



# City of Oakland Meeting Minutes

Office of the City Clerk  
City Hall  
1 Frank H. Ogawa Plaza  
Oakland, CA 94612  
Ceda Floyd, City Clerk

## Special Concurrent Meetings of the Oakland Redevelopment Agency/City Council and Community Action Agency Governing Board City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza

### ORA/COUNCIL MEMBERS

*President of the Council, Ignacio De La Fuente, Dist. 5  
Vice Mayor Jane Brunner, Dist. 1; Danny Wan, Dist. 2; Nancy Nadel, Dist. 3; Dick Spees,  
Dist. 4; Vacant, Dist. 6; Larry Reid, Dist. 7; Henry Chang, Jr., At-large*

### APPOINTED OFFICIALS

*Agency Administrator/City Manager, Robert C. Bobb; Agency Secretary/City Clerk,  
Ceda Floyd.*

### ELECTED OFFICIAL

*Agency Counsel/City Attorney, John Russo*

*Phone (510) 238-3226; FAX (510) 238-6699; TDD (510) 839-6451; Recorded Agenda  
(510) 238-2386*

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**Tuesday, April 10, 2001**

**\* 8:00 PM**

**City Council Chambers - 3rd Floor**

**\* OR IMMEDIATELY UPON ADJOURNMENT OF THE SPECIAL COUNCIL BUDGET  
DISCUSSION FOR FISCAL YEAR 2001-2003**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL / ORA & COUNCIL**

**Roll Call:** ORA\Councilmember Vacant: 1 - Member District 6  
ORA\Councilmember Absent: 1 - Member Reid  
ORA\Councilmember Present: 6 - Member Brunner, Member Wan, Member  
Nadel, Member Spees, Member De La Fuente and Member Chang

**OPEN FORUM (Total Time Available: 15 Minutes)**

*The following individuals spoke on Open Forum:*

- Sanjiv Handa
- Jerry Rose
- Barbara Tengeri
- Heidi Manfroi
- Robin Scott
- Sonya Lamkin
- Rosalinda Lopez

*AGENCY/COUNCILMEMBER REID WAS NOTED PRESENT AT 7:50 P.M.*

**Meetings of the Oakland**

**Redevelopment Agency/City Councilmember** Vacant: 1 - Member District 6

**Council and Community** Councilmember Present: 7 - Member Brunner, Member Wan, Member

**Action Agency Governing** Member Spees, Member De La Fuente, Member Reid and Member

**Board** Chang

**SPECIAL ORDERS OF THE DAY**

- 1 Approval of the Draft Minutes from the Concurrent Meetings held on April 3, 2001  
*Agency/Councilmember Spees made a motion seconded by to accept the Draft Minutes from the Concurrent Meeting held on April 3, 2001, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Spees, Wan and President De La Fuente -7; Vacant -1*
  
- 2 An oral report from the Agency Council/City Attorney of final decisions made during Closed Session  
*Agency/Councilmember Spees made a motion seconded by accept the oral report from the City Attorney on final decisions made during Closed Session, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Spees, Wan and President De La Fuente -7; Vacant -1*  
  
*There was a final decision made on 1 matter during Closed Session:*  
  
*2 d) Hillside Drilling v. City of Oakland; settlement in the amount of \$50,000 with the following vote count: Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Spees, Wan and President De La Fuente -7; Vacant -1*
  
- 3 A disclosure of non-confidential Closed Session Discussion pursuant to Section 15 of the Sunshine Ordinance  
*Agency/Councilmember Spees made a motion seconded by confirming that there were no discussions pursuant to Section 15 of the Sunshine Ordinance, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Spees, Wan and President De La Fuente -6; Absent: Reid -1; Vacant -1*
  
- 4 Installation to various Boards and Commissions of the City of Oakland  
*There were no installations*
  
- 5 A presentation from the Director, Public Works Agency, to kick off Earth Month 2001 (5 minute) (001017)  
**Approved**

**MODIFICATIONS TO THE CONCURRENT AGENDA****Mayoral Actions and Report from Mayor****Reconsideration of Ordinances Pursuant to Charter Section 216c****Tie Breaking for Legislative Actions: Motions, Resolutions & Ordinance**

**Meetings of the Oakland****Redevelopment Agency/City****Council and Community****Action Agency Governing****Public Meetings & Hearings****Board**

- 6 7:01 PM - A continued Public Hearing on the appeal of the City Manager's decision revoking the Cabaret Permit for Club Martinique, 3000 MacArthur Boulevard, Oakland, California (This Item was continued from the March 27, 2001 City Council Meeting)

(000944) - *Dave Laval*  
 - *Toni Locke*  
 - *Amy Altschul*  
 - *Kirk Watkins*  
 - *Sherry McDonald*  
 - *Smilja Carter*  
 - *Chris Ulrich*  
 - *Katherine Samwat*  
 - *Cathy Ann Depp*  
 - *Graham Carter*  
 - *Marcol Martin*

*Agency/Councilmember Reid made motion seconded by Spees to close the Public Hearing on Item 6, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Spees, Wan and President De La Fuente -7; Vacant -1*

- 6-1 A resolution affirming decision of the City Manager to revoke the permit to operate a cabaret at 3000 MacArthur Boulevard (Club Martinique)

**Adopted**

*Agency/Councilmember Spees made motion seconded by resolution on Item 6-1 up holding the decision of the City Manager to revoke the permit to operate a cabaret at Club Martinique, and upon the call of the roll, all members present were recorded as voting: Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Spees, Wan and President De La Fuente -7; Vacant -1*

**Written Communication****Report/Requests from the President of the Council****Reports from Commissions and Agency/Council Committees**

**NOTE: REFER TO ATTACHED COMMITTEE MINUTES OF EACH COMMITTEE REFERENCED BELOW FOR ACTION ITEMS AND ADDITIONAL ITEMS TO BE DISCUSSED**

- 7 A report and action to be taken from the meeting of the Public Safety Committee, held on Tuesday, March 20, 2001 (The minutes of this Item were approved on the April 3, 2001 City Council meeting)

7-1 The 2000 annual report of the Citizens' Police Review Board (CPRB) (This is related to Item 13)

Meetings of the Oakland  
Redevelopment Agency and  
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*THIS ITEM WAS TAKEN IN CONJUNCTION WITH ITEM 13*

*The following individuals spoke on Item 7-1 and 13:*

- Robert Kim
- Maggie Aragon
- Rashidah Grinage

*Agency/Councilmember Brunner made motion seconded by Agency/Councilmember Nadel to accept the report and recommendations from the Citizens' Police Review Board on Item 7-1 and 13; with the following amendments:*

- 1. the Citizens' Police Review Board will be composed of 12 members; and 3 of the 12 members will be alternates; 9 members will be considered as a quorum; and the board will need a vote of 5 for the approval of an item*
- 2. one of the 9 members and one of the 3 alternates must be under 25 years of age*
- 3. must review the discharge of a firearm if a complaint has been made*
- 4. review of this decision in 1 year*

*and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Spees, Wan and President De La Fuente -7; Vacant -1*

8 A report and action to be taken from the meeting of the Finance and Management Committee, held on Tuesday, March 27, 2001

**Approved the Minutes**

*Agency/Councilmember Nadel made motion seconded by regarding a report providing mid-year status on the Risk Management Incentive and directed staff to consider a graduated discipline with heavy consequences for vehicle accidents, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Spees, Wan and President De La Fuente -7; Vacant -1*

9 A report and action to be taken from the meeting of the Concurrent Meeting of the Redevelopment Agency and Council Community & Economic Development Committee, held on Tuesday, March 27, 2001

**Approved the Minutes**

9-1 A staff report and recommendation from the Director, Community and Economic Development Agency, regarding amendments to Chapter 8.22 of the Oakland Municipal Code (Residential Rent Arbitration Program) and Concomitant Staffing Requirements  
*THIS ITEM WAS TAKEN IN CONJUNCTION WITH ITEM 9-2*

*The following individuals spoke on Item 9-1 and 9-2:  
- Helen Danhaki*

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- Garrett Riegg
- Lauren Locey
- Luke Blacklidge
- Valerie Mobley
- Arlinda Befort
- Leslie Dinkin
- James Vann
- Mary Lou Weggenmann
- Bertha Westbrooks
- Jonathan Nack
- William Gardner
- Ira Jacobowitz
- Alan Beeles
- Ernie Held
- Robert Zolly
  
- Doris Fillion
- Doug Foxworthy
- Arthur Weil
- Judy Marquardt
- Max Wender
- Vite Tragni
- Eddie Ytuarte
- Norma Harrison
- Darren Noy
- Wayne Rowland
- Andrew Wolff
- Gerald Cauthen
- Steve Edrington
- L.J. Jennings

Agency/Councilmember Nadel made a motion seconded by Vice Mayor Brunner Cause Evictions for 5 or more units; with a Los Angeles approach regarding dealers; and to place a clause on the ordinance regarding vacancy rate; and upon the call of the roll, all members were recorded as voting: Ayes:

Agency/Councilmember: Brunner, Nadel, Wan -3; Noes:

Agency/Councilmember: Chang, Reid, Spees, and President De La Fuente -4;  
Vacant -1

**MOTION FAILED**

Vice Mayor Brunner made a motion seconded by Agency/Councilmember Nadel on Item 9-1 and 9-2 with the following recommendations:

1. Annual rent increase will be the full CPI
2. \$1 per month fee assessed for each rental unit, with an annual

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- review; the fee will sunset after two years; the revenue generated by the fee will fund limited-duration Rent Arbitration staff*
3. *All landlord-tenant disputes will go before a hearing officer, with appeals heard by the Rent Board*
  4. *If a 30-day notice is issued, the new tenant's rent will initially be set at the same amount the former tenant was paying, as stated on the 30-day notice*
  5. *A copy of all 30-day notices must continue to be sent to City staff; the old rent and the new rent must be listed on the 30-day notice; a 6-month update of the new terms of the new tenancy, with rent, must be sent to the City staff; staff will present quarterly reports to the Rent Board on the information filed by tenants and landlords*
  6. *The administrative penalties and damages as outlined in the staff report will be adopted*
  7. *Tenant education will be coordinated by the Rent Board*
  8. *Adopt new deadlines was recommended in the staff report*
  9. *Request the City Attorney's Office to draft an ordinance with the above recommendations*

*and upon the call of the roll, all members present were recorded as voting:  
Ayes: Agency/Councilmember: Brunner, Nadel, De La Fuente -3; Noes:  
Agency/Councilmember: Chang, Reid, Spees, and Wan -4; Vacant -1  
MOTION FAILED*

*Agency/Councilmember Spees made a motion on Items 9-1 and 9-2 with the following recommendations:*

1. *Support the full CPI for the annual rent increase*
2. *In case of a 30-day notice, the new tenant "steps in the shoes" of the previous tenant which resets the anniversary date; the date on the lease is the anniversary date for future rent increases*
3. *Remove the two-year freeze for 30-day notices once the complaint process is in place*

*and directed staff to do the following by May 29, 2001:*

1. *Report on the use of mediation, Hearing Officers, and Arbitrators to address the anticipated workload and deal with the backlog*
2. *Report on an effective penalty system for egregious landlords*
3. *Research a per-unit fee to pay for mediators and arbitrators based upon the anticipated workload*
4. *How a proposed fee would be collected*
5. *Design and bring back an educational program*

*MOTION FAILED; DUE TO LACK OF SECOND*

**Meetings of the Oakland****Redevelopment Agency/City****Council and Community****Action Agency Governing****Board**

A report and recommendation from the Housing, Residential Rent and Relocation Board, regarding Chapter 8.22 of the Oakland Municipal Code (Residential Rent Arbitration Program)

*THIS ITEM WAS TAKEN IN CONJUNCTION WITH ITEM 9-1*

*Agency/Councilmember Wan made a motion seconded by Vice Mayor Brunner extend the meeting past 10:30 p.m., and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Spees, Wan and President De La Fuente -7; Vacant -1*

- 9-3 ORA A resolution authorizing the Agency Administrator to negotiate and enter into a Professional Services Agreement with Richard Betts and Associates for appraisal services for Naval Medical Center Oakland in an amount not to exceed Forty Thousand Dollars(\$40,000)

**Adopted**

- 10 A report and action to be taken from the meeting of the Life Enrichment Committee, held on Tuesday, March 27, 2001

**Approved the Minutes**

*Agency/Councilmember Spees made motion seconded by Reid to accept the report on Item 10E regarding a report on the Community Action Agency Administering Board with the following recommendation:*

- 1. CDBG staff should agendize selection of a new representative for District 4 and District 2 at their next meeting*
- 2. the method for selecting the Representative will be determined by Council members*
- 3. Representatives must reside in the CDBG district and have been elected to the CDBG board*

*and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Spees, Wan and President De La Fuente -7; Vacant -1*

- 11 A report and action to be taken from the meeting of the Public Safety Committee, held on Tuesday, March 27, 2001

**Approved the Minutes**

- 12 A report and action to be taken from the meeting of the Rules & Legislation Committee, held on Thursday, March 29, 2001

**Approved the Minutes**

- 12-1 A resolution declaring the City of Oakland's position on the following 2001 State Housing Legislations: Support for: SB73 (Dunn), SB910 (Dunn), & SB10 (Soto)

**Adopted****Reports / Requests from Members of the Agency/Council**

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13 Action on a report from the City Manager and City Attorney regarding the Citizen's Police Review Board Task Force recommendations (TITLE CHANGE) (This Item is related to Item 1-1) (000612-1)  
**Approved**  
*THIS ITEM WAS TAKEN IN CONJUNCTION WITH ITEM 7-1*

14 Action on a report from the City Manager regarding follow-up items requested by the City Council at the Energy Work Session on March 22, 2001 (This Item is related to Item 20) (001036)  
**Approved**  
*THIS ITEM WAS TAKEN IN CONJUNCTION WITH ITEM 20*

*Agency/Councilmember Reid made a motion seconded by Chang to accept the report on Item 14 and approve the ordinance on Item 20 for final passage on the Utility Tax Relief with the following recommendations:*

- 1. 0.3 MM for the CARE customer relief*
- 2. 1.2 - 1.3 MM for other Residential User relief*

*and hearing no objections, all members present were recorded as voting:  
Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Wan and President De La Fuente -6; Noes: Agency/Councilmember Spees -1; Vacant -1*

**Resolutions (This section includes Consent, ORA and Regular Legislation**

15 A resolution authorizing Professional Services Agreement for Landscape Architectural/Urban Design Services with Hood Design for the Splash Pad Park Renovation Project (Project No. C151910) for an amount not to exceed \$160,000  
**Adopted**  
16 A resolution amending Resolution No. 75993 for the contract with Eclat Construction for ADA Improvements to Dimond Park and Lion's Pool (Project Nos. C84920/C82950) in an amount not to exceed seventy-five thousand dollars for a total contract amount not to exceed four hundred thirty-nine thousand three hundred thirty-seven dollars  
**Adopted**  
17 A resolution authorizing and directing the City Attorney to compromise and settle the case of Tonya Russell vs. City of Oakland Police Department, et al., Alameda County Superior Court Case No. 788886-3, our File No. 97582, in the amount of \$80,000.00 (Life Enrichment Agency/Office of Parks & Recreations Sexual Harassment) (001034)  
**Adopted**  
*Agency/Councilmember Spees made a motion seconded by Reid to adopt the resolution on Item 17, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Spees, Wan and President De La Fuente -7; Vacant -1*

S-17 1 A resolution honoring the life of Mrs. Dorothy Wilcox Lusk (This Item was scheduled for this date, at the April 5, 2001 Rules & Legislation Committee meeting) (001049)  
**Adopted**

**Introduction of Ordinance**

18 An ordinance authorizing the City of Oakland to lease 2,880 square feet of office space at 8201 Edgewater Drive for Public Works Agency, Street Traffic Maintenance Services Division Offices, for a five-year term at an initial rate of \$1.55 per square foot, or \$4,464 per month, with subsequent annual rental adjustments per the consumer price index; and **Approved on Introduction for Final Passage to City Council on 4/24/01**  
19 An ordinance adopting the California "Greenbook" Standard Specifications for Public Works Construction (2000 Edition), establishing such specifications for City of Oakland Construction Projects and repealing Ordinance No. 12049 C.M.S. (001033)  
**Approved on Introduction for Final Passage to City Council on 4/24/01**  
20 An ordinance placing a six-month temporary ceiling on enforcement of Oakland's Utility Users Tax in order to grant relief to ratepayers from sudden and dramatic security deposit of \$8,928 (001031) increased gas and electricity energy costs (001035)

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A motion was made that this matter be Approved on Introduction for Final Passage to the City Council, due back on April 24, 2001. The motion carried by the following vote:

Votes: ORA\Councilmember Vacant: 1 - Member District 6  
ORA\Councilmember Noes: 1 - Member Spees  
ORA\Councilmember Ayes: 6 - Member Brunner, Member Wan, Member Nadel, Member De La Fuente, Member Reid and Member Chang  
*THIS ITEM WAS TAKEN IN CONJUNCTION WITH ITEM 14*

*The following individual spoke on Item 20:  
- Ned Nuerge*

*Agency/Councilmember Reid made a motion seconded by the ordinance on Introduction for Final Passage to the April 24, 2001, City Council meeting, and hearing no objections, all members present were recorded as voting: Ayes: Agency/Councilmember: Brunner, Chang, Nadel, Reid, Wan and President De La Fuente -6; Noes: Agency/Councilmembr: Spees -1; Vacant -1*

**Final Passage of Ordinance**

21 An ordinance finding and determining that a portion of Prune Street located southwesterly of Pearmain Street is unnecessary for present of prospective public street purposes and ordering the vacation thereof (Introduction: March 27, 2001; vote count: - **ADJOURNMENT - ( Meeting Shall Conclude no Later Than 10:30 p.m., unless Extended by Majority Vote of the Council)** 6 Ayes, -1 Excused, -1 Vacant) (000945a)

*There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Jessie Smith and Peggy Graupner at 10:50 p.m.*

\_\_\_\_\_  
*City Clerk and Clerk of the Council*

*\*In the event a quorum of the City Council participates on this Committee, the meeting is noticed as a Special Meeting of the City Council; however, no final City Council action can be taken.*

**PURSUANT TO SECTION 00.7 OF THE SUNSHINE ORDINANCE (EFFECTIVE APRIL 14, 1997), AGENDA ITEMS THAT DO NOT HAVE REPORTS WILL NOT BE HEARD UNLESS A WAIVER IS GRANTED BY A 2/3 VOTE OF THE COMMITTEE/COUNCIL. ITEMS THAT DO NOT HAVE REPORTS ARE NOTED BY THE FOLLOWING**

ORA - Oakland Redevelopment AgencyS -  
Supplemental Item