

City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California

94612

Ceda Floyd, City Clerk

Online Meeting Minutes - Final

*Rules & Legislation Committee

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

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

10:30 AM

City Council Chambers - 3rd Floor

Thursday, March 11, 2004

The Oakland City Council Rules and Legislation Committee convened at 10:52 a.m. with President De La Fuente presiding as Chairperson.

Roll Call / Call to Order

Present: Member Chang, Member Reid, Member Wan and Chair De La Fuente

1 Closed Session

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

Aye; 4 - Member Chang, Member Reid, Member Wan and Chair De La Fuente

Attachments:

[Item 1 3-11-04](#)

The March 4, 2004 Rules and Legislation Committee was cancelled due to a lack of quorum.

No action was necessary for this item.

3 Determination of Schedule of Outstanding Committee Items

A motion was made by Member Chang, seconded by Member Reid, to *Approve with the following amendments. The motion carried by the following vote:

Aye; 4 - Member Chang, Member Reid, Member Wan and Chair De La Fuente

FROM FOR TRACKING PURPOSES:

Subject: City Council's Legislative Analyst Activities
From: City Council Legislative Analyst Office
Recommendation: Receive an Informational status report on the activities of the City Council's Legislative Analyst Office

Attachments:

[Item 9 3-25-04.pdf](#)

Scheduled to the *Rules & Legislation Committee

4 Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council meeting of March 16, 2004

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

- Sanjiv Handa

A motion was made by Member Chang, seconded by Member Wan, to *Approve with the following amendments. The motion carried by the following vote:

Aye;

4 - Member Chang, Member Reid, Member Wan and Chair De La Fuente

4.1

Subject: Federal Local Law Enforcement Block Grant
From: Oakland Police Department
Recommendation: Adopt a Resolution amending Resolution No. 78106 C.M.S. authorizing the acceptance and appropriation of eight hundred seventy-nine thousand, one hundred seventy-seven dollars (\$879,177) in Federal Local Law Enforcement Block Grant (LLEBG) Funds to the Police Department and ninety-seven thousand, six hundred eighty-six dollars (\$97,686) in matching funds from State Citizen's Options for Public Safety (COPS) funds to supplement front line policing efforts by providing additional support personnel and community outreach

[0277.pdf](#)
Attachments: [03-0277.pdf](#),
[10.28CC.pdf](#),
[Item 5 3-23-04.pdf](#),
[Item 8 12-9-03.pdf](#)

Scheduled to the *Public Safety Committee

4.2

Subject: Motorized Scooters
From: Oakland Police Department
Recommendation: Adopt a Resolution in support of Assembly Bill 1878 (Chan) to amend the California Vehicle Code to provide additional traffic enforcement strategies to address problems associated with motorized scooters

Attachments: [04-0193.pdf](#),
[10.12CC.pdf](#)

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

4.3

Subject: Citizen's Option For Public Safety
From: Oakland Police Department
Recommendation: Adopt a Resolution implementing California Government Code Sections 30061-30065 establishing in each County Treasury a Supplemental Law Enforcement Services Fund to distribute "Citizen's Option for Public Safety" funds to local Jurisdictions, and appropriating six hundred fourteen thousand twenty-seven dollars (\$614,027) in eighth year funding for the "Citizen's Option For Public Safety" (COPS) Grant to the Police Department and approving the Fiscal Year 2003-2005 Spending Plan submitted by the Chief of Police

Attachments: [04-0206.pdf](#),
[Item 14.4 4-6-04.pdf](#),
[Item 6 3-23-04.pdf](#),
[Item 6 SUPP 3-23-04.pdf](#)

Scheduled to the *Public Safety Committee

4.4

Subject: Donald Jones - 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 Donald Jones v. City of Oakland, et al., United States District Court Case No. C03-3303 WHA, our file number 23206, in the amount of \$8,000.00. This case involves claims of violations of civil rights against Oakland Police Officers (Oakland Police Department-Police Conduct)

Attachments: [04-0185 Withdrawn.pdf](#),
[10.4CC.pdf](#),
[10.4CC.pdf](#)

***Withdrawn with No New Date**

4.5

Subject: Assembly Bill 2318 - California Public Records Act
From: Office of the City Auditor
Recommendation: Adopt a Resolution in support of Assembly Bill 2318, a proposal to amend the Government Code for the purpose of allowing the City Auditor to exempt from disclosure of certain information otherwise made available to the public under the California Public Records Act

Attachments: [04-0215.pdf](#),
[Item 7 4-1-04.pdf](#)

Scheduled to the *Rules & Legislation Committee

4.6

Subject: Sandre R. Swanson
From: President De La Fuente and Councilmember Brunner
Recommendation: Adopt a Resolution declaring Sandre R. Swanson Day in Oakland and commending him for 30 years of public service

Attachments: [04-0220.pdf](#),
[8.1.pdf](#)

The Committee moved, seconded and carried a motion to approve the following urgency finding pursuant to the Sunshine Ordinance Section 2.20.070 E(2) regarding scheduling of this Item:

(A) that the action is purely commendatory; and

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

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

Subsequent to the March 11, 2004 Rules and Legislation Committee meeting, and in accordance with the City Council Rules and Procedures, Rule 28, Item 4.6 was withdrawn with no new date.

4.7

Subject: Voter Approval on Local Tax Funds
From: Vice Mayor Chang
Recommendation: Adopt a Resolution expressing the City of Oakland's support for a statewide ballot initiative to require voter approval before state government may take local tax funds

Attachments: [04-0221.pdf](#),
[Item 6 4-1-04.pdf](#)

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

4.8

Subject: Career to Work Program
From: Department of Human Services
Recommendation: Adopt a Resolution authorizing an agreement with the Oakland Unified School District (OUSD) Academies, Career to Work Program for an amount not to exceed \$600,000 for Fiscal Year 2003-2005; on the April 27, 2004 Life Enrichment Committee agenda

Attachments: [04-0200.pdf](#)

Scheduled to the *Life Enrichment Committee

4.9

Subject: City's Head Start Advisory Panel
From: Department of Human Services
Recommendation: Adopt a Resolution confirming appointment of new panel members to the City's Head Start Advisory Panel; on the May 11, 2004 Life Enrichment Committee agenda

Attachments: [04-0195.pdf](#)

Scheduled to the *Life Enrichment Committee

4.10

Subject: Child Development Services Grants
From: Department of Human Services
Recommendation: Adopt a Resolution authorizing the City Manager, on behalf of the City of Oakland, to apply for, accept, and appropriate Head Start Basic, Training/Technical Assistance, Quality Improvement, Expansion, COLA, and Early Head Start Grants for Program Year 2004-2005 from the U.S. Department of Health and Human Services, Administration for Children and Families (DHHS/ACF) in the estimated amount of \$14,319,755, and authorizing the City to contract with the Unity Council for \$3,860,071 to provide child development services under said grants; on the May 11, 2004 Life Enrichment Committee agenda

Attachments: [04-0196.pdf](#)

Scheduled to the *Life Enrichment Committee

4.11

Subject: 2004 Mayor's Summer Jobs Program
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract not to exceed \$40,000 with the Oakland Private Industry Council, Inc. to coordinate the 2004 Mayor's Summer Jobs Program; on the April 27, 2004 Community and Economic Development Committee agenda

Attachments:

[04-0198.pdf](#)

Scheduled to the *Community & Economic Development Committee

Subject: Oak Center Redevelopment Project Area - Public Hearing
From: Community and Economic and Development Agency
Recommendation: Conduct a Public Hearing and upon conclusion adopt the following legislation:

1) An Agency Resolution authorizing capital improvement spending for the Oak Center Redevelopment Project Area, in an amount not to exceed \$600,000, including a contract to improve the Oak Center Cultural Center, for \$50,000, and authorizing the Agency Administrator to enter into contracts for the work without returning to the Agency; and

Attachments:

[03-0150-2.pdf](#),

[Item 14.3 4-6-04.pdf](#),

[Item 5 3-23-04.pdf](#)

and on the April 6, 2004 City Council agenda as a Public Hearing

Scheduled to the *Community & Economic Development Committee

2) Adopt a Resolution consenting to the use of Redevelopment Agency funds for public improvements to City facilities in the Oak Center Redevelopment Project Area (Councilmember Nadel, District 3)

Attachments:

[Item 14.3 4-6-04.pdf](#),

[Item 5 3-23-04.pdf](#)

and on the April 6, 2004 City Council agenda as a Public Hearing

Scheduled to the *Community & Economic Development Committee

Subject: Advanced Resources in Construction Services Ltd.
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution authorizing additional funds in an amount not to exceed \$79,840 to Advanced Resources in Construction Services Ltd. and Don Todd Associates to provide construction monitoring services for affordable housing projects; on the April 27, 2004 Community and Economic Development Committee agenda

Attachments:

[04-0216.pdf](#)

Scheduled to the *Community & Economic Development Committee

Subject: Controls For Signs In Specified Commercial and Industrial Zones
From: Community and Economic Development Agency
Recommendation: Adopt an Ordinance to adopt new controls for 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"); on the April 27, 2004 Community and Economic Development Committee agenda

Attachments:

[04-0222.pdf](#)

Scheduled to the *Community & Economic Development Committee

Subject: Oakland Army Base Public Trust Exchange Act
From: Community and Economic Development Agency
Recommendation: Adopt the following legislation in support of Senate Bill 1435:

1) Adopt a Resolution supporting State legislation regarding a Public Trust Land Exchange at the former Oakland Army Base and authorizing the City Administrator to negotiate and enter into an exchange agreement with the State Lands Commission and to take all other necessary actions to effectuate the exchange; and

Attachments:

[04-0199.pdf](#),

[10.29CC.pdf](#),

[Item 7 3-25-04.pdf](#)

Scheduled to the *Rules & Legislation Committee

2) Adopt an Agency Resolution supporting State legislation regarding a Public Trust Land Exchange at the former Oakland Army Base and authorizing the Agency Administrator to negotiate and enter into an exchange agreement with the State Lands Commission and to take all other necessary actions to effectuate the exchange

Attachments: [10.29CC.pdf](#),
[Item 7 3-25-04.pdf](#)

Scheduled to the *Rules & Legislation Committee

4.16 Subject: State Enterprise Zone Program
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution authorizing the City Manager to enter into an audit agreement with the State of California Business, Transportation and Housing Agency regarding the City of Oakland's State Enterprise Zone Program; on the April 27, 2004 Community and Economic Development Committee agenda

Attachments: [04-0205 resched.pdf](#),
[04-0205.pdf](#)

Scheduled to the *Community & Economic Development Committee

4.17 Subject: Traffic Islands Project
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing award of a construction contract to A. J. W. Construction Company for the Traffic Islands Project (Project No. C158910) in the amount of two hundred eighteen thousand five hundred fifty-four dollars and fifty cents
(\$218,554.50) (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments: [04-0212.pdf](#),
[10.16CC.pdf](#),
[Item 5 3-23-04.pdf](#)

Scheduled to the *Public Works Committee

4.18 Subject: High Street Access Improvements Project - Phase II
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Administrator to enter into a professional services agreement with TY Lin International/CCS for design services for the 42nd Avenue and High Street Access Improvements Project - Phase II (City Project Number C98510) for an amount not to exceed one million thirty-seven thousand nine hundred eighty-three dollars (\$1,037,983)

Attachments: [04-0217.pdf](#),
[10.15CC.pdf](#),
[Item 4 3-23-04.pdf](#)

Scheduled to the *Public Works Committee

4.19 Subject: Traffic Signal Projects
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Administrator to award a construction contract to W. Bradley Electric for the traffic signal projects at the intersections of International Boulevard at 25th Avenue, Broadway at Broadway Terrace, and Broadway at College Avenue (City Project No. C159310 & C160210) in the amount of three hundred sixty-two thousand seven hundred fifty-three dollars and ninety-five cents (\$362,753.95)(PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments: [04-0218.pdf](#),
[Item 22 4-6-04.pdf](#),
[Item 6 3-23-04.pdf](#)

Scheduled to the *Public Works Committee

4.20 Subject: Lake Merritt Master Plan - Wallace Roberts & Todd, Inc.
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing Amendment No. 2 to the professional services agreement with Wallace Roberts & Todd, Inc., to provide design services for the Lake Merritt Master Plan project for an amount not to exceed one million two hundred fifty thousand dollars (\$1,250,000), bringing the total contract amount to one million seven hundred fifty four thousand eight hundred eighty-five dollars (\$1,754,885)

Attachments: [04-0208.pdf](#),
[10.26CC.pdf](#),
[Item 5 3-23-04.pdf](#)

Scheduled to the *Life Enrichment Committee

4.21

Subject: Resurfacing of Certain Streets
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing award of a construction contract to Gallagher and Burk, Inc. according to the specifications for resurfacing of certain streets in the City of Oakland for Fiscal Year 2003-2004 (Project Number C234930) in the amount of \$3,992,388.50 (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments: [04-0213.pdf](#),
[Item 7 3-23-04.pdf](#)

Scheduled to the *Public Works Committee

4.22

Subject: Lease and Revenue Bonds - Interest Rate Swaps
From: Finance and Management Agency
Recommendation: Adopt the following legislation regarding the execution of interest rate swaps:

1) Adopt an Ordinance authorizing the City to enter into a lease and sublease with the Oakland Joint Powers Financing Authority in connection with the issuance by the Oakland Joint Powers Financing Authority of certain Lease Revenue Bonds, and authorizing the taking of all necessary actions relating to such financing; and the publication of the Notice and Digest and certain other related matters; and

Attachments: [04-0214.pdf](#),
[Item 14.2 4-6-04.pdf](#),
[Item 5 3-23-04.pdf](#)

Scheduled to the *Finance & Management Committee

2) Adopt a Joint Powers Financing Authority Resolution authorizing the issuance and sale of the Lease Revenue Bonds (Oakland Administration Building) Series 2004, in two series, in an aggregate principal amount not to exceed one hundred thirty-five million dollars (\$135,000,000); authorizing the execution and delivery of a trust agreement, lease, sublease, escrow agreement, bond purchase agreements, approving the form of and authorizing the distribution of a preliminary official statement and authorizing execution and delivery of an official statement; approving the retention of bond counsel and other agents; authorizing payment of costs of issuance; and

Attachments: [Item 14.2 4-6-04.pdf](#),
[Item 5 3-23-04.pdf](#)

Scheduled to the *Finance & Management Committee

3) Adopt a Resolution approving the issuance by the Oakland Joint Powers Financing Authority of Lease Revenue Bonds, in one or more series, of not to exceed one hundred thirty-five million dollars (\$135,000,000) aggregate principal amount; approving the form of and authorizing the execution and delivery of bond purchase agreements; authorizing the City Administrator to secure one or more swaps for a synthetic fixed rate transaction; and authorizing execution of documents and the taking of all necessary actions relating to the bonds and the swap and authorizing necessary actions relating to the lease financing with the Oakland Joint Powers Financing Authority

Attachments: [Item 14.2 4-6-04.pdf](#),
[Item 5 3-23-04.pdf](#)

Scheduled to the *Finance & Management Committee

4.23

Subject: Sulphur Springs Park Re-Naming
From: Office of Parks and Recreation
Recommendation: Adopt a Resolution authorizing the re-naming of Sulphur Springs Park to Marjorie Saunders Park

Attachments: [04-0204.pdf](#),
[10.30CC.pdf](#),
[Item 8 3-25-04.pdf](#)

Scheduled to the *Rules & Legislation Committee

Subject: Oakland School for the Arts
 From: Office of the City Administrator
 Recommendation: Adopt an Agency Resolution authorizing the Agency Administrator to enter into a lease agreement with the Oakland School for the Arts under which the school will pay \$1,000 per month to occupy the parking lots behind and to the west of the Fox Theater and bounded by 18th and 19th Streets and San Pablo Avenue for a period from April 12, 2004 to July 1, 2006 for the purpose of constructing and operating the facilities necessary to house the Oakland School for the Arts

Attachments: [Item 23 4-6-04.pdf](#),
[Item 7 3-23-04.pdf](#),
[Item 7 SUPP 3-23-04.pdf](#)

Scheduled to the *Community & Economic Development Committee

Attachments: [Item 4 3-11-04.pdf](#)

THERE WERE TWO ADDITIONAL SCHEDULING REQUESTS SUBMITTED UPON THE DIAS:

Subject: March 2004 - American Red Cross Month
 From: President De La Fuente
 Recommendation: Adopt a Resolution proclaiming March 2004 as "American Red Cross Month" in the City of Oakland

Attachments: [78377 CMS.pdf](#),
[Item S-8-3 3-16-04.pdf](#)

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

Enactment No: 78377

Subject: Immigrant Women's Day
 From: Councilmember Wan and Councilmember Quan
 Recommendation: Adopt a Resolution honoring immigrant women on the occasion of the Second National Immigrant Women's Leadership gathering and declaring Friday, March 26, 2004 as "Immigrant Women's Day" in the City of Oakland

Attachments: [78378 CMS.pdf](#),
[Item S-8-4 3-16-04.pdf](#)

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

Enactment No: 78378

The Committee moved, seconded and carried a motion to approve the following urgency finding pursuant to the Sunshine Ordinance Section 2.20.070 E(2) regarding scheduling of the additional items:

(A) that the action is purely commendatory; and

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

REVISIONS TO THE MARCH 16, 2004 CITY COUNCIL AGENDA:

Subject: Alameda County Continuum of Care Plan
 From: Department of Human Services
 Recommendation: Adopt a Resolution authorizing the redirecting of \$18,000 of unexpended Homeless Program funds from Fiscal Year 2002-2003 Community Promotions Program for service organizations to the Alameda County-wide Continuum of Care Plan Activities and authorizing a Memorandum of Understanding with the Alameda County Housing and Community Development for the amount of \$18,000

Attachments: [04-0153.pdf](#),
[10.12CC.pdf](#)

***Withdrawn with No New Date**

Subject: December 29, 2003 Storm Event
 From: Public Works Agency
 Recommendation: Receive an Informational Report on the flooding and other storm-related impacts of the December 29, 2003 storm in Oakland and City response to flooding and other storm-related problems (TITLE CHANGE)

Attachments: [04-0109.pdf](#),
[10.15CC.pdf](#),
[Item 7 2-24-04.pdf](#)

The City Clerk read the new title for this item into the record.
Agency/Councilmember Reid took a point of personal privilege and acknowledged the Small Business Economic Development Summit scheduled for March 18, 2004 from 9:00 a.m. to 4:00 p.m.

Councilmember Reid was noted excused at 11:14 am.

- 5 A review of the Council Committees' actions from March 9, 2004 and determination of scheduling to the ORA/City Council meeting of March 16, 2004 or future dates
Please refer to Attachment A for the scheduling assignment of those items discussed at the Council Committee meetings of March 9, 2004.

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

- Sanjiv Handa

A motion was made by Member Chang, seconded by Member Wan, to *Approve with the following amendments. The motion carried by the following vote:

Excused; Member Reid
1 -

Aye; Member Chang, Member Wan and Chair De La Fuente
3 -

Attachments: [Attachment A 3-11-04.pdf](#)

- 6 A review of the Agendas for the Council Committees for the meetings of March 23, 2004
The following individuals spoke and did not indicate a position on this item:
- Sanjiv Handa
A motion was made by Member Chang, seconded by Member Wan, to Approve as Amended. The motion carried by the following vote:

Excused; Member Reid
1 -

Aye; Member Chang, Member Wan and Chair De La Fuente
3 -

Attachments: [Item 6 3-11-04.pdf](#)

REVISIONS TO THE MARCH 23, 2004 FINANCE AND MANAGEMENT COMMITTEE
AGENDA:

- 7 Subject: 2002-2003 Comprehensive Annual Financial Report
From: Finance and Management Agency
Recommendation: Receive the Fiscal Year 2002-2003 Comprehensive Annual Financial Informational Report and Oakland Redevelopment Agency Financials

Attachments: [04-0155.pdf](#)

***Withdrawn and Rescheduled to the *Finance & Management Committee**

- 7 Subject: Civil Marriage for Same-Sex Couples
From: Councilmembers Wan, Quan, and Nadel
Recommendation: Adopt a Resolution urging the Board of Supervisors of Alameda County and County Auditor-Controller/Clerk-Recorder Patrick O'Connell to adopt a policy in support of civil marriage for same-sex couples and to begin issuing marriage licenses to same-sex couples (TITLE CHANGE)

Attachments: [04-0177.pdf](#),
[Item 7 3-11-04.pdf](#),
[Item 7 SUP 3-11-04](#),
[Item S-22 3-16-04.pdf](#)

The following individual spoke in favor of this item:

- Geoff Scowosoft

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

- Sanjiv Handa

A motion was made by Member Wan, seconded by Member Chang, that this matter be *Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on March 16, 2004. As a Non-Consent Item The motion carried by the following vote:

Excused; Member Reid
1 -

Aye; Member Chang, Member Wan and Chair De La Fuente
3 -

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

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

- Sanjiv Handa

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 11:44 a.m.

• 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.

NOTE:

Americans With Disabilities Act

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

Office of the City Clerk

Phone: (510) 238-7370

Fax: (510) 238-6699

Recorded Agenda (510) 238-2386

Telecommunications Display Device: (510) 839-6451