500 for Contract Compliance Services  
[\(04-0677a\)](#)

                 3) An Agency Resolution transferring \$120,000 from land sales proceeds to Redevelopment Planning Fund and allocating \$10,000 for public noticing services for the proposed merger of the Central City East Redevelopment Project Area and the Oak Knoll Redevelopment Project Area  
[\(04-0677b\)](#)

**At the Rules and Legislation Committee meeting of Thursday, September 16, 2004 an Urgency Finding was made to place this item on the agenda; (1) The matter is time sensitive; and (2) that substantial adverse impact could result if deferred to a subsequent meeting.**

**This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.**

S-31            Subject:     Oakland State Enterprize Zone Program  
                 From:        Community and Economic Development Agency  
                 Recommendation: Adopt a Resolution authorizing the City Administrator to enter into a



# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency/ City Council

Tuesday, September 21, 2004

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Memorandum of Understanding and audit agreement with the State of California  
Business, Transportation and Housing Agency regarding the City of Oakland's Enterprise  
Zone Program  
(04-0663)

**At the Rules and Legislation Committee meeting of Thursday, September  
16, 2004 an Urgency Finding was made to place this item on the agenda;  
(1) The matter is time sensitive; and (2) that substantial adverse impact  
could result if deferred to a subsequent meeting.**

**This item requires an urgency finding pursuant to Section 2.20.080 E(2) of  
the Sunshine Ordinance requiring a 2/3 majority vote.**

S-32

Subject: Professional Service Contract - OCCUR Community Information Service  
From: Community and Economic Development Agency  
Recommendation: Adopt a Resolution amending Resolution No. 78467 C.M.S.  
authorizing a Professional Service Contract with OCCUR Community Information  
Service, Mills College and California Main Street Alliance for the provision of  
consulting services for establishment of a Main Street Program in City Council District  
Six, to delete the California Main Street Alliance  
(04-0664)

**At the Rules and Legislation Committee meeting of Thursday, September  
16, 2004 an Urgency Finding was made to place this item on the agenda;  
(1) The matter is time sensitive; and (2) that substantial adverse impact  
could result if deferred to a subsequent meeting.**

**This item requires an urgency finding pursuant to Section 2.20.080 E(2) of  
the Sunshine Ordinance requiring a 2/3 majority vote.**

**AGENDA ITEMS ARE CONTINUED ON THE FOLLOWING PAGES**

# SUPPLEMENTAL

Concurrent Meeting of the Oakland  
Redevelopment Agency/ City Council

Tuesday, September 21, 2004

- S-33      Subject:     California Cultural and Historical Endowment Program - Proposition 40  
From:        Public Work Agency  
Recommendation: Adopt the following pieces of legislation:  
1) A Resolution authorizing the City Administrator to apply for, accept, and appropriate grant funds from the California Cultural and Historical Endowment Program under State of California Proposition 40 (Clean Water, Clean Air, Safe Parks and Coastal Protection Act of 2002), for Peralta Hacienda Historical Park in the amount of three million five hundred thousand dollars (\$3,500,000)  
[\(04-0672\)](#)  
2) Adopt an Agency Resolution authorizing the Agency Administrator to apply for, accept, and appropriate grant funds from the California Cultural and Historical Endowment Program under State of California Proposition 40 (Clean Water, Clean Air, Safe Parks and Coastal Protection Act of 2002), for Fox Theater renovation in an amount of five million dollars (\$5,000,000) and authorizing the Agency Administrator to identify matching funds by the date of grant application  
[\(04-0672a\)](#)

**At the Rules and Legislation Committee meeting of Thursday, September 16, 2004 an Urgency Finding was made to place this item on the agenda; (1) The matter is time sensitive; and (2) that substantial adverse impact could result if deferred to a subsequent meeting.**

**This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.**

- S-33.1    Subject:     California Cultural and Historical Endowment Program - Proposition 40  
From:        Office of the City Auditor  
Recommendation: Receive an Informational Report regarding the City and Agency Resolutions authorizing the City and Agency Administrator to apply for, accept, and appropriate grant funds from the California Cultural and Historical Endowment Program under State of California Proposition 40 (Clean Water, Clean Air, Safe Parks and Coastal Protection Act of 2002), for Fox Theater renovation in an amount of five million dollars (\$5,000,000) and authorizing the Agency Administrator to identify matching funds by the date of grant application  
[\(04-0672ca\)](#)

**At the Rules and Legislation Committee meeting of Thursday, September 16, 2004 an Urgency Finding was made to place this item on the agenda; (1) The matter is time sensitive; and (2) that substantial adverse impact could result if deferred to a subsequent meeting.**

**This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.**

- S-34      Subject:     Recreational Grants  
From:        Public Works Agency

# SUPPLEMENTAL

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

**Tuesday, September 21, 2004**

Recommendation: Adopt the following pieces of legislation:

1) A Resolution authorizing the City Administrator to apply for, accept and appropriate grant funds from the Youth Soccer and Recreation Development Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for the following projects and amounts: 1) Josie De La Cruz Field for \$750,000; 2) Raimondi Field for \$1,000,000 and 3) "Leveling the Playing Field" Girls' Ball Fields Renovation Project for \$1,000,000

(04-0583)

2) Adopt a Resolution authorizing the City Administrator to apply for, accept and appropriate grant funds from the Recreational Trail Program for the Waterfront Trail Project in the amount of \$450,000

(04-0583b)

3) Adopt a Resolution authorizing the City Administrator to apply for, accept and appropriate grant funds under the Habitat Conservation Fund Program of the California Wildlife Protection Act of 1990 for the Coliseum Garden Project at Lion Creek in the amount of \$500,000

(04-0583c)

**At the Rules and Legislation Committee meeting of Thursday, September 16, 2004 an Urgency Finding was made to place this item on the agenda; (1) The matter is time sensitive; and (2) that substantial adverse impact could result if deferred to a subsequent meeting.**

**This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.**

## 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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# SUPPLEMENTAL

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

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**Tuesday, September 21, 2004**

(TTD)

THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR  
OVER THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO  
ENSURE THE SAFETY OF THOSE ATTENDING MEETINGS.

(...)

**LATONDA SIMMONS  
Agency Secretary/City Clerk  
and Clerk of the Council**

ORA - Oakland Redevelopment Agency  
S - Supplemental Item